Chicago — Ordinances, etc.

SPECIAL ORDINANCES

OF

CHICAGO.

[PUBLISHED BY AUTHORITY OF THE CITY COUNCIL.]

VOLUME II.

INCLUDING ALL SPECIAL ORDINANCES PASSED BY THE CITY COUNCIL PRIOR TO AUG. 1, 1898, AND ALL SPECIAL ORDINANCES PASSED BY THE VARIOUS CITIES, VILLAGES AND TOWNS HERETOFORE ANNEXED AND NOW A PART OF CHICAGO.

ARRANGED AND COMPILED UNDER THE SUPERVISION OF
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EDWARD J. HILL,
ASSISTANT CORPORATION COUNSEL.

W. B. CONKEY COMPANY,
..CHICAGO...
1898.

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AUTHORIZATION.

In the City Council, May 25, 1896, the following order was duly passed:

Ordered, That the Corporation Counsel be and he is hereby directed to cause to be properly compiled, edited and published under his supervision as soon as practicable and in such manner that the publication may be admissible in evidence in court, all ordinances of the City of Chicago which shall appear to be in force at the time of such publication, including all ordinances appearing to have any present force in territory heretofore annexed to the City of Chicago, but passed by the respective municipal authorities having jurisdiction over any such territory prior to such annexation, and that the Comptroller be and he is hereby directed to pay the expenses of the work and of publication out of any moneys available for the purpose not otherwise appropriated.

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(Rev. Statutes Sec. 4, Chapter 24. See Starr & Curtis' Statutes, 2nd Ed. pages 718, 719.)

The People ex rel. v. Maxon, et al., 139 Ill. 306.

Lindsay v. City of Chicago, 115 Ill. 120,

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SPECIAL ORDINANCES

OF

CHICAGO.

CHAPTER I.—CEMETERIES.

§ 1. Chebra Kadisha Ubikur Cholim.*†
§ 2. Congregation Beth El of Chicago.
§ 3. Congregation Temple Israel.
§ 4. Graceland.
§ 5. Graceland Extension.
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CHEBRA KADISHA UBIKUR CHOLIM.

§ 1. Chebra Kadisha Ubikur Cholim.
¶ 1. Title and date of passage.
¶ 2. Permission to establish a cemetery.
¶ 3. Subject to ordinances—indemnity.
¶ 4. Agreement to pay fifty dollars annually.

¶ 1. AN ORDINANCE AUTHORIZING THE "CHEBRA KADISHA UBIKUR CHOLIM," AN ASSOCIATION OF CHICAGO, ILL., TO ESTABLISH AND MAINTAIN A CEMETERY IN THE VILLAGE OF JEFFERSON: (Passed July 14, 1887.)

¶ 2. Permission to establish a cemetery.] Be it ordained by the president and board of trustees of the village of Jefferson. § 1. That the "Chebra Kadisha Ubikur Cholim," of Chicago, Ill., be and are hereby granted permission and authority to establish and maintain a cemetery or place of sepulture in the village of Jefferson, and

* Each ordinance is treated as a (§) section; the several sections thereof as (¶¶) paragraphs.

† A synopsis thereof will be found at the beginning of every ordinance.

for such purpose to make use of the following described premises, to wit: The south seven acres of lot numbered four, in the subdivision of the fractional southeast quarter of section three, township forty, north of range thirteen, east of the third principal meridian, south of the Indian boundary line, in the town of Jefferson, county of Cook and state of Illinois.

¶ 3. Subject to ordinances—indemnity.] § 2. The provisions and authority hereby granted are upon the express condition that said association shall comply with the requirements of any and all ordinances of the village of Jefferson, now in force and which may hereafter be in force, relating to the management of "cemeteries," and shall be responsible for and indemnify and save harmless the said village from any claim, suit or damage growing out of the maintenance of said cemetery.*

*Agreement of the Chebra Kadisha Ubikur Cholim Relating to the Ordinance Passed July 14, 1887. (Dated October 17, 1887.)

¶ 4. Agreement to pay fifty dollars annually.] This agreement by and between the "Chebra Kadisha Ubikur Cholim" Society of Chicago, Ill., organized under the laws of the state of Illinois, of the first part, and the village of Jefferson, in said state, of the second part, witnesseth:

That, whereas, the village of Jefferson has this granted permit by ordinance to the said society, to use for cemetery purposes the following described parcel of land in said village, to wit:

The south seven (7) acres of lot No. four (4) of Cook's subdivision of fractional southeast quarter of section three (3), etc. (south of Indian boundary line).

Therefore, in consideration of the granting of such permit, as aforesaid, the said society hereby agrees to and with said village, to pay a proportion of the expenses for the keeping in repair of the roadbed of Crawford avenue from Milwaukee avenue north to said premises, which proportion is hereby stipulated and agreed to be the sum of fifty (50) dollars per annum, which said sum of fifty (50) dollars shall be paid to said village by said society annually, in advance, commencing from the date of filing with the clerk of said village the written acceptance by said society of the terms and provisions of said ordinance.

In witness whereof, the trustees of said society have signed and sealed these presents this 17th day of October, 1887, duly thereto authorized by resolution of said society.

(Seal.)	Chebra Kadisha Ubikur Cholim.
William McGraw,	A. Diamond, (Seal.)
Pres. Board of Trustees	Morris Cohen, (Seal.)
Village of Jefferson.	Adolph Loewenthal, (Seal.)
Attest:	Trustees.
Charles E. Dymond,	Henry Cohn, (Seal.)
Village Clerk.	Salomon Herzog. (Seal.)

CONGREGATION BETH EL OF CHICAGO.

§ 2. Congregation Beth El of Chicago.

¶ 1. Title, date of passage.
¶ 2. Permission to acquire for burial purposes, certain premises and to lay out, maintain and use them as a cemetery.
¶ 3. Conflicting ordinances repealed.
¶ 4. In force from and after its passage.

¶ 1. AN ORDINANCE AUTHORIZING THE CONGREGATION BETH EL, OF CHICAGO, TO ACQUIRE, LAY OUT AND USE CERTAIN PREMISES FOR BURIAL PURPOSES. (Passed November 2, 1891.)

¶ 2. Permission granted.] Be it ordained by the city council of the city of Chicago: § 1. Permission and authority are hereby granted to the Congregation Beth El, of Chicago, to acquire, for burial purposes, the lot or strip of land adjoining its cemetery on Crawford avenue in the city of Chicago as shown on the plat hereto attached marked red, to wit: The north three acres of lot four (4) in Cook's subdivision, in fractional section three (3), township forty (40) north, range thirteen (13), east of the third principal meridian, south of the Indian boundary line, and to lay out, maintain and use the same as a cemetery.

¶ 3. Repeal.] § 2. That all ordinances or parts of ordinances conflicting with this ordinance be and the same are hereby repealed.

¶ 4. In force.] § 3. This ordinance shall be in force from and after its passage.

CONGREGATION TEMPLE ISRAEL.

§ 3. Congregation Temple Israel.

¶ 1. Title and date of passage.
¶ 2. Permission to use certain lands for cemetery purposes.
¶ 3. In force from and after its passage.

¶ 1. AN ORDINANCE GRANTING PERMISSION TO THE CONGREGATION TEMPLE ISRAEL TO USE CERTAIN LAND FOR CEMETERY PURPOSES. (Passed September 14, 1896.)

¶ 2. Permission to use land for cemetery.] Be it ordained by the city council of the city of Chicago: § 1. That the Congregation Temple Israel be and it is hereby authorized to use the south 20 acres of the W. ½ of the S. ½ of the S. ½ of the N. E. ¼ of Sec. 19, Township 40, R. 13, for cemetery purposes.

¶ 3. § 2. This ordinance shall be in force and take effect from and after its passage.

GRACELAND CEMETERY.

§ 4. Graceland Cemetery.
- ¶ 1. Title and date of passage.
- ¶ 2. Interment elsewhere than in a cemetery prohibited.
- ¶ 3. Cemetery can only be established by ordinance.
- ¶ 4. Boundaries fixed.
- ¶ 5. Burial within the limits lawful, outside them unlawful.
- ¶ 6. Violation of ordinance a nuisance, penalty fine or imprisonment, or both in the discretion of the court.
- ¶ 7. Conflicting ordinances repealed.

¶ 1. An Ordinance Regulating Cemeteries in the Town of Lake View and Establishing the Boundaries of Graceland Cemetery. (Passed February 3, 1879.)

¶ 2. Interment elsewhere than in a cemetery prohibited.] Be it ordained by the board of trustees of the town of Lake View: § 1. That no corpse shall be interred in any place within the limits of said town not legally established and actually used as a cemetery on the 5th day of March, 1867, or in any place not lying within the enclosure of a cemetery in said town, as such enclosure was standing on said day, except as hereinafter provided and allowed.

The interment of any dead body in any place where interments are prohibited by this ordinance is hereby declared to be a nuisance.

¶ 3. Cemetery can only be established by ordinance.] § 2. No corporation, person or persons shall use, open, establish or locate any cemetery in said town of Lake View unless the board of trustees of said town shall first, by ordinance, fix and determine the location and boundaries of such cemetery.

¶ 4. Boundaries of Graceland fixed.] § 3. The boundaries of Graceland cemetery are hereby fixed as follows: Commencing at the intersection of the east line of the Green Bay road and the north line of Graceland avenue in said town, running thence east along the north line of said avenue to the east line of lot twenty in Iglehart's subdivision of the west half of the southeast quarter of section seventeen; thence north to the northeast corner of lot nineteen in said subdivision; thence west along the north line of said lot nineteen to the east line of the southwest quarter of said section seventeen; thence north along said east line to the south line of Sulzer street; thence west along said south line to the west line of the east half of said southwest quarter; thence south along said west line thirty-eight rods, more or less, to the southeast corner of a parcel of land formerly belonging to Conrad Sulzer; thence west along the south line of said Sulzer tract to the east line of the Green Bay road; thence southeasterly along the east line of said road to the place of beginning.

¶ 5. Burial inside lawful, outside unlawful.] § 4. It shall be unlawful to inter dead bodies within the limits above fixed and prescribed of said Graceland cemetery, and also within the limits

as the same legally existed on the 5th day of March, 1867, of all other cemeteries in said town of Lake View, under such regulations as may from time to time be made by said board of trustees; but the burial of any corpse outside of such limits shall be deemed a violation of the first or second sections of this ordinance.

¶ 6. **Violation of ordinance a penal offense.**] § 5. If any person or corporation shall violate any of the provisions of this ordinance, he shall be deemed guilty of committing a nuisance and shall be fined, on conviction thereof, not exceeding one thousand dollars, or imprisoned not exceeding six months, or both, in the discretion of the court.

It shall be lawful for the court to order the offender to disinter any and all dead bodies that he may be proven to have buried, or caused to be buried, contrary to the provisions of this ordinance, and to enforce obedience to such order by fine or imprisonment, or both.

It shall be lawful for the police or other persons, under the directions of the board of trustees, to disinter any corpse buried contrary to the provisions of this ordinance, or to remove and re-inter the same within the bounds of any lawful cemetery.

¶ 7. **Repeal of conflicting ordinances.**] § 6. All ordinances relating to cemeteries heretofore passed by said board of trustees shall remain in full force, except as to provisions thereof inconsistent with the provisions of this ordinance, which provisions thereof, so inconsistent, are hereby repealed.

§ 5. Extension of Graceland cemetery.
- ¶ 1. Title and date of passage.
- ¶ 2. Preamble reciting conditions of the grant.
- ¶ 3. Permission to enlarge the said cemetery as prescribed.
- ¶ 4. Conditions must be fulfilled else rights and privileges herein granted lapse.

¶ 1. AN ORDINANCE IN REGARD TO THE EXTENSION OF GRACELAND CEMETERY. (Passed and Approved April 7, 1879.)

¶ 2. **Preamble.**] Whereas, the Graceland cemetery company, on the 10th day of March, A. D. 1879, presented to the board of trustees of the town of Lake View, an application for leave to enlarge its cemetery according to the terms and conditions of the following proposition, to wit:

"Provided said town of Lake View shall first, and prior to April 25, 1879, by proper and valid ordinance, under authority of a vote of the people of said town, as provided in and by the act of March 29, 1869, amendatory of the charter of Lake View, authorize said Graceland cemetery company to extend the limits of Graceland cemetery to include for burial purposes the following lands in Lake View, to wit: That part of the north half (½) of the northwest quarter (¼) of the southwest quarter (¼) of section seventeen (17), township forty (40), north range fourteen (14), east of 3d P. M., lying east of the Green Bay road; and lots three (3), four (4), seven (7), eight (8), eleven (11), twelve (12), fifteen (15) and sixteen (16) of Iglehart's subdivision of the west half (½) of the southeast quarter (¼) of section seventeen aforesaid.

"Said Graceland cemetery company will thereupon, by means effectual for

such purpose, accept the boundaries thus extended as the fixed limits of Graceland cemetery, and relinquish absolutely all claim and intention to use or acquire for burial purposes any other land in the town of Lake View.

"And said cemetery company will also, before the next annual sale for state and county taxes, pay all taxes (including Lincoln Park tax) levied and assessed upon its lands not now enclosed for cemetery purposes, for the years 1875, 1876, 1877 and 1878.

"And said cemetery company will also, in case of such extension, contribute so much of the land now owned by said company, or which shall hereafter be acquired by said company, as shall be required for the purpose of continuing Stella street sixty-six feet in width from Graceland avenue due north to Sulzer street, and will keep free from actual interments a strip of its lands fifty feet in width along the west line of Stella street thus extended, and plant and maintain a hedge, or row of trees, along said street line, and in case it shall purchase for burial purposes the tract of land first above mentioned, known as the 'Sulzer tract,' will reserve the frontage thereof on Sulzer street and Green Bay road to the depth of ten feet, and also the space between said road and street, and a curved red line as shown on plats hereto attached, to be kept free from burials, and used for the purpose of a hedge of evergreens or other trees; and said cemetery company will not construct or use any other carriage entrance to said cemetery than the one now in use at the southwest corner thereof."

And, whereas, said application was supported by the petition of more than twenty legal voters of said town, and thereafter, in pursuance of the statute in such case provided, said board of trustees caused the question of granting said application to be submitted to the legal voters of said town, at the annual election of town officers, held in said town on the first day of April, A. D. 1879, and a large majority of all the legal voters, voting at such election, voted in favor of granting said application upon the terms and conditions aforesaid; therefore,

¶ 3. Permission to enlarge cemetery.] Be it ordained by the board of trustees of the town of Lake View: § 1. That the Graceland cemetery company have leave to enlarge its cemetery to the extent and upon the terms and conditions set forth in the foregoing proposition, and not further or otherwise.

¶ 4. Conditions—forfeiture.] § 2. If said cemetery company shall fail to keep and perform the said terms, conditions and agreements of said proposition, upon which said extension is granted, according to the true intent and meaning thereof, then and thenceforth all rights and privileges hereby granted shall at once cease and determine.

ROSE HILL CEMETERY.

§ 6. Rose Hill Cemetery.
- ¶ 1. Title.
- ¶ 2. Interment elsewhere than in a cemetery prohibited.
- ¶ 3. Cemetery only to be established by ordinance.

¶ 4. Boundaries of Graceland fixed.
¶ 5. Boundaries of Rose Hill fixed.
¶ 6. Boundaries of other cemeteries; streets not included.
¶ 7. Violations of this ordinance—how punished.

¶ 1. An Ordinance Regulating Cemeteries in the Town of Lake View and Establishing the Boundaries of Rose Hill Cemetery.

¶ 2. Interment when prohibited.] Be it ordained by the board of trustees of the town of Lake View: § 1. That no corpse shall be interred in any place within the limits of the town of Lake View, not actually used as a cemetery on the 5th day of March, 1867, or lying within the enclosure of a cemetery, not established on or before said day, except as hereinafter provided and allowed.

¶ 3. Cemetery to be established by trustees.] § 2. No corporation, or person or persons, shall establish or open any cemetery within the limits of the town of Lake View, unless the board of trustees shall first fix and determine the location of such cemetery, and fix the boundaries thereof.

¶ 4. Boundaries of Graceland.] § 3. The boundaries of Graceland cemetery are hereby fixed as follows, to wit: The E. ½ of S. W. ¼ of section 17, lying east of Green Bay road, and lots 19 and 20 of Iglehart's subdivision of W. ½ of S. E. ¼ of section 17, township 40, range 14.

¶ 5. Boundaries of Rose Hill.] § 4. The boundaries of Rose Hill cemetery are hereby fixed as follows, to wit: That portion of section 6, in town 40, north range 14, east of the 3d P. M., as the same is described in the record of Rose Hill cemetery company's subdivision of the S. ¾ of the W. ½ of the S. E. ¼ of section 6, in town 40, north of range 14, east of 3d P. M., as the same is recorded in the recorder's office of Cook county, in book of maps, No. 160, on pages 76 and 77.

¶ 6. Of other cemeteries.] § 5. The boundaries of all other cemeteries within the town of Lake View are hereby fixed at the enclosure now surrounding any such cemeteries; but, if any street is embraced in any such enclosure, no permission is hereby given to use such street, or keep the same enclosed.

¶ 7. Violations of ordinance—penalties.]*

SCANDINAVIAN LUTHERAN CEMETERY ASSOCIATION.

§ 7. Scandinavian Lutheran Cemetery Association.
¶ 1. Title; date of passage.
¶ 2. Permission to establish and maintain a cemetery or place of sepulture.
¶ 3. Subject to ordinances and indemnity.

* See paragraphs 5, 6; § 4, supra.

¶ 1. An Ordinance Authorizing the Scandinavian Lutheran Cemetery Association of Cook County, Ill., to Establish and Maintain a Cemetery in the Village of Jefferson. (Passed March 27, 1886.)

¶ 2. Permission to establish a cemetery.] Be it ordained by the president and board of trustees of the village of Jefferson: § 1. That the Scandinavian Lutheran cemetery association of Cook county, Ill., be and is hereby granted permit and authority to establish and maintain a cemetery or place of sepulture, in the village of Jefferson, and, for such purpose, to make use of the following described premises, to wit: The north half (½) of the southeast quarter (¼) of the northeast quarter (¼) of section nineteen (19), together with blocks numbered three (3), four (4), five (5) and six (6) of Andrew Dunning's subdivision of the northeast quarter (¼) of the northeast quarter (¼) of section nineteen (19), township forty (40) north, range thirteen (13), east of the third principal meridian, in Cook county, Ill.

¶ 3. Subject to ordinances—indemnity.] § 2. The permission and authority hereby granted are upon the express condition that the said association shall comply with the requirements of any and all ordinances of the village of Jefferson now in force or which may hereafter be in force, relating to the management of cemeteries, and shall be responsible for, and indemnify and save harmless the said village from any claim, suit or damage growing out of the maintenance of said cemetery.

§ 8. Additional ordinance to Scandinavian Lutheran Association.

¶ 1. Title; date of passage.
¶ 2. Permission to use certain lands described as a burial ground.
¶ 3. In force from and after its passage.

¶ 1. An Ordinance Granting Permission to the Scandinavian Lutheran Cemetery Association to Use Certain Land for Cemetery Purposes. (Passed May 27, 1895. Accepted April 17, 1896.)

¶ 2. Permission to use certain land for cemetery.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be, and the same are, hereby granted the Scandinavian Lutheran cemetery association, a corporation, and its successors and assigns, to use as a public burial ground, and for that purpose only, subject to all existing ordinances now in force or which may hereafter be passed in relation thereto, the twenty (20) acres of land owned by said corporation, adjoining the Mt. Olive cemetery, and contiguous to the Mt. Moriah cemetery, situated, lying and being in the town of Jefferson, in the city of Chicago, county of Cook and state of Illinois, known and described as: The north one-half (N. ½) of the southwest one-quarter (S. W. ¼) of the northeast one-quarter (N. E. ¼) of section nineteen (19), township forty (40) north, range thirteen (13), east of the 3d principal meridian; upon the express condition that the north thirty-

three (33) feet of property asked for for cemetery purposes, be dedicated for a public street.

¶ 3. **When in force.**] § 2. This ordinance shall be in force from and after its passage.

SEMINARY OF THE SACRED HEART.

§ 9. Seminary of the Sacred Heart.
- ¶ 1. Title and date of passage.
- ¶ 2. Permission given to use private cemetery for burial of members of their order dying resident at said seminary.

¶ 1. An Ordinance Granting Permission to the Seminary of the Sacred Heart to Bury its Members Within its Grounds. (Passed October 23, 1882.)

¶ 2. **Permission to use private cemetery.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and is hereby granted to the seminary of the Sacred Heart, on West Taylor street, in said city, to use the private cemetery within their grounds for the interment of members of their order who die while residing at said seminary.

ST. HENRY'S CEMETERY.

§ 10. St. Henry's Cemetery.
- ¶ 1. Title and date of passage.
- ¶ 2. Preamble.
- ¶ 3. Boundaries fixed.

¶ 1. An Ordinance Permanently Fixing the Boundaries of a Cemetery Owned by the Catholic Bishop of Chicago in Section Six, Township Forty, Range Fourteen. (Passed February 14, 1880.)

¶ 2. **Preamble.**] Whereas, the Catholic bishop of Chicago, as the proprietor of the cemetery located upon the north two and sixteen one hundredths ($2\frac{16}{100}$) chains of the northwest quarter ($\frac{1}{4}$) of the northeast quarter ($\frac{1}{4}$) of section six (6) in township forty (40), north range fourteen (14), east of 3d P. M., lying west of the old Ridge road, has submitted a proposition to change and permanently establish and limit the boundaries of said cemetery, which said proposition is attached hereto; now, therefore,

¶ 3. **Boundaries established.**] Be it ordained by the board of

trustees of the town of Lake View: That the proposition of the Catholic bishop of Chicago attached hereto be and the same is hereby accepted and agreed to by the board of trustees of the town of Lake View and the boundaries of the cemetery referred to in said proposition, be and the same are hereby permanently fixed and established as follows, viz:

Commencing at a point on the south line of the street running east and west along the north side of the northeast quarter (¼) of section six (6), township forty (40) north, range fourteen (14), east of the 3d P. M., two hundred feet (200 ft.) east of the west line of said northeast quarter (¼) of said section six (6), and running thence south on a line parallel with the west line of the northeast quarter (¼) of said section six (6) to a point one hundred and ninety-two and $\frac{56}{100}$ feet ($192\frac{56}{100}$ ft.) south of the north line of the northeast quarter (¼) of said section six (6), thence east on a line parallel with the north line of the northeast quarter of said section six (6) five hundred and seventy feet (570 ft.) to a point one hundred and seventy-five feet (175 ft.) west of the center line of a street or highway running across said northeast quarter (¼) of said section six (6), thence north on a line parallel with the west line of the northeast quarter (¼) of said section six (6) to the south line of the street or highway running along the north side of said northeast quarter (¼) of said section six (6), thence west along the south line of said street or highway to the place of beginning; Provided, however, and this ordinance is passed upon the express condition that the proprietors and parties interested in the cemetery above described release and waive all claim of right to make interments or enlarge said cemetery beyond the limits hereinbefore mentioned, and accept the boundaries above mentioned as the permanent limits of said cemetery.

OTTO SONNENSCHEIN.

§ 11. Otto Sonnenschein and his successors.

¶ 1. Title and date of passage.
¶ 2. Permission to establish and maintain a cemetery.
¶ 3. Conditioned upon compliance with ordinances and indemnity.
¶ 4. Acceptance hereof and execution of agreement with annual fee, necessary to making or continuing grant.

¶ 1. An Ordinance Authorizing Otto Sonnenschein to Establish and Maintain a Cemetery in the Village of Jefferson. (Passed February 13, 1889.)

¶ 2. Permission to establish cemetery.] Be it ordained by the president and board of trustees of the village of Jefferson:

§ 1. That Otto Sonnenschein, of Chicago, county of Cook and state of Illinois, and his successors, be and are hereby granted permission and authority to establish and maintain a cemetery or place of sepulture in the village of Jefferson, and for such purpose to make use of the following described premises, to wit: Lot number five (5) in the subdivision of the fractional southeast quarter (S. E. ¼) of section three (3), township forty (40), north, range thirteen (13), east of the third principal meridian (south of the Indian boundary line) in the town of Jefferson, Cook county, state of Illinois.

¶ 3. **Subject to ordinances—indemnity.**] § 2. The provisions and authority hereby granted are upon the express conditions that said Otto Sonnenschein and his successors shall comply with the requirements of any and all ordinances of the village of Jefferson now in force, and which may hereafter be in force, relating to the management of cemeteries; and shall be responsible and save harmless the said village from any claim, suit or damage growing out of the maintenance of said cemetery.

¶ 4. **Acceptance—annual fee.**] § 3. The provisions and authority hereby granted are upon the further express condition that, if said Otto Sonnenschein shall fail or neglect to execute and deliver to the president of the board of trustees of the village of Jefferson, within thirty (30) days after the passage and approval of this ordinance, an agreement in writing that he and his successors will comply with the requirements of any and all ordinances of the village of Jefferson now in force and which may hereafter be in force relating to the management of cemeteries, also that he and his successors will be responsible and save harmless the said village from any claim, suit or damage growing out of the maintenance of said cemetery, and further, that he and his successors will pay the stipulated sum of fifty ($50.00) dollars per annum for keeping in repairs Crawford avenue from Milwaukee avenue to said lot five (5), then this ordinance shall be null and void and the passage and approval thereof of no effect whatsoever.

CHARLES VEERSEMA.

§ 12. Charles Veersema.

¶ 1. Title; date of passage.
¶ 2. Permission to establish and maintain a cemetery or place of sepulture.
¶ 3. Subject to ordinances and to indemnity.

¶ 1. An Ordinance Authorizing Charles Veersema to Establish and Maintain a Cemetery in the Village of Jefferson. (Passed June 13, 1888.)

¶ 2. Permission to establish a cemetery.] Be it ordained by the president and board of trustees of the village of Jefferson: § 1. That Charles Veersema, of the town of Jefferson, Cook county and state of Illinois, and his legal successors and assigns, be and are hereby granted permission and authority to establish and maintain a cemetery, or place of sepulture, in the village of Jefferson, and for such purpose to make use of the following described premises, to wit: The east one-half (½) of the south forty (40) acres of the northeast one-quarter (¼) of section nineteen (19), township forty (40), range 13 east, etc., in the town of Jefferson, county of Cook and state of Illinois.

¶ 3. Subject to ordinances—indemnity.] § 2. The provisions and authority hereby granted are upon the express condition that said Charles Veersema and his successors or assigns shall comply with the requirements of any and all ordinances of the village of Jefferson, now in force or which may hereafter be in force, relating to the management of "cemeteries," and shall be responsible for and indemnify and save harmless the said village from any claim, suit or damage growing out of the maintenance of said cemetery.

SISTERS OF THE POOR CLAIR.

§ 13. Sisters of the Poor Clair.

¶ 1. Title and date of passage.
¶ 2. Permission to use a private cemetery.
¶ 3. Subject to ordinance.
¶ 4. In force.

¶ 1. An Ordinance to Establish a Cemetery for the Sisters of the Poor Clari. (Passed June 8, 1897.)

¶ 2. Permission to use a private cemetery.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby granted to the Sisters of the Poor Clair, located in the city of Chicago, to use a private cemetery within their grounds for the interment of members of their order who die while residing at their institute. The premises to be used as a cemetery is situated in Chicago, Cook county, Ill., described as: Lots 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, P. S. Barber's subdivision of section 8, township 38, north of range 14.

¶ 3. Subject to ordinances.] § 2. This permit is granted subject to the requirements of sections 837 and 836, article 6, of the revised code of the city of Chicago, 1897.

¶ 4. In force.] § 3. This ordinance shall take effect and be in force from and after its passage.

JAMES P. SHERLOCK.

§ 13a. James P. Sherlock. (Order of city council, passed January 10, 1898.)

¶ 1. Title.
¶ 2. Permission to maintain a public cemetery, on certain premises.

¶ 1. AN ORDER GRANTING PERMISSION TO JAMES P. SHERLOCK TO MAINTAIN A PUBLIC CEMETERY.

¶ 2. Permission to use land for cemetery.] It is hereby ordered that permission and authority of the city council of the city of Chicago, be and is hereby given to James P. Sherlock, his heirs, administrators, executors and assigns, to establish and maintain a public cemetery upon the following described real estate in Cook county, to wit: The northwest quarter (N. W. ¼), except the north twenty (20) acres of the east half (E. ½) thereof, and that part of the east half (E. ½) of the southwest quarter (S. W. ¼), lying north of Whiskey Point road, of section twenty-five (25), township forty (40) north, range twelve (12), east of the third (3rd) principal meridian, in the town of Leyden, Cook county, Illinois, and to do all things necessary to the proper maintenance of such cemetery. [See § 2225, ¶ 79, pp. 512-3, Rev. Code.]

CHAPTER II.—ELECTRIC LIGHT, HEAT AND POWER.

§ 13. American Gas Engine Electric Company.
§ 14. Agreement as to the foregoing grant (§ 13, supra).
§ 15. Auburn Park Electric Light, Heat, Power and Railroad Company.
§ 16. Bachelle, Otto V.
§ 17. Chicago Edison Company.
§ 18. Chicago Sectional Electric Underground Company.
§ 19. Henry Corwith and his associates and successors.
§ 20. Citizens' Electric Lighting and Power Company.
§ 21. John Lewis Cochran.
§ *21. John Lewis Cochran. Amendment to preceding.
§ †21. John Lewis Cochran. Extension.
§ 22. Consumers' Electric Light Company.
§ *22. Consumers' Electric Light Company. Blue Island Avenue extension.
§ 23. Co-operative Electric Light Company.
§ 24. Cosmopolitan Electric Company.
§ *24. Cosmopolitan Electric Company. Repealed.
§ 25. Englewood Electric Light Company, Town of Lake.
§ *25. Englewood Electric Light Company, village of Hyde Park.
§ 26. Fort Wayne Jenny Electric Light Company.
§ *26. Garfield Electric Light Company.
§ 27. Charles F. Hartwig and Edward Ahlswed.
§ 28. Hyde Park Electric Light and Power Company.
§ 29. Hyde Park Thompson-Houston Light Company.
§ 30. Lake Electric Lighting Company.
§ 31. Lake View Electric Light Company.
§ 32. Lowry, Butler.
§ 33. Miller, Robert C.
§ *33. Miller, Robert C.
§ 34. Mutual Electric Light and Power Company.
§ 35. People's Electric Light and Motor Company.
§ 36. Amendment to § 35, supra.
§ 37. People's Light and Power Company.
§ 38. Persons, Fred H.
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§ 40. Sparr & Weiss.
§ *40. Sparr & Weiss. Additional.
§ 41. Suburban Electric Company.
§ 42. Sun Electric Company.
§ 43. Town of Lake District Telegraph and Electric Company.
§ *43. Town of Lake District Telegraph and Electric Company. Amendment.
§ 44. Town of Lake Electric Light Company.
§ 45. Western Edison Light Company.
§ *45. Western Edison Light Company. Hyde Park.
§ 46. Western Electric Company.
§ *46. Amendment to preceding.
§ 47. Western Light and Power Company.
§ 48. United Telegraph, Telephone and Electric Company.
§ 49. Yondorf, Charles.

(See appendix).

AMERICAN GAS ENGINE ELECTRIC COMPANY.

§ 13. American Gas Engine Electric Company.

¶ 1. Title and date of passage.
¶ 2. Permission; authority to lay and maintain heavy iron or steel three-inch conduits for electric wires across Clark street and across Dearborn street.
¶ 3. Restoration of streets.
¶ 4. Charges prescribed; compensation to the city.
¶ 5. Term of grant, twenty years.
¶ 6. Acceptance to be in writing with bond of indemnity.
¶ 7. When in force.

¶ 1. AN ORDINANCE AUTHORIZING THE AMERICAN GAS ENGINE ELECTRIC COMPANY TO OPERATE AN ELECTRIC LIGHT AND POWER PLANT WITHIN CERTAIN TERRITORY. (Passed November 11, 1895. Accepted November 25, 1895.)

¶ 2. Grant—streets designated.] Be it ordained by the city council of the city of Chicago: § 1. That, in consideration of the acceptance of the terms and conditions of this ordinance, permission and authority are hereby granted to the American Gas Engine Electric Company to lay and maintain heavy iron or steel three-inch pipes as conduits for electric wires across the following named streets or alleys at the points designated, to wit:

One such pipe across Clark street from the north one-half of block 34 to the north one-half of block 35; one such pipe across Clark street from the south one-half of block 17 to the south one-half of block 18; one such pipe across Dearborn street from the south one-half of block 17 to the south one-half of block 16; one such pipe across Lake street from the south one-half of block 17 to the north one-half of block 35, all in the original town of Chicago, and one such pipe across each alley in the said blocks. Said pipes shall be laid as nearly as practicable at right angles with the streets or alleys intersected, and shall be laid not less than four feet below the surface of said streets or alleys, and shall be laid by excavating from the surface, and not by driving or tunneling. Said pipes and electric wires when laid shall be maintained and operated in accordance with and subject to all the provisions of the ordinances of the city of Chicago applicable to such maintenance and operation.

¶ 3. Restoration of streets.] § 2. The said American Gas Engine Electric company shall not at any time disturb or injure any conduit, water or gas pipe, sewer or any other underground structure in said streets or alleys, and shall not disturb the surface of any street or alley until they shall first deposit with the department of public works a sum of money sufficient to pay for the proper restoration of such street or alley, the amount of such sum or sums of money to be estimated by the department of public works, and no permit shall be issued by said department of public works to said company until said company shall have deposited the amount so estimated.

¶ 4. Charges prescribed—compensation to city.] § 3. Said

American Gas Engine Electric company shall not charge any private consumer a sum exceeding eight (8) mills per hour for each standard sixteen candle power incandescent light, nor more than that amount for the same quantity of electric current furnished by it for any other purpose; and said American Gas Engine Electric company shall pay to the city of Chicago a sum equal to three (3) per cent. of its gross receipts from all revenues derived from the plant hereby authorized, said payments to be made to the city collector at the expiration of each six months from the date of its acceptance of this ordinance, and each payment shall be accompanied by an affidavit subscribed and sworn to by the treasurer or other duly authorized officer or agent of said company to the effect that the amount of such payment is equal to three (3) per cent. of said company's gross receipts, as required by this ordinance; and the city collector or the city comptroller shall, within a reasonable time after the filing of said affidavit, have the right to examine the books and accounts of said company for the purpose of verifying the correctness of the statements contained in such affidavit or affidavits accompanying such payments.

¶ 5. **Term of grant.**] § 4. The rights and privileges hereby granted shall expire at the end of twenty (20) years from and after the passage of this ordinance.

¶ 6. **Acceptance—indemnifying bond.**] § 5. The said American Gas Engine Electric company shall file in writing its formal acceptance of the terms and conditions of this ordinance, together with a good and sufficient bond in the penal sum of ten thousand ($10,000) dollars, with sureties to be approved by the mayor of the city of Chicago, conditioned that the said company will observe, perform and carry out all the provisions of this ordinance, and will forever indemnify, save and keep harmless the city of Chicago from any and all expense, loss, damages, costs, charges and liabilities in any way arising from or growing out of the provisions of this ordinance, or out of the exercise of the rights and privileges hereby conferred upon said American Gas Engine Electric company: Provided, however, that the giving of said bond or the recovering of a judgment or judgments thereon by the city of Chicago shall not be construed as measuring or limiting the liability of said company to said city under the provisions of this ordinance, and such bonds shall be a continuing liability notwithstanding any such recovery or recoveries.

¶ 7. **When in force.**] § 6. This ordinance shall be in force and take effect from and after its passage and the filing of said acceptance and bond as hereinbefore provided for; but if such acceptance and bond be not filed within thirty (30) days from the passage hereof, this ordinance shall be null and void.

Note.—See following agreement.

§ 14. Agreement of the American Gas Engine Electric company with the city of Chicago.

¶ 1. That company is to pay the city five (5) per cent. of its gross receipts. The ordinance was passed November 11, 1895; the agreement bears date November 18, 1895.

AGREEMENT OF THE AMERICAN GAS ENGINE ELECTRIC COMPANY RELATING TO THE ORDINANCE OF SAID COMPANY. (Passed November 11, 1895. Dated November 18, 1895; presented to the city council by the mayor and ordered published and placed on file November 18, 1895.

¶ 1. Compensation to city increased.] In consideration of the approval by the mayor of the city of Chicago, subject to this agreement, of an ordinance passed by the city council of said city on the 11th day of November, 1895, granting certain privileges, as therein stated, to the American Gas Engine Electric company, the said company hereby covenants and agrees with said city of Chicago that it will pay to said city five (5) per cent. of its gross receipts instead of three (3) per cent., as provided in and by section three (3) of said ordinance; and this agreement shall modify said ordinance with like effect in all respects as if five (5) per cent. had been specified in said section instead of three (3) per cent., and the city of Chicago and its officers shall have like rights in respect to the additional two (2) per cent. provided for by this agreement as if it had been provided for by said ordinance.

In witness whereof, the said American Gas Engine Electric company has caused this instrument to be duly executed this 18th day of November, 1895.

AMERICAN GAS ENGINE ELECTRIC COMPANY.

[SEAL.] By J. ENSIGN FULLER, President.

Attest: JAMES B. RUSSELL,
Assistant Secretary.

AUBURN PARK ELECTRIC LIGHT, POWER, HEAT AND RAILROAD COMPANY.

§ 15. Auburn Park Electric Light, Power and Railroad company.

¶ 1. Title and date of passage.
¶ 2. Permission to erect and operate electric lights and to maintain and use a system of electrical conductors.
¶ 3. May erect, maintain and use poles, wires and electric conductors.
¶ 4. Acceptance and conditions.
¶ 5. Poles as far as practicable to be in alleys.
¶ 6. Subject to future action of the city council.

¶ 7. Restoration of streets.
¶ 8. Interference with use of street.
¶ 9. Charges prescribed.
¶ 10. Rights of the city.
¶ 11. Acceptance and bond of indemnity.
¶ 12. Erection of plant.
¶ 13. Indemnity clause.

¶ 1. An Ordinance Granting Rights and Privileges to the Auburn Park Electric Light, Power, Heat and Railroad Company in Certain Territory. (Passed over veto April 21, 1891.)

¶ 2. **Grant.**] Be it ordained by the president and board of trustees of the village of Fernwood: § 1. That permission and authority be and the same are hereby granted to the Auburn Park Electric Light, Power, Heat and Railroad company, a corporation of the state of Illinois, its successors and assigns, to erect and operate electric lights, and to erect, maintain and use one or more systems of electrical conductors above or underground for the transmission of electric light, power and heat, or either of them, in the streets and alleys, except as hereinafter provided, of the village of Fernwood. Provided that not more than one of such systems shall be used or in operation at one time.

¶ 3. **Grant for poles, etc.**] § 2. That permission and authority be and the same hereby are granted to the said Auburn Park Electric Light, Power, Heat and Railroad company, its successors and assigns, to erect, maintain and use poles, wires and electric conductors, and also to lay, maintain and use one or more systems of underground conduits for electrical conductors in the streets and alleys, of the said village, for the transmission of electricity for light, heat and power, in, through, under or over the said streets and alleys, except as hereinafter provided.

¶ 4. **Acceptance of conditions.**] § 3. The permission and authority granted by the foregoing sections of this ordinance are granted upon the following conditions and limitations, and the acceptance of this ordinance by the Auburn Park Electric Light, Power, Heat and Railroad company shall constitute such conditions and limitations as a binding agreement on the part of said company, its successors and assigns.

¶ 5. **Erection of poles, where.**] § 4. All poles shall be erected so far as practicable in the alleys of the said village, but not less than 100 feet apart, and said streets and alleys shall not be unnecessarily obstructed by the erection or maintenance of said poles, or by the suspending or maintenance of said electrical wires or conductors, or by the laying or maintenance of said conduits.

¶ 6. **Subject to future action of council.**] § 5. The board of trustees of the village of Fernwood or its successors may, whenever in its opinion the public safety so requires, direct any changes in respect to the location of the said poles, conductors and wires erected under the authority hereby given, and cause such conductors and

wires to be placed underground upon giving to said company reasonable time within which to make such change. But when so placed underground, not more than three feet in width of such street or alley shall be so used for such purpose, and such system shall be placed only on one side of any street or alley.

¶ 7. **Restoration of streets.**] § 6. The said company, its successors and assigns shall not in any manner interfere with any sewers, pipes, cables, wires or conduits which are now laid, or shall hereafter be laid, in any of said streets and alleys, except by the consent of the superintendent of public works or other authorized officer of said village of Fernwood, or its successor, and whenever said company shall open any street or alley or district, or interfere with any sewer, pipe, cable, wire or conduit therein, the same shall be forthwith restored to as good condition as before such opening, disturbance or interference, by and at the expense of said company, its successors or assigns, and under the direction and to the satisfaction of the said superintendent of public works or other authorized officer; and in case said company, its successors or assigns shall fail to make such restoration, the same may be done by said village, and said company, its successors and assigns, shall be liable for the cost thereof.

¶ 8. **Interference with use of streets.**] § 7. The said company, its successors and assigns, shall when so ordered by the board of trustees of said village of Fernwood, remove or change without cost to said village, any pole, wire, conductor or conduit, which may interfere with the public use of any street, alley, park or public grounds, and in case said company, its successors or assigns shall fail to make such removal or change, then the same may be done by said village, and said company, its successors and assigns shall be liable to the cost thereof.

¶ 9. **Charges.**] § 8. Said company, its successors or assigns, shall not charge any private consumer a sum exceeding one cent per hour for each sixteen candle power light; where meter is used, meters to be placed where wanted, without cost to consumer, or thirty cents per light a month without meter, and all light furnished to said village of Fernwood by said company, its successors and assigns, shall be furnished at the rate of fifty cents per light per month, and said village shall be lighted by at least one hundred or more incandescent lights. And said lights shall burn every night without exception, from dusk to daylight. And said Auburn Park Electric Light, Power, Heat and Railroad company shall furnish one hundred or more poles which are necessary to support such lights, free of cost to the village. And said village is not to be bound by the provisions of this ordinance relating to the lighting of said village, until its present contract with the Globe Light and Heat company expires.

¶ 10. **Rights of city.**] § 9. Said village of Fernwood shall have the right to place wires belonging to and used by said village for telephone, police and fire service, upon any of the poles or in any of the conduits of said company, its successors or assigns, without any other consideration than the passage of this ordinance.

¶ 11. **Acceptance and bond.**] § 10. This ordinance shall not take effect until the said company shall file with the village clerk of said village its written acceptance of this ordinance, and give a bond in the sum of $10,000 as a guarantee of the faithful performance of the conditions of this ordinance.

¶ 12. **Erection of plant.**] § 11. And said Auburn Park Electric Light, Power, Heat and Railroad company will, within twelve months from the date of passage of this ordinance, establish and have in proper order for lighting the village of Fernwood, the electric light plant herein stated.

¶ 13. **Indemnity clause.**] § 12. In consideration of the rights and privileges hereby granted the said Auburn Park Electric Light, Power, Heat and Railroad company, its successors and assigns shall, by such acceptance, agree to indemnify and hold harmless the said village of Fernwood against all claims for damages which may be occasioned or arise or grow out of the exercise by said company, its successors or assigns, of any of the rights or privileges hereby granted. And in case such plant is not in proper working order within said six months, then said company shall furnish kerosene lights to said village until such plant is in proper working order, at the contract price of fifty cents per light.

OTTO V. BACHELLE.

§ 16. Bachelle, Otto V.*

¶ 1. Title and date of passage.
¶ 2. Permission to construct and maintain a line or lines of wire or other electric conductors, to be used in transmitting light and power.
¶ 3. Insulation.
¶ 4. Restoration of streets.
¶ 5. Damages.
¶ 6. Bond to indemnify.
¶ 7. Liability not limited by amount of the bond.
¶ 8. Extension of the system; term, twenty years.
¶ 9. To light street intersections.
¶ 10. Acceptance; compensation.
¶ 11. Forfeiture for non-compliance.
¶ 12. Charges.
¶ 13. In force, when.

¶ 1. An Ordinance Granting Permission and Authority to Otto V. Bachelle to Construct and Maintain in Certain Streets a Line or Lines of Wires to be Used for Transmitting Electricity for the Purpose of Furnishing Light, Heat and Power. (Passed October 10, 1892. Accepted October 29, 1892.)

¶ 2. Grant—route—joint user.] Be it ordained by the city council of the city of Chicago: § 1. That, permission and authority is, hereby, granted to Otto V. Bachelle to construct and maintain in the streets and alleys and, with the consent of the adjacent property owners, in or under the sidewalks of that portion of the city of Chicago described as follows: In and along Madison street between Center avenue and Ogden avenue and across any streets intersecting Madison street between said points, and in, along and across the alley immediately north of Madison street and the alley immediately south of Madison street, between said Center avenue and Ogden avenue, a line or lines of wires or other electric conductors, to be used for transmitting electricity, for the purpose of furnishing light and power; said conductors to be placed in such parts of said streets and alleys as shall be designated in the written permit hereinafter mentioned; provided, that in any street where the Chicago Sectional Electric Underground company, or any other conduit system, has completed conduits, or may hereafter lay conduits, then said Otto V. Bachelle, desiring to use said streets, shall lay his wires in such conduits or in conduits of his own, and, when said Otto V. Bachelle shall build conduits of his own, he shall allow the wires or conductors of any other person or persons, company or corporation to be placed in such conduits at an annual rental equal to that charged by any other conduit company. He shall permit the city of Chicago to use the conduits of said Otto V. Bachelle free of cost to said city.

¶ 3. Insulation—supervision.] § 2. Where streets or alleys shall be crossed by connecting lines, wires or conductors which are run under or in sidewalks, such lines, wires or conductors shall be laid as directed by the commissioner of public works. All such lines or wires shall be underground, properly insulated, and shall be constructed under the supervision and to the satisfaction of the commissioner of public works, or such other officer or department of the city government as may, hereafter, be designated, by ordinance, to perform the duties of such commissioner. No wires shall be laid unless a plat shall be filed with the commissioner of public works, designating the streets, squares and alleys in which it is proposed to locate the same and a plat of the circuit of wires completed, shall be filed, with the commissioner of public works, before the same are used, and any change in the same shall be reported to the commissioner of public works.

¶ 4. Restoration of streets—permits.] § 3. Said Otto V. Bachelle shall do no permanent injury to any street or alley, or, in any manner, to interfere with any water, sewer or gas pipe, tele-

graph or electric wires, cables or pipes which are now or may hereafter be laid by the city of Chicago or any authorized company or corporation; and, when said Otto V. Bachelle shall open ground in any street or alley, or shall lay his conductors under any sidewalk or in any tunnel, he shall forthwith restore the street, alley or sidewalk, water pipe, sewer or gas pipe to as good condition as before, at the expense of said Otto V. Bachelle and under the direction and supervision and to the satisfaction of the department of public works of said city; and, if said Otto V. Bachelle shall fail or refuse so to do, the same may be done by said city and the said Otto V. Bachelle shall be liable for the cost thereof; and said Otto V. Bachelle shall not make any excavation in any street, avenue or alley without first procuring a written permit for that purpose from the department of public works of said city, which permit shall specify the part of the street, alley or avenue where the conductor or conductors of said Otto V. Bachelle shall be laid. When any excavations shall be made by said Otto V. Bachelle, in any street or alley, the foundation boards or planks shall be removed without being cut; unless such cutting shall be specially permitted by the department of public works of said city. The said Otto V. Bachelle shall, upon notice from the department of public works of said city, forthwith remove or change any conductor which may be in the way of or interfere with the construction or erection of any viaduct, public building or other public structure within said city.

¶ **5. Damages.**] § 4. Said Otto V. Bachelle shall be liable to and shall compensate the city of Chicago and pay any private individual, owner or owners, or parties interested in any property adjacent to any streets, avenue or alley opened or injured by it for all damages which may result from or by reason of said Otto V. Bachelle having negligently opened, incumbered, protected or guarded any such street, avenue or alley in said city, or from or by reason of any negligence or fault on the part of said Otto V. Bachelle in the exercise of any of the privileges granted by this ordinance.

¶ **6. Bond.**] § 5. Nothing in this ordinance shall be construed as conferring any exclusive rights or privileges upon said Otto V. Bachelle; and this ordinance shall not take effect until the said Otto V. Bachelle shall have executed a bond to the city of Chicago in the penal sum of $5,000, with sureties satisfactory to the mayor of said city, conditioned to pay to the city of Chicago the sum and sums of money hereinafter provided to be paid to said city and to indemnify and save harmless the city of Chicago of and from all damages which may accrue, or which, in any way, may arise or grow out of the exercise by said Otto V. Bachelle of the privileges herein granted, and said bond shall be executed and approved within sixty (60) days from the passage of the ordinance.

¶ 7. **Liability not measured by bond—subject to ordinances.**] § 6. The liability of said Otto V. Bachelle to said city, or to any person or company who may be injured by the exercise by said Otto V. Bachelle of any of the rights and privileges granted by this ordinance, shall not be limited by the penalty of said bond, nor shall the remedy against said Otto V. Bachelle be confined by the said bond, it being understood that such remedy is merely cumulative and that said city of Chicago and any person or persons shall have the same remedies against said Otto V. Bachelle as it or they would or might have if no such bond were given. In case the duties of the department of public works shall be devolved by said city on any other department or office, the permits and licenses herein mentioned shall be applied for to such department or officer, and the duties herein prescribed to be performed by the commissioner of public works or the department of public works, shall be performed by such officer or department. Said Otto V. Bachelle shall be subject to all general ordinances of the city now in force, or which may hereafter be passed in relation to companies laying pipes or conductors in the said city of Chicago.

¶ 8. **Extension of system—grant twenty years.**] § 7. The said Otto V. Bachelle shall extend his conductors and supply electricity upon any street or streets within the territory hereinbefore described when ordered so to do by a majority of the city council; provided, however, that the said Otto V. Bachelle shall not be ordered to make such extensions upon any street or streets until consumers enough upon such street or streets to yield a net revenue of six per cent. per annum upon the whole cost of such extension shall have petitioned the council for the same. The rights and privileges hereby granted shall, at the expiration of twenty years from the passage of this ordinance, absolutely cease and determine, it being the true meaning and intent of this ordinance to grant the said rights and privileges only for the term of twenty years from its passage.

¶ 9. **Light street intersections—cost of.**] § 8. Said Otto V. Bachelle, if so requested by the city council or the commissioner of public works, shall supply and maintain one electric arc light of 2,000 candle power each, at each street intersection throughout the territory over which its wires shall extend, at a price not to exceed cost of same as produced by the city as may be agreed upon between the comptroller of the city of Chicago and the said Otto V. Bachelle.

¶ 10. **Acceptance—compensation to city.**] § 9. This ordinance is passed upon the express agreement and understanding that the said Otto V. Bachelle, before availing himself of any of the rights or privileges granted by this ordinance, shall file with the city clerk his acceptance of all the terms of this ordinance, and shall file with the comptroller of the city, on the first day of January and July of each year, a statement of the gross receipts of all

the business of said Otto V. Bachelle within the city of Chicago for the six months next preceding such statement, which statement shall be sworn to by the said Otto V. Bachelle. And, at the time of filing such statement, the said Otto V. Bachelle shall pay in to the city treasury five (5) per cent. on the amount of such gross receipts. Said semi-annual payment shall continue during the exercise of the rights and privileges granted in this ordinance.

¶ 11. **Forfeiture of rights, when.**] § 10. The said Otto V. Bachelle shall not, at any time, lease, sell, transfer or assign the rights and privileges granted under this ordinance to any electric light company, nor shall the said Otto V. Bachelle enter into any combination with any electric light company, heretofore existing or hereafter created, concerning prices to be charged for furnishing light, heating, power or signals, either to the city or private consumers, nor shall said Otto V. Bachelle make any consolidation, transfer or division of the territory, streets or avenues of the city with any other electric light company or corporation, for the operation of and supplying of electricity for light and power. Any violations of the provisions of this ordinance shall authorize and entitle the city of Chicago to revoke and repeal the provisions of this ordinance.

¶ 12. **Charge to consumers—control of council.**] § 11. And it is, further, agreed that the said ordinance is accepted, by said Otto V. Bachelle, upon the express condition that the city council of the city of Chicago shall have the power to regulate, control and determine the rate or rates that shall be charged to the consumers for electric light, heat, power and signals, furnished to the city and public. Such price to be determined by the cost of manufacture and a reasonable profit on the capital invested.

¶ 13. **When to take effect.**] § 12. This ordinance shall be in force and effect from and after its passage and acceptance in writing by said Otto V. Bachelle.

CHICAGO EDISON COMPANY.

§ 17. Chicago Edison company.

¶ 1. Title and date of passage.
¶ 2. Permission to erect, lay, maintain and use one or more systems of electrical conductors above or underground.
¶ 3. Further grant to lay, maintain and use an underground system of conduits.

¶ 4. Further grant to lay, maintain and use underground a system of steam pipes.
¶ 5. Acceptance to constitute a contract.
¶ 6. Restoration of streets.
¶ 7. Disturbance of the streets, pipes, sidewalks, etc.
¶ 8. Charges to consumers.
¶ 9. Erection of the plant.
¶ 10. Indemnity bond, etc.
¶ 11. Acceptance and bond.

¶ 1. AN ORDINANCE AUTHORIZING THE CHICAGO EDISON COMPANY TO ERECT, LAY AND MAINTAIN ELECTRICAL CONDUCTORS FOR THE BUSINESS OF SUPPLYING LIGHT AND POWER FOR ELECTRICAL PURPOSES WITHIN CERTAIN TERRITORY. (Passed May 11, 1888.)

¶ 2. Grant for electrical conductors.] Be it ordained by the president and board of trustees of the town of Lake: § 1. That permission and authority be and the same is hereby granted to the Chicago Edison Company, a corporation organized under the laws of the state of Illinois, having its principal office in Chicago, its successors or assigns to erect, lay, maintain and use one or more systems of electrical conductors above or underground, in the streets, alleys, places, parks, and public grounds of the town of Lake.

¶ 3. Grant for conduits.] § 2. That permission and authority be and the same is hereby granted to the Chicago Edison Company to lay, maintain and use an underground system of conduits for the purpose of occupying and using the same for electrical conductors, in the streets, alleys, places, parks and public grounds of the town of Lake.

¶ 4. Grant for steam pipes.] § 3. That permission and authority be and the same is hereby granted to the Chicago Edison company to lay, maintain and use underground, within the streets, alleys, places, parks and public grounds of the town of Lake a system of steam pipes for heating and other purposes.

¶ 5. Acceptance to constitute contract.] § 4. The foregoing privileges are granted to the Chicago Edison company upon the following conditions and with the following limitations and agreements, and the acceptance of this ordinance by the said The Chicago Edison company, shall constitute said conditions, limitations and agreements a binding contract upon the said Chicago Edison company.

¶ 6. Restoration of streets.] § 5. No street, alley, place, park or public ground of the town of Lake shall be entered upon by the said The Chicago Edison company, its successors or assigns for the purpose of erecting, laying, using or maintaining any of the works or constructions above mentioned, or using said street, alley, place, park or public ground of the town of Lake, for either or any of the purposes mentioned in sections 1, 2 and 3 above, without having first obtained, in each instance, from the president and

board of trustees of said town, express authority and permission for the specific work proposed; and in each and every instance said work shall be done under the supervision and to the satisfaction of the superintendent of the department of public works of the town of Lake, and at such times and in such manner as the said president and board of trustees may in said ordinance or resolution designate, and said streets, alleys, places or public grounds shall be restored by said The Chicago Edison company, under the supervision and to the satisfaction of the superintendent of the department of public works of the town of Lake without any expense whatever to said town, and in such time as said superintendent of the department of public works of said town may designate, to as good condition as they were in before said work was begun by said company and said company, by the acceptance of this ordinance, agrees to do said work and to make said restoration as herein provided, and said company, by the acceptance of this ordinance, further agrees to maintain said streets, alleys, places, parks and public grounds for the period of one year after said restoration in good repair, under the supervision and to the satisfaction of the superintendent of the department of public works of said town and without expense to said town; and in case the said The Chicago Edison company shall refuse or neglect, for the period of five days after receiving written notice from the superintendent of the department of public works of said town to make said restoration or repairs, then said superintendent of the department of public works may cause the same to be done in such manner as he may deem proper; and the expense of such work shall be paid by said company on demand of said town of Lake.

¶ 7. **Disturbance of pipes, sidewalks, etc.**] § 6. Whenever it may be found necessary, in making any of the constructions herein contained, or contemplated in this ordinance, or in repairing the same, to interfere with or disturb any pavement, sewer, water pipe, gas pipe, sidewalk or crosswalk, the same shall be replaced and restored by or at the expense of the Chicago Edison company or its assigns and without any expense whatever to the said town of Lake, to as good condition as the same was in before said work was begun by said company.

¶ 8. **Charge to consumers.**] § 7. Said company shall not charge its customers to exceed the sum of one cent per hour per sixteen candle power light, when the use of the same is ascertained by meter, and all town service of lights shall not exceed a like sum as charged to its regular customers with the discount thereon to said town of ten per cent.

¶ 9. **Erection of plant.**] § 8. Nothing in this ordinance shall be construed as conferring any exclusive rights or privileges to the Chicago Edison company, its successors or assigns, and it is furthermore understood and by the acceptance of this ordinance agreed

by said The Chicago Edison company, its successors and assigns, that within one year after the passage of this ordinance, said company shall construct in said town of Lake a suitable building or dwellings and plant for the purposes specified and contained in sections 1, 2 and 3 of this ordinance.

¶ **10. Indemnifying bond.**] § 9. The rights and privileges hereby granted are granted upon the further express conditions that said The Chicago Edison company will first enter into a bond with the town of Lake, to be approved by the president and board of trustees of said town, with good and sufficient sureties, in the penal sum of twenty thousand ($20,000) dollars conditioned to indemnify and save harmless said town against and from any and all damages or claims for damages, judgments, decrees, costs and expenses of the same, which said town may suffer or which may be received or obtained against said town for or by reason of the granting of the rights and privileges in this ordinance contained, or for or by reason of, or growing out of, or resulting from, the passage of this ordinance or any resolution or ordinance passed allowing the said company to make any of the constructions provided for in sections 1, 2 and 3 of this ordinance; or from any act or acts of the said company under or by virtue of the authority herein granted, or the failure or neglect of such company to perform each and every of the said conditions upon which this ordinance is granted; and it is hereby further provided that, upon the recovery of any such final judgment or decree against said town, as aforesaid, said company shall immediately and without prior payment of such judgment or decree be liable to pay, and shall pay, the amount or amounts thereof to said town, and the fact that the said town shall not have paid such judgment or decree shall constitute no defense on the part of said company, and it is hereby further expressly provided that in case of the failure on the said The Chicago Edison company, its successors and assigns to perform any of the conditions or provisions of this ordinance, the said town of Lake shall not be limited to an action upon the bond of said company, but may declare this ordinance and the rights and privileges herein contained forfeited, and may proceed at once against the said company in any suit or action at law or in equity which it may deem advisable or necessary for the recovery of any money, damages or costs which it may have sustained by reason of such breach or failure. And it is hereby further provided that the said The Chicago Edison company shall renew said bond whenever and so often as the said town of Lake may desire or require.

¶ **11. Acceptance and bond.**] § 10. This ordinance shall not be in force until its written acceptance by said The Chicago Edison company, together with the bond herein provided for, shall have been filed with the clerk of said town of Lake, and unless said acceptance and said bond herein provided for shall be executed and

filed with the clerk of said town as aforesaid within sixty days from the date of the passage hereof, this ordinance shall be null and void, and in case of a failure on the part of said The Chicago Edison company, its successors and assigns to keep and observe each and every of the conditions and provisions of this ordinance, the town of Lake shall have the right to repeal this ordinance and to forfeit all rights acquired hereunder; and all rights, power and authority conferred upon the town of Lake or its officers or trustees shall rest in and be exercised by the municipal corporation or its officers, trustees or authorities within whose limits the said works or constructions or any part thereof may be situated.

CHICAGO SECTIONAL ELECTRIC UNDERGROUND COMPANY.

(Successors to Henry Corwith, et al.)

§ 18. Chicago Sectional Electric Underground company. (Successors to Henry Corwith and associates.)

¶ 1. Title and date of passage.
¶ 2. Permission to construct, maintain, repair and operate for twenty five years a line or lines of wire or other electric conductors.
¶ 3. How constructed.
¶ 4. Subject to ordinances.
¶ 5. Work, when to be commenced.
¶ 6. Joint user; agreement; terms; disagreement.
¶ 7. Corporation to be formed to succeed to rights and privileges.
¶ 8. Restoration of streets.
¶ 9. Encumbering streets; protections.
¶ 10. Indemnifying bond.
¶ 11. Liability not limited by bond.

¶ 1. An Ordinance Granting the Right to Henry Corwith and Others to Cunstruct and Maintain Underground Conduits for the Transmission of Electricity. (Passed July 31, 1882.)

¶ 2. Grant—term, twenty-five years.] Be it ordained by the city council of the city of Chicago: § 1. That permission be and is hereby granted to Henry Corwith, William C. Grant, Edward S. Dreyer, William H. Bradley and Edward Koch, or the survivors of them, and their successors, to construct, maintain, repair and operate, in the public streets, avenues, alleys and tunnels of the city of Chicago, for and during the term of twenty-five consecutive years from the date of the passage of this ordinance, a line or lines of

wire or other electric conductors, together with all necessary feeders and service wires, or other electric conductors, to be used exclusively for the transmission of electricity, for the purpose of furnishing light and power and for the transmission of sound.

¶ 3. **Lines underground, how constructed.**] § 2. All such line or lines shall be underground, except through the tunnels, properly insulated, and shall be constructed under the supervision of the commissioner of public works, or such other officer or department of said city of Chicago as may be designated by ordinance.

¶ 4. **Subject to ordinances.**] § 3. This grant shall be subject to any and all ordinances of the city of Chicago, either now in force or hereafter coming in force, in relation to the maintenance of underground lines of wire or other electric conductors, in the streets, avenues, alleys and tunnels of said city.

¶ 5. **Commencement of work, when.**] § 4. Said persons named in section 1, or the survivors of them, or their successors, shall commence the construction of said system within six months from the passage of this ordinance, and shall extend the same as rapidly as the city council may require.

¶ 6. **Joint user—terms—disagreement—arbitration.**] § 5. Said persons named in section 1, or the survivors of them, or their successors, shall permit any other person or persons, company or companies, duly authorized by ordinance, to use said system upon such terms as may be agreed upon by the respective parties; and in case they cannot agree, such terms shall be fixed by arbitration of three persons, one chosen by the persons named herein, or the survivors of them, or their successors, as the case may be; one chosen by the party or parties desiring to use said system, and the third by the two thus chosen.

¶ 7. **Corporation formed—rights descend to.**] § 6. If the said Henry Corwith, William C. Grant, Edward S. Dreyer, William H. Bradley and Edward Koch, or the survivors of them, shall desire to form a corporation under the general laws of this state, for the purpose of doing the business incident to this grant, they may do so; and thereupon all the rights and privileges herein granted shall pass to and vest in such corporation, and it shall become the successor of said persons or the survivors of them, as the case may be, subject to all the provisions hereof, which shall thereupon apply to and be binding on said corporation the same as they do or may [be] on the persons named herein.

¶ 8. **Restoration of streets—permits.**] § 7. Said persons named in section 1, or the survivors of them, and their successors, shall do no permanent injury to any street, sidewalk, alley, avenue or public place or shade tree, or in any manner unnecessarily disturb or interfere with any water pipe, sewer or gas pipe, telegraph or

electric wires, cables or pipes, now or hereafter laid by said city or any authorized company or corporation, and when they or their successors, as the case may be, shall open ground in the same they or their successors, as the case may be, shall forthwith restore the street, pavement, sidewalk or ground, or water pipe, sewer or gas pipe, to a condition equally good as before at their or their successors' own expense, as the case may be, and if they or their successors, as the case may be, shall fail or refuse so to do, the same may be done by said city, and they or their successors, as the case may be, shall be liable for the cost thereof, and they or their successors shall not make any excavation in any street, alley, avenue or public place without first procuring a permit for that purpose from the department of public works of said city. When any excavation shall be made by them or their successors in any street, alley or public place paved with wooden blocks, the foundation boards or planks shall be removed without being cut, unless such cutting shall be specially permitted by the department of public works of said city.

¶ 9. **Encumbering street—protections.**] § 8. Said persons named in section 1, or the survivors of them and their successors, shall not open or encumber more of any street, avenue, alley or public place, at any one time, than may be necessary to enable them to proceed with advantage in the laying of any such wires or conductors, nor shall they or their successors, as the case may be, permit any such street, avenue, alley or public place to remain open or encumbered for a longer period than shall be necessary to execute the work for which the same shall have been opened, or without putting up the necessary barriers and lights so as to effectually prevent the happening of any accident in consequence of such opening or encumbering of such street, alley, avenue or public grounds.

¶ 10. **Indemnity bond.**] § 9. This ordinance shall not take effect until the said persons named in section 1, or the survivors of them, or their successors, shall execute a bond to the said city of Chicago, in the penal sum of $50,000, with sureties satisfactory to the mayor of the city of Chicago, conditioned to indemnify and save harmless the city of Chicago of and from all damages which may be occasioned, or which in any way may accrue, or arise, or grow out of the exercise by them, or the survivors of them or their successors, of the privileges hereby granted.

¶ 11. **Liability not limited by bond.**] § 10. The liability of said persons named in section 1, or the survivors of them or their successors, as the case may be, to said city or to any person who may be injured by the exercise by them of any of the rights and privileges hereby granted shall not be limited by the penalty of said bond, nor shall the remedy against them, or their successors, as the case may be, be confined to said bond, it being understood that such remedy is merely cumulative, and that said city of Chicago, and

any person or persons, shall have the same remedies against them, or their successors, as the case may be, as it or they would or might have if no such bond were given.

Note.—See following amendatory ordinance.

§ 19. Henry Corwith and his associates, successors.

¶ 1. Title and date of passage.
¶ 2. Amending § 18, ¶ 6, supra, foregoing ordinance.
¶ 3. Adding ¶ 12, § 11, to foregoing ordinance.
¶ 4. Adding ¶ 13, § 12, to foregoing ordinance.
¶ 5. Adding ¶ 14, § 13, to foregoing ordinance.
¶ 6. Acceptance of grant. Repeal.
¶ 7. Extension of lines when required.

¶ 1. AN ORDINANCE AMENDING AN ORDINANCE GRANTING CERTAIN RIGHTS AND PRIVILEGES TO HENRY CORWITH AND OTHERS, DATED JULY 31, 1885. (Passed December 9, 1885. Accepted December 21, 1882, by Chicago Sectional Electric Underground company.)

¶ 2. Amending section 5 of foregoing ordinance.] Be it ordained by the city council of the city of Chicago: § 1. That the ordinance passed July 31st, 1882, granting certain privileges to Henry Corwith and others, their survivors and successors, be and the same is hereby amended in the following manner:

Section 5 of said ordinance is hereby amended so as to read as follows:

§ 5. Said persons named in section 1, or the survivors of them or their successors, shall permit by lease or contract any other person or persons, company or companies, to use said system upon such terms as may be agreed upon by the respective parties, and in case they cannot agree, such terms shall be fixed by arbitration of three persons, one chosen by the persons named herein, or the survivors of them or their successors, as the case may be, one chosen by the party or parties desiring to use said system, and the third by the two thus chosen: Provided, however, that this section shall not be construed as permitting any person or corporation, not authorized by ordinance, to lay any system of wires or conduits in the streets of the city other than said persons named in section 1, or the survivors of them or their successors, but meaning hereby to require of said persons and their successors that they shall permit the use of their system to other persons and corporations upon the terms herein specified, but no such lease or contract shall be sub-let or assignable, either by agreement or operation of law.

¶ 3. Adding section 11.] § 2. The said ordinance of July 31,st 1882, is hereby further amended by adding at the end thereof the following section, to be known as section 11:

§ 11. In all cases where the Chicago Sectional Electric Underground company shall desire to place its line or lines of feeder or supply wires, to supply particular blocks, in the areas under the sidewalks, the commissioner of public works shall issue permits for that purpose, subject to the proviso hereinafter contained. Such permits shall specify that the said line or lines of feeder or supply

wires shall be laid in such good manner that they will least inconvenience the persons occupying such sidewalk space, and he shall require that the same shall be made entirely safe and secure;

Provided, that nothing in this ordinance contained, or in any prior ordinance heretofore passed, shall be construed as any authority to said company to enter into any area or space under any sidewalk in the city of Chicago, or to appropriate or use the same for any purpose without first obtaining from the owner, or owners, of the lot or lots next adjacent to and abutting upon the same, his, her or their consent, in writing, to such use of the same, and to the terms and conditions upon which said area or sidewalk space may be used.

But, provided, further, that where in any block or blocks any property owner refuse the consent above provided for, then in such block or blocks the said company shall have the right, and the commissioner of public works is directed to permit it, to lay its supply or feeder wires next outside the curb wall under the pavement, around the property so objected for, or, at its election, to erect a hollow iron tube or pipe, or other suitable device proper for such purposes, in the alley in the middle of each of such blocks, from which to distribute the necessary supply or feeder wires for such block or blocks.

¶ **4. Adding section 12.**] § 3. The said ordinance of July 31st, 1882, is hereby further amended by adding thereto the following section, to be known as section 12:

§ 12. Before any person or corporation shall be allowed to use the said system laid under this ordinance, a bond shall be given to the city by such person or corporation, in an amount and with sureties to be approved by the commissioner of public works, conditioned to indemnify and save harmless the city of Chicago of and from all damage which may be occasioned, or which may in any way accrue, or arise, or grow out of the use by such persons or corporation of said system of wires. This section shall apply also to all persons or corporation now using said system of wires.

¶ **5. Adding section 13.**] § 4. The said ordinance of July 31st, 1882, is hereby further amended by adding the following section, to be known as section 13:

§ 13. In consideration of the privileges granted by this ordinance the city of Chicago shall be allowed the right, at all times, to use the said system and all extensions of the same to the extent of one duct or hole as now provided by lease, for the wires of the city of Chicago. There shall be repaid to the city of Chicago in installments of $500 a month, upon the first day of each and every month hereafter until the whole shall be paid, the sum of $10,000, which has heretofore been paid by the city for the right of using said system, and the city of Chicago shall have the rights and privileges obtained by said payment, free of charge.

¶ 6. Acceptance—repeal of grant.] § 5. This ordinance shall not take effect unless the persons named in section 1 of said ordinance of July 31st, 1882, or their successors, shall file with the city clerk, within ten days from the passage hereof, an acceptance of this ordinance, and this ordinance may be repealed at any time upon the failure to make the payment, or any of them, required by the last preceding section.

¶ 7. Extension of lines, when required.] § 6. The persons named in said ordinance of July 31st, 1882, their successors and assigns, shall not be required to extend the system authorized to be laid down and maintained by them more rapidly than the compensation to be derived from the respective expenditures shall equal 6 per cent. interest per annum, on the additional expenditure demanded by such extension, and the grants of said ordinance of July 31st, 1882, as amended and qualified hereby, shall be subject only to future general ordinances of the city of Chicago, relating to the laying down and maintenance of underground wires.

CITIZENS' ELECTRIC LIGHTING AND POWER COMPANY.

§ 20. Citizens' Electric Lighting and Power Company.

¶ 1. Title and date of passage.
¶ 2. Permission to construct, operate and maintain electric light works (H. P.).
¶ 3. Underground construction—exceptions.
¶ 4. Feeders and service pipes.
¶ 5. Restoration of streets—permits.
¶ 6. Indemnity clause.
¶ 7. Acceptance and bond.
¶ 8. Permits—by whom granted.
¶ 9. Charges to consumers.
¶ 10. Rights extend to successors.
¶ 11. Grantees assume obligations by acceptance.

¶ 1. ORDINANCE GRANTING RIGHTS TO THE CITIZENS' ELECTRIC LIGHTING AND POWER COMPANY TO CONSTRUCT, OPERATE AND MAINTAIN ELECTRC LIGHT WORKS IN CERTAIN TERRITORY. (Passed, approved and filed February 20, 1888. Accepted March 14, 1888.)

¶ 2. Grant—boundaries.] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. Permission and authority are hereby granted to the Citizens' Electric Lighting & Power Co. to construct, operate and maintain electric light works within the village of Hyde Park, with the right of way along, upon and under all the avenues, streets, alleys and public places included within the following boundaries: Lying south of Ninety-fifth street and west of Lake Calumet, excepting and ex-

cluding therefrom that portion of said territory owned by the Pullman Land company at the date of the passage of this ordinance, for the purpose of placing, operating, maintaining and replacing one or more lines of wire or other electric conductors or conduits and all necessary feeders, service pipes, service wires, conductors or conduits in connection therewith to be used for transmitting electricity for the purpose of lighting or motor power.

¶ 3. **Underground construction—exception.**] § 2. All lines of wire conductors or conduits for the transmission of electricity shall be properly insulated, and when directed by the board of trustees, shall be underground in all places except in those parts of alleys which are more than fifty feet from the building line at the intersection of the streets with said alleys; and in the construction of said line or lines, underground, no excavations therefor shall exceed in width the space of two feet, and in constructing such lines above ground and in those parts of the streets and alleys in which under this ordinance the location of the wires above ground is permitted, said wires or conductors shall be properly insulated and supported upon substantial poles not less than six inches in diameter, at the small end, and thirty feet in length, with five feet in the ground, well tamped; said poles to be not more than one hundred and fifty feet apart.

¶ 4. **Feeders and service pipes.**] § 3. In laying main pipes for conducting wires underground in the streets which are paved, said grantees shall at the same time lay all feeders and service pipes to the curb line of the streets to connect with each building lot along the line of said line of pipe; and the charge to any person desiring to connect with such feeder or service pipe shall not exceed the sum of thirty cents per foot, for such feeder or service pipe.

¶ 5. **Restoration of streets—permits.**] § 4. The said grantees shall do no permanent injury to any highway, street, sidewalk, alley, or public place, or shade trees, nor shall they in any manner interfere with any water pipes or sewer pipes which may now or may be hereafter laid by the village of Hyde Park, except by the consent of duly authorized officers of said village, and when said grantees shall open ground in any highway, street, avenue, alley or public place, or lay pipes, wires or conductors under any sidewalk or expose any viaduct, sewer or gas pipe, said grantees shall put up proper signal lights and shall forthwith restore the street, highway, avenue, alley, water pipe, sewer or gas pipe to as good condition as before, at their own expense, under the direction of the superintendent of public works or other authorized officer, and to the satisfaction of the board of trustees of said village or the officer appointed or designated by said board; and if said grantees shall neglect or refuse so to do, the same may be done by said village and said grantees shall be liable for and by

acceptance of this ordinance agree to pay the cost and entire expense thereof; and said grantees shall not make any excavation in any highway, street, avenue, alley or public place, nor erect any poles, without first procuring a written permit for that purpose from the superintendent of public works or other duly authorized officer of said village, which permit may specify which part of the street, sidewalk, avenue, alley or public place the said line or lines, conductor or conductors, pipe or pipes shall be laid. When an excavation shall be made by said grantees in any highway, street, avenue, alley or public place, paved with wooden blocks, the foundation board shall be removed without being cut, unless such cutting shall be specially permitted by the proper officers of said village; the said grantees shall upon notice from such officer of said village forthwith remove or change any wire, conductor or pipe which may be in the way of, or interfere with the public use of any street, including the construction or erection of any viaduct, sewer or water pipes, public building or public structure within said village.

¶ 6. **Indemnity clause.**] § 5. Said grantee shall be liable to, and by acceptance of this ordinance agree to compensate the village of Hyde Park, and pay any private individual owner or owners or parties interested in any property adjacent to any highway, street, avenue, alley or public place, opened or injured by it, for all damages which may result from or by reason of said grantees having negligently opened, encumbered, protected, or guarded any such highway, street, avenue, alley or public place in said village, or from or by reason of any negligence or fraud on the part of said grantees in the exercise of any privilege granted by this ordinance.

¶ 7. **Acceptance and bond.**] § 6. The rights and privileges hereby granted are upon the express condition that said grantee shall file an acceptance thereof in writing and execute a bond to the village of Hyde Park in the sum of ten thousand dollars ($10,000) with sureties satisfactory to the board of trustees of said village, conditioned to indemnify and save harmless the village of Hyde Park of and from all damages which may accrue or which in any manner may arise or grow out of the exercise by said grantee of the privileges hereby granted; and said acceptance shall be filed and said bond shall be executed and approved within sixty days from the passage of this ordinance; the execution of said acceptance and said bond by said grantee and their delivery to and approval by said board of trustees shall thenceforth authorize said grantee to exercise all and singular the rights, privileges and franchises hereby granted.

¶ 8. **Granting of permits—by whom.**] § 7. In case the duties herein prescribed to be performed by the superintendent of public works or other authority, shall devolve upon any other department, or officer, the permits and licenses herein mentioned shall be granted by such department or officer, and the duties

herein imposed upon the superintendent of public works shall be performed by such other officer or department.

¶ **9. Charge to consumers.**] § 8. The rights and privilege hereby granted are upon the express condition that the cost and charges of furnishing electric light to individual consumers when furnished by said grantee, its successors or assigns, shall not exceed the following rates, to wit: For a large standard arc light of twelve hundred (1200) candle power, the sum of thirty (30) cents for every night in which the light is used not more than twelve hours, excepting for the first year, when the price shall be forty (40) cents, and for the incandescent lights a sum not exceeding five (5) cents each for every night in which the light is used not more than twelve hours, and the cost and charges for furnishing electric light to the village of Hyde Park shall not exceed the following rates, to wit: For arc lights when furnished and used three hundred nights in a year, for standard arc light of twelve hundred (1200) candle power, when the light is used to until midnight only of each night not to exceed the sum of sixty dollars ($60) per light per year; for standard arc light of twelve hundred (1200) candle power when the light is used all night, not to exceed the sum of ninety dollars ($90) per light per year; for a standard arc light of two thousand (2,000) candle power when used until midnight only of each night, not to exceed the sum of forty (40) cents per night for each light; for standard arc light of two thousand (2,000) candle power when used all night, not to exceed the sum of one hundred and fifty dollars ($150) per light per year. For arc lights when furnished every night in the year, for a standard arc light of twelve hundred (1200) candle power, when used until midnight only of each night not to exceed the sum of sixty-five dollars ($65) per light per year; for a standard arc light of twelve hundred (1200) candle power when used all night, not to exceed the sum of one hundred dollars ($100) per light per year; for a standard arc light of two thousand (2,000) candle power, when used all night of each night in the year, not to exceed the sum of one hundred and eighty dollars ($180) per light per year. For all incandescent lights of sixteen (16) candle power each, not to exceed the sum of twelve dollars ($12) per light per year, when such incandescent lights are used for only three hundred (300) nights in the year. Provided, that such electric light shall be obliged to be furnished at the above rates to said village only upon the condition that the board of trustees of said village shall make a contract with said grantees to use and pay for the said lights for a period of at least one year.

¶ **10. Rights extend to successors.**] § 9. The rights, privileges and franchises hereby granted to said grantee shall extend to its successors and assigns upon the conditions herein set forth.

¶ **11. Grantee assumes obligations by acceptance.**] § 10. The rights and privileges hereby granted are upon the express con-

dition that by the acceptance of this ordinance said grantee, its successors and assigns, agree to do and perform all the duties, obligations and liabilities, in and by this ordinance imposed and provided to be done and performed by and on the part of said grantee.

JOHN LEWIS COCHRAN.

§ 21. John Lewis Cochran.

¶ 1. Title and date of passage.
¶ 2. Permission to construct, maintain and operate a line or lines of wires or other electric conductors, for the purpose of furnishing light, heat and power.
¶ 3. Rates to consumers; method of construction designated.
¶ 4. Restoration of streets.
¶ 5. Indemnity clause.
¶ 6. Time for construction limited.
¶ 7. Bond required.
¶ 8. Liability; permits.
¶ 9. Term of grant, 25 years.
¶ 10. To include and extend to heirs, legatees and assigns.

¶ 1. AN ORDINANCE TO AUTHORIZE JOHN LEWIS COCHRAN TO CONSTRUCT, MAINTAIN AND OPERATE IN THE HIGHWAYS, STREETS, ALLEYS, SIDEWALKS AND PUBLIC GROUNDS WITHIN CERTAIN DESIGNATED TERRITORY, A LINE OR LINES OF WIRES OR OTHER ELECTRIC CONDUCTORS TO BE USED FOR TRANSMITTING ELECTRICITY, FOR THE PURPOSE OF FURNISHING LIGHT, HEAT AND POWER. (Passed May 16, 1887. Accepted May 16, 1887. Bond filed May 16, 1887.)

¶ 2. Grant.] Be it ordained by the board of trustees acting as city council of the city of Lake View: § 1. That John Lewis Cochran be and is hereby authorized to construct, maintain and operate on the highways, streets, sidewalks, alleys and public grounds within that portion of the city of Lake View known as John Lewis Cochran's subdivision of the west half of the northeast quarter of fractional section eight (8), township forty (40) north, range fourteen (14) east of the third principal meridian; also the south three-eighths (3/8) of the east fractional half of section five (5) in the same town and range as above, a line or lines of wires or other electric conductors, together with the necessary feeders, service wires and conductors to be used for transmitting electricity for the purpose of furnishing light, heat and power; said conductors to be placed in such part of said streets, alleys, sidewalks, tunnels and public grounds as shall be designated in the written permit hereinafter mentioned.

¶ 3. Charge to consumers—wires underground, when—poles.] § 2. All such line or lines (except when otherwise permitted by the city council) shall be underground properly insulated,

and shall be constructed under the supervision and to the satisfaction of the city council of the said city, or such agent, officer or department thereof as may be designated by ordinance or otherwise to perform such duties; but in constructing such wires underground no excavations therefor shall exceed in width the space of two (2) feet, and the cost and charges for furnishing such light shall be at the following rate, to wit: For a large standard arc light not exceeding the sum of fifty (50) cents for each and every twelve (12) hours, and for all the incandescent lights not exceeding the sum of twelve (12) cents each for every twelve (12) hours; and no light shall be used until the same shall have been properly inspected and a certificate thereof given by a competent electrician authorized by the city council or its designated agent or officer; and when not underground such line or lines shall be constructed, maintained and operated with the least practicable obstruction to general traffic and public use, with wires stretched upon poles as far from each other as may be safe and convenient. The poles are to be of wood, neatly painted, with cross-arms, and in diameter not exceeding twelve (12) inches at the base and six (6) inches at the top, in height not less than thirty (30) feet, and in distance apart not nearer than one hundred (100) feet, unless necessary to lessen distances at intervals, the wires are not to exceed one-half (½) of an inch in diameter, and are to be well fastened and stretched to insulators all properly insulated and constructed under the supervision of the superintendent of public works, or such officer or department as the city council may designate.

¶ **4. Restoration of streets—permit.**] § 3. Said Cochran shall do no permanent injury to any highway, street, sidewalk, alley, avenue or public place or shade tree, or in any way or manner unnecessarily interfere with any water, sewer or gas pipes, telegraph or electric wires, cables or pipes which are now or may hereafter be laid by the city of Lake View or any authorized company or corporation, and when said Cochran shall open ground in any highway, street, avenue, alley or public place, or shall lay his conductors under any sidewalk he shall forthwith restore the street, highway, avenue, alley, sidewalk, ground, or water pipe, sewer or gas pipe, to as good condition as before at his own expense, and under the direction and supervision and to the satisfaction of the superintendent of public works of said city; and if said Cochran shall fail or refuse so to do the same may be done by said city, and the said Cochran shall be liable for the cost thereof. Said Cochran shall not make any excavation in any highway, street, avenue, alley or public place, without first procuring a written permit for that purpose from the superintendent of public works of said city, which permit shall specify the part of the street, sidewalk, alley, avenue or public place where the line or lines, conductor or conductors of said Cochran shall be laid. When any excavation shall be made by said Cochran in any highway, street, alley or public

place paved with wooden blocks, the foundation boards or planks shall be removed without being cut, unless such cutting shall be specially permitted by the superintendent of public works of said city. The said Cochran shall, upon notice from the superintendent of public works of said city, forthwith remove or change any conductor which may be in the way or interfere with the construction or erection of any viaduct, public building or other public structure within said city.

¶ **5. Indemnity clause.**] § 4. Said Cochran shall be liable and shall compensate the city of Lake View and pay any private individual, owner or owners, or parties interested in any property adjacent to any highway, street, avenue, alley or public place opened or injured by him for all damages which may result from or by reason of his having negligently opened, encumbered, protected or guarded any such highway, street, avenue or public place in said city, or from or by reason of any negligence or fault on the part of said Cochran in the exercise of any of the privileges granted by this ordinance.

¶ **6. Time of construction limited.**] § 5. Nothing in this ordinance shall be construed as conferring any exclusive rights or privileges upon the said Cochran, unless said Cochran shall, within one year after the approval of the bond hereinafter provided for in good faith, commence the construction hereby authorized, then in that case all rights and privileges herein granted shall absolutely cease and determine.

¶ **7. Bond.**] § 6. This ordinance shall not take effect until the said Cochran shall have executed a bond to the city of Lake View in the penal sum of five thousand dollars ($5,000), with sureties satisfactory to the mayor of the city of Lake View, conditioned to indemnify and save harmless the city of Lake View of and from all damages which may accrue or which in any way may arise or grow out of the exercise by said Cochran of the privileges herein granted; and the said bond shall be executed and approved within sixty days of the passage of this ordinance, and the execution of the said bond by the said Cochran as aforesaid, and its delivery to and approval by the said mayor shall thenceforth authorize the said Cochran to exercise all and singular the rights, privileges and franchises hereby granted.

¶ **8. Liability—permits—subject to ordinances.**] § 7. The liability of said Cochran to said city, or to any person who may be injured by the exercise by said Cochran of any of the rights and privileges hereby granted shall not be limited by the penalty of said bond, nor shall the remedy against said Cochran be confined to the said bond, it being understood that such remedy is merely cumulative, and that said city or any person or persons shall have the same remedies against said Cochran as it or they would or might have if no such bond were given. In case the duties herein pre-

scribed to be performed by the superintendent of public works or other authority, shall be devolved upon any other department or officer, the permits and licenses herein mentioned shall be applied for to said department or officer, and the duties herein prescribed to be performed by the superintendent of public works or other authority shall be performed by such other officer or department. Said Cochran shall be subject to all general ordinances of the said city now in force or which may hereafter be passed in relation to companies or persons laying pipes or conductors in the said city of Lake View.

¶ **9. Term of grant, 25 years.**] § 8. The rights and privileges hereby granted shall, at the expiration of twenty-five (25) years from the passage of this ordinance, absolutely cease and determine, it being the true meaning and intent of this ordinance to grant the said rights and privileges only for the term of twenty-five (25) years from its passage.

¶ **10. Rights extend to heirs—future streets.**] § 9. The rights and privileges above granted shall extend to the heirs and legatees and assigns of said John Lewis Cochran, and shall include any highways, streets or alleys which may be hereafter laid out and dedicated on any portion of said premises.

Note.—See following amendatory ordinance.

§ *21. Amendment.

¶ 1. Title.
¶ 2. Amends (¶ 1 of § 21) section 1 of the foregoing ordinance.
¶ 3. When in force.

¶ 1. AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE TO AUTHORIZE JOHN LEWIS COCHRAN TO CONSTRUCT, MAINTAIN AND OPERATE IN THE HIGHWAYS, STREETS, ALLEYS, SIDEWALKS AND PUBLIC GROUNDS WITHIN CERTAIN DESIGNATED TERRITORY, A LINE OF WIRES OR OTHER ELECTRIC CONDUCTORS TO BE USED FOR TRANSMITTING ELECTRICITY FOR THE PURPOSE OF FURNISHING LIGHT, HEAT AND POWER." (Passed and approved May 16, 1887.)

¶ **2. Amending section 1 of foregoing ordinance.** Be it ordained by the city council of the city of Lake View: § 1. That section 1, of the above described ordinance be, and the same is hereby amended by striking out the following words, to wit: "The south three-eighths (3/8) of the east fractional half of section 5, in the same town and range as above," and inserting in their stead the following words, to wit: "All that part of the city of Lake View lying north of Bryn Mawr avenue, and east of Evanston avenue.

¶ **3. When in force.**] § 2. This ordinance shall take effect and be in force from and after its passage.

Note.—See following resolution.

§ †21. Extension.

RESOLUTION EXTENDING FRANCHISE GRANTED TO JOHN LEWIS COCHRAN. (Resolution passed May 16, 1887.)

Resolved, By the board of trustees acting as city council of the

city of Lake View: That permission and authority is hereby given to John Lewis Cochran to erect poles and stretch electric wires or conductors thereon for the purpose of transmitting electricity together with the necessary feeders, service wires and conductors on any street, alley or public ground within the territory known as John Lewis Cochran's subdivision of the west ½, northeast ¼ of fractional section 8, township 40 north, range 14 east of the third principal meridian, also the south ⅜ of the east fractional ½ of section 5 the same town and range, and that such permission and authority shall be subject to all ordinances which have heretofore or which may be hereafter passed by the city council of Lake View and to the rightful power and authority of any officer of the city, and such power and authority may be discontinued at any time by order of the city council and that this resolution shall be considered as a part of and in connection with an ordinance this day adopted granting certain privileges to said Cochran.

CONSUMERS' ELECTRIC LIGHT COMPANY.

§ 22. Consumers' Electric Light company.

¶ 1. Title and date of passage.
¶ 2. Permission to construct and maintain a line or lines of electrical conductors for furnishing light and power.
¶ 3. Underground construction as per plat to be filed.
¶ 4. Restoration of streets.
¶ 5. Indemnity clause.
¶ 6. Rights not exclusive unless bond be given.
¶ 7. Liability—subject to ordinances.
¶ 8. Extensions, how made—term of grant 20 years.
¶ 9. To light intersections of streets.
¶ 10. Acceptance and compensation to the municipality.
¶ 11. Rights—when they may become forfeited.
¶ 12. City council to control rates and charges.
¶ 13. In force from and after passage and acceptance.

¶ 1. AN ORDINANCE GRANTING THE RIGHT TO THE CONSUMERS' ELECTRIC LIGHT COMPANY TO CONSTRUCT, MAINTAIN AND OPERATE WITHIN CERTAIN DESIGNATED TERRITORY A LINE OF WIRES OR OTHER ELECTRICAL CONDUCTORS TO BE USED FOR THE PURPOSE OF TRANSMITTING ELECTRICITY FOR THE PURPOSE OF FURNISHING LIGHT AND POWER. (Passed July 2, 1888. Accepted August 30, 1888.)

¶ 2. Grant—conduits.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby given to the Consumers' Electric Light company, to construct and maintain in the streets and alleys, and with the consent of the adjacent property owners, in or under the sidewalks of that portion of the city of Chicago, described as follows: In Blue Island

avenue, between West Harrison and Twelfth streets, and between Henry street and West Twenty-second street in Blue Island avenue, and across any streets intersecting Blue Island avenue, between said points, and in South Halsted street, from West Madison street to West Twenty-second street, and across any streets intersecting South Halsted street between said points, a line or lines of wires or other electric conductors, to be used for transmitting electricity for the purpose of furnishing light and power; said conductors to be placed in such parts of said streets and alleys as shall be designated in the written permit hereinafter mentioned; Provided, that in any street where the Chicago Sectional Electric Underground company or any other conduit system has completed conduits, or may hereafter lay conduits, then said Consumers' Electric Light company desiring to use said streets shall lay its wires in such conduits, or in conduits of its own, and when said Consumers' Electric Light company shall build conduits of its own it shall allow the wires or conductors of any other person or persons, company or corporation to be placed in said conduits at an annual rental equal to that charged by any other conduit company. It shall permit the city of Chicago to use the conduits of said Consumers' Electric Light company free of cost to said city.

¶ 3. **Underground wires — plat.**] § 2. Where streets or alleys shall be crossed by connecting lines, wires or conductors, which are run under or in sidewalks, such lines, wires or conductors shall be laid as directed by the commissioner of public works. All such lines or wires, shall be underground, properly insulated, and shall be constructed under the supervision and to the satisfaction of the commissioner of public works, or such other officer or department of the city government as may hereafter be designated by ordinance to perform the duties of such commissioner. No wires shall be laid unless a plat shall be filed with the commissioner of public works designating the streets, squares and alleys in which it is proposed to locate the same, and a plat of the circuit of wires completed shall be filed with the commissioner of public works before the same are used, and any change in the same shall be reported to the commissioner of public works.

¶ 4. **Restoration of streets—permits.**] § 3. Said company shall do no permanent injury to any street or alley, or in any manner interfere with any water, sewer or gas pipe, telegraph or electric wires, cables or pipes which are now, or may hereafter be laid by the city of Chicago, or any authorized company or corporation, and when said company shall open ground in any street or alley, or shall lay its conductors under any sidewalk, or in any tunnel, it shall forthwith restore the street, alley or sidewalk, water pipe, sewer or gas pipe to as good condition as before, at the expense of said company, and under the direction and supervision and to the satisfaction of the department of public works of said city; and if said company shall fail or refuse so to do, the same may be done by

said city and the said company shall be liable for the cost thereof, and said company shall not make any excavation in any street, avenue or alley without first procuring a written permit for that purpose from the department of public works of said city, which permit shall specify the part of the street, alley or avenue where the conductor or conductors of said company shall be laid. When any excavations shall be made by said company in any street or alley, the foundation, boards or planks shall be removed without being cut, unless such cutting shall be specially permitted by the department of public works of said city. The said company shall, upon notice from the department of public works of said city, forthwith remove or change any conductor which may be in the way of or interfere with the construction or erection of any viaduct, public building or other public structure within said city.

¶ 5. **Indemnity clause.**] § 4. Said company shall be liable to and shall compensate the city of Chicago, and pay any private individual, owner or owners, or parties interested in any property adjacent to any street, avenue or alley opened or injured by it, for all damages which may result, or by reason of such company having negligently opened, encumbered, protected or guarded any such street, avenue or alley in said city, or from or by reason of any negligence or fault on the part of said company in the exercise of any of the privileges granted by this ordinance.

¶ 6. **Rights not exclusive unless bond is given.**] § 5. Nothing in this ordinance shall be construed as conferring any exclusive rights or privileges upon the Consumers' Electric Light company, and this ordinance shall not take effect until the Consumers' Electric Light company shall have executed a bond to the city of Chicago in the penal sum of $20,000, with sureties satisfactory to the mayor of said city, conditioned to pay to the city of Chicago the sum and sums of money hereinafter provided to be paid to said city, and to indemnify and save harmless the city of Chicago of and from all damages which may accrue, or which in any way may arise or grow out of the exercise by said Consumers' Electric Light company of the privileges hereby granted, and said bond shall be executed and approved within sixty days from the passage of this ordinance.

¶ 7. **Liability—subject to ordinances.**] § 6. The liability of such company to said city, or to any person or company who may be injured by the exercise by said company of any of the rights and privileges granted by this ordinance, shall not be limited by the penalty of said bond, nor shall the remedy against said company be confined by the said bond, it being understood that such remedy is merely cumulative, and that said city of Chicago and any person or persons shall have the same remedies against said company as it or they would or might have if no such bond were given. In case the duties of the department of public works shall be de-

volved by said city on any other department, or officer, the permits and licenses herein mentioned shall be applied for to such department or officer, and the duties herein prescribed to be performed by the commissioner of public works, or the department of public works, shall be performed by such other officer or department. Said company shall be [the] subject to all general ordinances of the city now in force, or which may hereafter be passed in relation to companies laying pipes or conductors in the said city of Chicago.

¶ 8. **Extensions — term of grant.**] § 7. The Consumers' Electric Light company shall extend its conductors and supply electricity upon any street or streets within the territory hereinbefore described when ordered so to do by a majority of the city council; provided, however, that the company shall not be ordered to make such extension upon any street or streets until consumers enough upon such street or streets to yield a net revenue of 6 per cent. per annum upon the whole cost of such extension shall have petitioned the council for the same. The rights and privileges hereby granted shall, at the expiration of twenty years from the passage of this ordinance, absolutely cease and determine, it being the true meaning and intent of this ordinance to grant the said rights and privileges only for the term of twenty years from its passage.

¶ 9. **Street intersections, light.**] § 8. Said company, if so requested by the city council or the commissioner of public works, shall supply and maintain one electric arc light of 2,000 candle power each, at each street intersection throughout the territory over which its wires shall extend, at a price not to exceed cost of same as produced by the city or as may be agreed upon between the comptroller of the city of Chicago and the said Consumers' Electric Light company.

¶ 10. **Compensation—acceptance.**] § 9. This ordinance is passed upon the express agreement and understanding that the Consumers' Electric Light company before availing itself of any of the rights or privileges granted by this ordinance shall file with the city clerk its acceptance of all the terms of this ordinance, and shall file with the comptroller of the city on the first day of January and July, of each year, a statement of the gross receipts of all the business of said company within the city of Chicago for the six months next preceding such statement, which statement shall be sworn to by the president or secretary of such company. And at the time of filing said statement the said company shall pay into the city treasury five (5) per cent. of the amount of the gross receipts. Said semi-annual payments shall continue during the exercise of the rights and privileges granted in this ordinance.

¶ 11. **Rights forfeited, when.**] § 10. The said Consumers' Electric Light company shall not at any time lease, sell, transfer or assign the rights and privileges granted under this ordinance to

any electric light company, nor shall the said company enter into any combination with any electric light company heretofore existing, or hereafter created, concerning prices to be charged for furnishing light and power either to the city or private consumers, nor shall said company make any consolidation, transfer or division of the territory, streets or avenues of the city with any other electric light company or corporation, for the operation of and supplying of electricity for light and power. Any violation of the provisions of this ordinance shall authorize and entitle the city of Chicago to revoke and repeal the provisions of this ordinance.

¶ 12. **City council to control charges.**] § 11. And it is further agreed that the said ordinance is accepted by said company upon the express condition that the city council of the city of Chicago shall have the power to regulate, control and determine the rate or rates that shall be charged to consumers of electric light, furnished to the city and to the public. Such price to be determined by the cost of manufacture and a reasonable profit on the capital investedt provided, further, that the mayor of the city of Chicago shall have the power to appoint a person to represent the city interests on the board of directors of said company should the city so elect, and the stockholders of said company shall agree to elect said appointee a director of said company.

¶ 13. **When in force.**] § 12. This ordinance shall be in force and effect from and after its passage and its acceptance in writing by said company.

§ *22. Consumers' Electric Light company; Blue Island avenue extension.

¶ 1. Title and date of passage.
¶ 2. Permission to construct and maintain a line of wires.
¶ 3. Underground construction.
¶ 4. Restoration of streets.
¶ 5. Indemnity bond to be given.
¶ 6. Subject to ordinances.
¶ 7. Limit of grant 10 years.
¶ 8. Acceptance—when in force.

¶ 1. AN ORDINANCE GRANTING RIGHTS TO THE CONSUMERS' ELECTRIC LIGHT COMPANY TO MAINTAIN A LINE OF WIRES IN BLUE ISLAND AVENUE FOR THE PURPOSE OF FURNISHING LIGHT. (Passed December 12, 1887.)

¶ 2. **Grant.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same is hereby given to the Consumers' Electric Light company, to construct and maintain a line of wires in Blue Island avenue, between Twelfth and Henry streets, and across any intersecting streets; the same to be used for the purpose of transmitting electricity for the purpose of furnishing light. Said wires to be placed in such part of said street as shall be designated in the written permit hereinafter mentioned.

¶ 3. **Underground Wires.**] § 2. Such line of wires shall be

underground and shall be constructed under the supervision and to the satisfaction of the commissioner of public works.

¶ 4. **Restoration of streets.**] § 3. Said company shall do no permanent injury to said street or any part thereof, and shall in no way interfere with any pipe, wire or cable now or to be hereafter laid in such street, and when said company shall open ground in said street to lay said wires it shall forthwith restore the same to as good condition as before at its own expense and under the supervision and to the satisfaction of the department of public works. If said company shall fail so to do, the same may be done by the city and the expense thereof shall be collected of said company. No wires shall be laid by said company, except upon written permit of the commissioner of public works, which permit shall specify where such wires shall be laid and the terms and conditions under which the same shall be placed underground; Provided, that no permit shall be given to place said wires underneath sidewalks, except with the consent of the abutting property owners.

¶ 5. **Indemnity bond.**] § 4. This ordinance shall not take effect until said company shall execute a bond to the city of Chicago, in the penal sum of ten thousand dollars, with sureties satisfactory to said commissioner of public works, conditioned to indemnify the city of Chicago of and from all damages which may accrue or may in any way arise or grow out of the exercise by said company of the privileges hereby granted. The bond hereby required shall be filed within thirty days from the passage of this ordinance, and it is expressly understood that the remedy therein is merely cumulative, and that the city of Chicago shall have the same remedies against said companies as though said bond were not given.

¶ 6. **Subject to ordinances.**] § 5. Said company shall be subject to any and all ordinances that may hereafter be passed concerning the same or concerning companies laying wires underground.

¶ 7. **Term of grant ten years.**] § 6. The privileges hereby granted shall not extend beyond the period of ten years from the date of the passage hereof.

8. **When in force—acceptance.**] § 7. In case this ordinance be not accepted within thirty days from the passage hereof by said company, the same shall be void and of no effect, and the consent given by section one aforesaid shall be deemed to be withdrawn.

CO-OPERATIVE ELECTRIC LIGHT COMPANY.

§ 23. Co-operative Electric Light company.

¶ 1. Title and date of passage.
¶ 2. Permission to construct and maintain a line or lines of wires or other electric conductors within designated limits.
¶ 3. Lines or wires underground—how constructed.
¶ 4. Restoration of streets.
¶ 5. Indemnity clause.
¶ 6. Privileges not exclusive unless bond is given.
¶ 7. Liability not by bond.
¶ 8. Extension of lines.
¶ 9. Street intersections to be lighted.
¶ 10. Compensation—acceptance.
¶ 11. Rights—when may become forfeited.
¶ 12. Charges to consumers—how regulated.
¶ 13. When in force.

¶ 1. AN ORDINANCE GRANTING RIGHTS AND PRIVILEGES TO THE CO-OPERATIVE ELECTRIC LIGHT COMPANY WITHIN CERTAIN TERRITORY. [Passed July 2, 1888. Accepted August 28, 1888.]

¶ 2. Grant.] Be it ordained by the city council of the city of Chicago: § 1. The Co-operative Electric Light company, a corporation organized under and by virtue of the laws of Illinois, having its principal office in the city of Chicago; its successors and assigns, is hereby authorized to construct and maintain in the streets and alleys, and with the consent of the adjacent property owners, in or under the sidewalks of that portion of the city of Chicago, bounded on the north by Fullerton avenue, on the west by the north branch of the Chicago river, on the south by the Chicago river, and on the east by Lake Michigan, a line or lines of wires or other electric conductors, to be used for transmitting electricity for the purpose of furnishing light and power, said conductors to be placed in such parts of said streets and alleys as shall be designated in the written permit hereinafter mentioned; provided, that in any street where the Chicago Sectional Electric Underground company or any other conduit system has completed conduits, or may hereafter lay conduits, then said Co-operative Electric Light company, desiring to use said streets, shall lay its wires in such conduits, or in conduits of its own, and when said Co-operative Electric Light company shall build conduits of its own, it shall allow the wires or conductors of any other person or persons, company or corporation to be placed in such conduits at an annual rental equal to that charged by any other company. It shall permit the city of Chicago to use the conduits of said Co-operative Electric Light company free of cost to said city.

¶ 3. Wires, how laid—properly insulated.] § 2. Where streets or alleys shall be crossed by connecting lines, wires or conductors, which are run under or in sidewalks, such lines, wires or conductors shall be laid as directed by the commissioner of public works. All such lines or wires, shall be underground, properly

insulated, and shall be constructed under the supervision and to the satisfaction of the commissioner of public works, or such other officer or department of the city government as may hereafter be designated by ordinance to perform the duties of such commissioner. No wires shall be laid unless a plat shall be filed with the commissioner of public works designating the streets, squares and alleys in which it is proposed to locate the same, and a plat of the circuit of wires completed shall be filed with the commissioner of public works before the same are used, and any change in the same shall be reported to the commissioner of public works.

¶ 4. **Restoration of streets.**] § 3. Said company shall do no permanent injury to any street or alley, or in any manner interfere with any water, sewer or gas pipe, telegraph or electric wires, cables or pipes which are now, or may hereafter be laid by the city of Chicago, or any authorized company or corporation, and when said company shall open ground in any street or alley, or shall lay its conductors under any sidewalk, or in any tunnel, it shall forthwith restore the street, alley or sidewalk, water pipe, sewer or gas pipe, to as good condition as before, at the expense of said company, and under the direction and supervision and to the satisfaction of the department of public works of said city; and if said company shall fail or refuse so to do, the same may be done by said city, and the said company may be liable for the cost thereof, and said company shall not make any excavation in any street, avenue or alley without first procuring a written permit for that purpose from the department of public works of said city, which permit shall specify the part of the street, alley or avenue where the conductor or conductors of said company shall be laid. When any excavations shall be made by said company in any street or alley, the foundation boards or planks shall be removed without being cut, unless such cutting shall be specially permitted by the department of public works of said city. The said company shall, upon notice from the department of public works of said city, forthwith remove or change any conductor which may be in the way of or interfere with the construction or erection of any viaduct, public building or other public structure within said city.

¶ 5. **Indemnity clause.**] § 4. Said company shall be liable to and shall compensate the city of Chicago and pay any private individual, owner or owners, or parties interested in any property adjacent to any street, avenue or alley opened or injured by it, for all damages which may result, or by reason of such company having negligently opened, encumbered, protected or guarded any such street, avenue or alley in said city, or from or by reason of any negligence or fault on the part of said company in the exercise of any of the privileges granted by this ordinance.

¶ 6. **Privileges not exclusive unless bond is given.**] § 5. Nothing in this ordinanec shall be construed as conferring any ex-

clusive rights or privileges upon the Co-operative Electric Light company, and this ordinance shall not take effect until the Co-operative Electric Light company shall have executed a bond to the city of Chicago in the penal sum of $20,000, with sureties satisfactory to the mayor of said city, conditioned to pay to the city of Chicago the sum and sums of money hereinafter provided to be paid to said city, and to indemnify and save harmless the city of Chicago of and from all damages which may accrue or which in any way may arise or grow out of the exercise by said Co-operative Electric Light company of the privileges hereby granted, and said bond shall be executed and approved within sixty days from the passage of this ordinance.

¶ 7. **Liability not limited by bond—subject to ordinances.**] § 6. The liability of such company to said city, or to any person or company who may be injured by the exercise by said company of any of the rights and privileges granted by this ordinance, shall not be limited by the penalty of said bond, nor shall the remedy against said company be confined by the said bond, it being understood that such remedy is merely cumulative, and that said city of Chicago and any person or persons shall have the same remedies against said company as it or they would or might have if no such bond were given. In case the duties of the department of public works shall be devolved by said city on any other department, or officer, the permits and licenses herein mentioned shall be applied for to such department or officer, and the duties herein prescribed to be performed by the commissioner of public works shall be performed by such other officer or department. Said company shall be subject to all general ordinances of the city now in force, or which may hereafter be passed in relation to companies laying pipes or conductors in the said city of Chicago.

¶ 8. **Extension of lines.**] § 7. The Co-operative Electric Light company shall extend its conductors and supply electricity upon any street or streets within the territory hereinbefore described when ordered so to do by a majority of the city council; provided, however, that the company shall not be ordered to make such extensions upon any street or streets until consumers enough upon such street or streets to yield a net revenue of 6 per cent. per annum upon the whole cost of such extension shall have petitioned the council for the same. The rights and privileges hereby granted shall, at the expiration of twenty years from the passage of this ordinance, absolutely cease and determine, it being the true meaning and intent of this ordinance to grant the said rights and privileges only for the term of twenty years from its passage.

¶ 9. **Street intersections, lighting of.**] § 8. Said company, if so requested by the city council or the commissioner of public works, shall supply and maintain one electric arc light of 2,000

candle power each, at each street intersection throughout the territory over which its wires shall extend, at a price not to exceed cost of same as produced by the city as may be agreed upon between the comptroller of the city of Chicago and the Co-operative Electric Light company.

¶ **10. Compensation—acceptance.**] § 9. This ordinance is passed upon the express agreement and understanding that the Co-operative Electric Light company, before availing itself of any of the rights or privileges granted by this ordinance, shall file with the city clerk its acceptance of all the terms of this ordinance, and shall file with the comptroller of the city on the first day of January and July, of each year, a statement of the gross receipts of all the business of said company within the city of Chicago for the next six months preceding such statements, which statement shall be sworn to by the president or secretary of such company. And at the time of filing said statement the said company shall pay into the city treasury five (5) per cent. on the amount of such gross receipts. Said semi-annual payments shall continue during the exercise of the rights and privileges granted in this ordinance.

¶ **11. Rights forfeited, when.**] § 10. The Co-operative Electric Light company shall not at any time lease, sell, transfer or assign the rights and privileges granted under this ordinance to any electric company, nor shall the said company enter into any combination with any electric light company heretofore existing, or hereafter created, concerning prices to be charged for furnishing light, power, either to the city or private consumers, nor shall said company make any consolidation, transfer or division of the territory, streets or avenues of the city with any other electric light company or corporation, for the operation of and supplying of electricity for light and power. Any violation of the provisions of this ordinance shall authorize and entitle the city of Chicago to revoke and repeal the provisions of this ordinance.

¶ **12. Charge to consumers.**] § 11. And it is further agreed that the said ordinance is accepted by said company upon the express condition that the city council of the city of Chicago shall have the power to regulate, control and determine the rate or rates that shall be charged to consumers for electric light and power, furnished to the city and to the public. Such price to be determined by the cost of manufacture and a reasonable profit on the capital invested; provided, further, that the mayor of the city of Chicago shall have the power to appoint a person to represent the city interests on the board of directors of said company, should the city so elect, and the stockholders of said company shall agree to elect said appointee a director of said company.

¶ **13. When in force.**] § 12. This ordinance shall be in force and effect from and after its passage and its acceptance in writing by said company.

COSMOPOLITAN ELECTRIC COMPANY.

§ 24. Cosmopolitan Electric company.†

¶ 1. Title and date of passage.
¶ 2. Permission to construct, maintain, repair and operate line or lines of wires or other electric conductors for furnishing light, heat and power within designated limits.
¶ 3. Underground lines according to plans submitted.
¶ 4. May erect a system of poles outside said limits, in streets and alleys and with the consent of owners over buildings.
¶ 5. Damages to streets, deposit of $10,000 as indemnity.
¶ 6. Restoration of streets.
¶ 7. Insulation, guard wires.
¶ 8. Indemnity clause.
¶ 9. Erection of plant.
¶ 10. Charges or rates to consumers.
¶ 11. Compensation to the city.
¶ 12. Conduits of other companies.
¶ 13. Term of grant 50 years.
¶ 14. Acceptance—bond.
¶ 15. When in force.

¶ 1. AN ORDINANCE GRANTING THE RIGHT TO THE COSMOPOLITAN ELECTRIC COMPANY TO CONSTRUCT, OPERATE AND MAINTAIN AN ELECTRIC LIGHT PLANT IN THE CITY OF CHICAGO FOR THE PRODUCTION AND DISTRIBUTION OF ELECTRICITY FOR THE PURPOSE OF FURNISHING LIGHT, HEAT AND POWER, AND THE TRANSMISSION OF SOUND AND SIGNALS. (Passed March 4, 1895. Accepted March 11, 1895.)

¶ 2. Grant. Be it ordained by the city council of the city of Chicago: § 1. Subject to the terms and conditions of this ordinance there is hereby granted to the Cosmopolitan Electric company, a corporation organized and existing under and by virtue of the laws of the state of Illinois, the right to construct, maintain and operate a plant or plants, and in connection therewith to construct, repair, maintain, operate and use in, through, upon, over and under the streets, avenues, alleys, public ways, tunnels and upon viaducts and under the Chicago river and its various branches within the city of Chicago, a line or lines of wire or other electric conductors to be used for the production, transmission and distribution of electricity for the purpose of furnishing light, heat and power and the transmission of sound and signals or any or either of them.

¶ 3. Underground district—plan of conduits.] § 2. All such lines of wire or other electrical conductors except those passing through the tunnels or upon viaducts within the following boundaries, namely: South of Fullerton avenue, east of Western avenue, north of Thirty-ninth street and west of Lake Michigan, shall be placed in underground conduits. Said company shall at all times place and keep on file with the commissioner of public works plans showing the location of each conduit laid and number of ducts and wires in each conduit, and upon laying any new conduit said company shall file with the commissioner of public works a plan showing where each conduit is laid, the location of manholes

†Repealed; see § *24, infra.

or other openings to gain access to said conduit, and each cover for such opening shall have placed thereon the name of said company.

¶ 4. **Erection of poles—underground wires to surface.**] § 3. The said company may, outside of the district above described in section two, erect a system of poles and wires thereon in any of the streets and alleys in Chicago, and over buildings with the consent of the owners thereof, and in going from one building to another, if necessary, said company may cross streets, alleys and city property, but before any such poles shall be so placed the plans thereof shall be filed with the commissioner of public works, provided that the city of Chicago shall have the right to the top cross-arm of each of said poles free from charge for the use of the city telegraph and telephone wires. All poles to be erected under the provisions of this ordinance shall be cedar poles not less than thirty (30) feet high, and symmetrical in form, unless the commissioner of public works shall approve of poles of a different height or form upon application being made to him for said purpose. Where the above mentioned wires, electrical conductors and cables are to be placed under ground, the said company shall, for the purpose of reaching and connecting with their subscribers, patrons, consumers and branch offices, have the privilege of bringing the said wires, conductors and cables to the surface within every four blocks and attaching them to houses and carrying them over the roofs should they desire so to do, provided the consent is first obtained from the owner to whose property they propose to attach said wires, conductors and cables, and said wires shall be kept at least twelve (12) feet above the surface of the roofs except in such buildings as the wires are to enter, and the said company may in so doing cross streets, alleys and city property with wires grouped in cables. Where the consent of an owner referred to in this section is refused, the commissioner of public works is directed to allow the said Cosmopolitan Electric company to erect in alleys poles upon which the said company may place its wires for the purpose of distribution.

¶ 5. **Deposit for restoration of streets—permits.**] § 4. Said company shall not construct any conduits or erect any poles or string any wires, or do any work in any of said public streets or alleys or public places, or in any way disturb the surface thereof, until it shall have filed with the commissioner of public works a plan showing the location of said conduits and the intended work, or in case it intends to erect poles and string wires thereon showing the location of said poles, and until it shall have procured a permit from the department of public works of said city for said work, and whenever said company shall make application in writing to such department for such permit or permits, and shall have complied with the terms and conditions of this section of this ordinance, it shall be the duty of such department to forthwith issue such permit or permits. When the said company shall first apply

to the department of public works of said city of Chicago for a permit as herein provided, the said company shall deposit with said department the sum of ten thousand ($10,000) dollars as a guaranty that said company shall restore the streets, pavements, sidewalks, grounds, water pipes, sewer or gas pipes to a condition equally as good as before, and if said company shall fail or refuse to so restore such streets, pavements, sidewalks, grounds, water pipes, sewer or gas pipes to a condition equally as good as before, within a reasonable time after notice served upon said company so to do, then said deposit, or so much thereof as may be necessary, may be used by said department for such purposes, the balance of such deposit, if any there be, shall be returned to said company, or in case said company shall so restore such streets, pavements, sidewalks, grounds, water pipes, sewer or gas pipes to a condition equally as good as before, then such deposit shall be returned to said company.

¶ 6. **Restoration of streets—signal lights—hours for opening streets.**] § 5. Said company shall do no permanent injury to any street or alley, or in any manner unnecessarily interfere with any water pipe, sewer or gas pipe, telegraph or electric wires, cables or pipes which are now or may hereafter be laid by the city of Chicago or any authorized company or corporation, and whenever said company shall open any street, alley or public way, or interfere with any sewer or gas pipe, cable wire or conduit therein, the said street, alley or public way shall be restored forthwith to as good a condition as before said opening or encumbrance. The said restoration to be made at the expense of said company. In case said company shall fail to make such restoration in accordance with these conditions, the same may be done by said city, and said company shall be liable to said city for the costs thereof. Said company shall not open or encumber more of any street, avenue, alley or public place at any one time than may be necessary to enable it to proceed with advantage in the laying of any conduit within the territory described in section two hereof, nor shall said company permit any such street, avenue, alley or public place to remain open or encumbered for a longer period than shall be necessary to execute the work for which the same shall have been opened or without putting up the necessary barrier and lights so as to effectually prevent the happening of any accident in consequence of such opening or encumbering of such street, alley, avenue or public place. In the district bounded by Twelfth street on the south, the Chicago river on the west and north, and Lake Michigan on the east, no excavation of the streets shall be made except between the hours of 9 p. m. and 6 a. m., and then only upon condition that the street shall be restored to a passable condition for traffic purposes during the hours from 6 a. m. to 9 p. m.

¶ 7. **Insulation—guard wires.**] § 6. All conductors and

wires owned and operated by the said company under the provisions of this ordinance shall be properly insulated, and all overhead conductors used by said company shall be protected by guard wires or other suitable mechanical device or devices.

¶ 8. **Indemnity clause.**] § 7. The said Cosmopolitan Electric company shall be liable to and shall compensate the city of Chicago, and pay any private individual, owner or owners, or parties interested in any property adjacent to any street, avenue or alley opened or injured by it, for all damages which may result by reason of said company having negligently opened, encumbered, protected or guarded any such street, avenue or alley in said city, or from or by reason of any negligence or failure on the part of said company in the exercise of any of the privileges granted by this ordinance.

¶ 9. **Erection of plant.**] § 8. Said company shall, within three years from the passage of this ordinance, erect, construct and have ready for operation a plant or plants, and in connection therewith have constructed underground conduits or erected poles and strung wires thereon, or both, the actual bona fide cost of all of which shall be one hundred thousand dollars ($100,000).

¶ 10. **Charge to consumers.**] § 9. The said company shall not charge any private consumer a sum exceeding one cent per hour for each sixteen candle power light. Said company shall not charge more than $10.50 per month for each arc light of sixteen hundred (1,600) candle power, when such arc light is operated the entire night, and the maxiumum charge for each such arc light when the same is operated until 12:30 o'clock a. m., shall not exceed $7.50 per month. Said company shall not charge any private consumer more than forty cents per horse power per day for all power furnished by it, and the charge for the use of said wires for any other purpose shall be a reasonable one.

For the transmission of sound, said company shall not in any instance charge more than five (5) per cent. less than the present rate charged by the Chicago Telephone company for the same or similar service.

¶ 11. **Compensation to city.**] § 10. The rights and privileges hereby granted are upon the express condition that the Cosmopolitan Electric company shall, after the expiration of five years from the date upon which it shall commence to operate its said plant or plants, pay annually to said city of Chicago, for and in consideration of the rights and privileges hereby granted, an amount equal to three per centum of the gross revenue and receipts of said company from the operation of its said plant or plants. Such payment shall be made in manner following: At the expiration of six years from the date upon which it shall commence to operate its said plant or plants, the president or other chief officer of said company shall file with the comptroller of

said city of Chicago a statement under oath showing the amount of gross annual revenue or receipts of said company for the preceding year, and shall at the same time pay to said comptroller the said amount of three per centum of the annual gross revenue or receipts from the operation of its said plant or plants for said year. Said respective payments to be made, as herein described, annually thereafter. Such statement, however, shall not be final or binding upon the city, and the comptroller of the city of Chicago, or his authorized agent, shall at all times, upon such statement being made as herein contemplated, have the right to examine the books of said company showing said gross receipts for the purpose of verifying the same.

¶ **12. Other company's conduits.**] § 11. Said company may place its wires and conductors within conduits belonging to any other corporation with whom it may arrange for that purpose, now located or which may hereafter be located within such streets or alleys within the territory above mentioned, and may likewise string its wires upon the poles of any corporation now or hereafter having poles in said city within the territory in which it is provided by this ordinance, that said company may erect poles, and it is expressly understood that said city of Chicago shall have the right to place wires owned or used by it for telegraph and telephone service in any one of the conduits of the said company without any further consideration than the passage of this ordinance.

¶ **13. Term of grant—right of purchase.**] § 12. The rights and privileges hereby granted by this ordinance are granted for the term of fifty (50) years from and after the acceptance of this ordinance, and said rights and privileges are hereby granted on the express condition that at the end of said term of fifty (50) years from and after the acceptance of this ordinance, the city of Chicago shall have the right to purchase the entire plant or plants of said company and all its property and effects of every kind and nature within said city of Chicago at an appraised value which shall be ascertained and determined by three competent and disinterested appraisers who shall have full access to all books, papers and other documents bearing on or appertaining to the subject, and such appraisers shall be selected in the following manner, to wit: One of said appraisers shall be appointed by the said city of Chicago, one by said company, and the two so selected shall choose a third, and if said two appraisers cannot agree upon a third, then such third appraiser shall be selected by the chief justice of the circuit court of Cook county, Illinois, and the said three appraisers so chosen shall, within six months after the appointment of the last appraiser, make report in writing of the value of said property to said city of Chicago, and to said company, and the said city of Chicago shall have the option, at any time within six months after the receipt of said report, to purchase said plant or plants and property, together with all its appurtenances and equipment at the

aforesaid value so fixed by said appraisers; provided, however, that if said city shall so elect to so purchase said plant or plants and property, then said company shall have the right to operate said plant or plants and property and receive the profit therefrom during the time such arbitration is in progress, and until the same shall be completed and the purchase price, as fixed by the arbitration, has been paid.

¶ 14. **Acceptance, bond.**] § 13. This ordinance shall not be in force as to said Cosmopolitan Electric company until it shall have been accepted by said company, such acceptance to be made and notice thereof in writing filed with the city clerk within ninety (90) days from the passage of the same, nor until said company shall have given and filed in the city clerk's office a good and sufficient bond, with sureties to be approved by the mayor of the city of Chicago, in the penal sum of seventy-five thousand dollars ($75,000), providing that said company will well and truly pay or cause to be paid any and all damages that may accrue by delay in repairing, removing or laying its wires and conduits, and erecting said poles and stringing wires upon the same, and shall indemnify and save harmless the said city of Chicago from any and all costs and expenses of every kind whatsoever which may be recovered against said city in consequence of the neglect of said company or its authorized agents or servants, and will save and keep harmless the said city of Chicago from any and all damages, loss or expenses caused by or incident to the erection of said poles, the laying of said conduits and operation of said wires and maintenance thereof.

¶ 15. **When in force.**] § 14. This ordinance shall be in force and effect from and after its passage.

Note.—See following repealing ordinance.

§ *24. Repeal.

¶ 1. Title—date of passage.
¶ 2. Preamble and repeal.
¶ 3. In force from and after its passage.

¶ 1. An Ordinance Repealing an Ordinance Granting Certain Rights to the Cosmopolitan Electric Company. (Passed April 10, 1895.)

An ordinance repealing Cosmopolitan Electric ordinance.

Whereas, The record of the council proceedings show that an ordinance purports to have been passed on February 25, 1895, by the city council of the city of Chicago, granting certain rights and privileges to the Cosmopolitan Electric company; and,

Whereas, The passage of such ordinance was improper and illegal; therefore,

¶ 2. **Preamble—repeal of foregoing ordinance.**] Be it ordained by the city council of the city of Chicago: § 1. That the ordinance granting certain rights and privileges to the Cosmopolitan Electric company, passed on February 25, 1895, by the city council of the city of Chicago, be and the same is hereby repealed.

¶ 3. **When in force.**] § 2. This ordinance shall be in force and effect from and after its passage.

Note.—The ordinance of February 25, 1895, above referred to, was passed on that date and was vetoed, reconsidered, amended and passed as amended March 4, 1895.

ENGLEWOOD ELECTRIC LIGHT COMPANY, TOWN OF LAKE.

§ 25. Englewood Electric Light company (with town of Lake.)

¶ 1. Title and date of passage.
¶ 2. Permission to erect, lay, maintain and use one or more systems of electrical conductors above or underground.
¶ 3. Grant for underground system of conduits.
¶ 4. Grant for system of steam pipes.
¶ 5. Conditions.
¶ 6. Permits—repairs of streets.
¶ 7. Restoration of streets.
¶ 8. Charge to consumers.
¶ 9. Bond of indemnity not to limit liability; renewal of bond.
¶ 10. Acceptance and when in force.

¶ 1. AN ORDINANCE AUTHORIZING THE ENGLEWOOD ELECTRIC LIGHT COMPANY, ITS SUCCESSORS OR ASSIGNS, TO ERECT, LAY AND MAINTAIN ELECTRICAL CONDUCTORS AND STEAM PIPES FOR THE BUSINESS OF SUPPLYING LIGHT, HEAT AND POWER FOR ELECTRICAL PURPOSES IN CERTAIN TERRITORY. (Passed July 31, 1888. Accepted, bond filed, certificate of secretary of state filed August 7, 1888.)

¶ 2. **Grant.**] Be it ordained by the president and board of trustees of the town of Lake: § 1. That permission and authority be, and the same is hereby granted to the Englewood Electric Light company, a corporation organized under the laws of the state of Illinois, having its principal office in Englewood, Cook county, Illinois, its successors or assigns, to erect, lay, and maintain and use one or more systems of electrical conductors above or underground in the streets, alleys, places, parks, and public grounds of the town of Lake.

¶ 3. **Grant for underground system of conduits.**] § 2. That permission and authority be and the same is hereby granted to the Englewood Electric Light company to lay, maintain and use an underground system of conduits for the purpose of occupying and using the same for electrical conductors, in the streets, alleys, places, parks and public grounds of the town of Lake.

¶ 4. **Grant for system of steam pipes.**] § 3. That permission and authority be, and the same is hereby granted to the Englewood Electric Light company, to lay, maintain and use undergrounds, within the streets, alleys, places, parks and public grounds

in the town of Lake a system of steam pipes for heating and other purposes.

¶ 5. **Conditions of grant.**] § 4. The foregoing privileges are granted to the Englewood Electric Light company upon the following conditions and with the following limitations and agreements, and the acceptance of this ordinance by the said Englewood Electric Light company shall constitute said conditions, limitations and agreements, a binding contract upon the said Englewood Electric Light company.

¶ 6. **Permits for work—restoration of streets.**] § 5. No street, alley, place, park or public ground of the town of Lake shall be entered upon by the said Englewood Electric Light company, its successors or assigns, for the purpose of erecting, laying, using or maintaining any of the works or constructions above mentioned, or using said street, alley, place or public ground of the town of lake for either or any of the purposes mentioned in sections 1, 2 and 3 above, without having first obtained, in each instance, from the president and board of trustees of said town, express authority and permission for the specific work proposed, and in each and every instance said work shall be done under the supervision and to the satisfaction of the superintendent of the department of public works of the town of Lake, and at such times and in such manner as the said president and board of trustees may in said ordinance or resolution designate; and said streets, alleys, places, parks or public grounds shall be restored by said Englewood Electric Light company, under the supervision and to the satisfaction of the superintendent of the department of public works of the town of Lake, without any expense whatever to said town, and in such time as said superintendent of the department of public works of said town may designate, to as good condition as they were in before said work was begun by said company; and said company, by the acceptance of this ordinance, agrees to do said work and make said restoration as herein provided, and said company, by the acceptance of this ordinance, further agrees to maintain such parts of said streets, alleys, places, parks and public grounds as may have been so disturbed by said company, for the period of one year after said restoration, in good repair, under the supervision and to the satisfaction of the superintendent of the department of public works of said town, and without expense to said town, and in case the said Englewood Electric Light company shall refuse or neglect, for the period of five days after receiving written notice from the superintendent of the department of public works of said town, to make said restoration or repairs, then said superintendent of the department of public works of said town may cause the same to be done in such manner as he may deem proper, and the expense of such work shall be paid by said company on demand of said town of Lake.

¶ 7. **Restoration of streets.**] § 6. Whenever it may be found necessary, in making any of the constructions herein contained, or contemplated, in this ordinance, or in repairing the same, to interfere with or disturb any pavement, sewer, water pipe, gas pipe, sidewalk or crosswalk, the same shall be replaced and restored by, or at the expense of, said Englewood Electric Light company, or its assigns, and without any expense whatever to the said town of Lake, to as good condition as the same was in before said work was begun by said company.

¶ 8. **Charge to consumers.**] § 7. Said company shall not charge its consumers to exceed the sum of one cent per hour per sixteen candle power light, when the use of the same is ascertained by meter, and all town service of light shall not exceed a like sum as charged to its regular customers, with the discount thereon to said town of ten per cent., if payment be made on or before the twelfth day of the succeeding month.

¶ 9. **Bond—not a limit to liability—renewal.**] § 8. The rights and privileges hereby granted are granted upon the express condition that the said Englewood Electric Light company will first enter into a bond with the town of Lake, to be approved by the president and board of trustees of said town, with good and sufficient sureties, in the penal sum of ten thousand dollars ($10,000) conditioned to indemnify and save harmless the said town against and from any and all damages or claims for damages, judgments, decrees, costs and expenses of the same, which said town of Lake may suffer, or which may be recovered or obtained against the said town for or by reason of the granting of the rights and privileges in this ordinance contained, or for or by reason of, or growing out of, or resulting from the passage of this ordinance, or from any act or acts of the said company, under or by virtue of the authority herein granted, or the failure, refusal or neglect of said company to perform each and every of the said conditions upon which this ordinance is granted; and it is hereby further provided that upon the recovery of any such final judgment or decree against said town, as aforesaid, said company shall immediately, and without prior payment of such judgment or decree by said town, be liable to pay and shall pay the amount or amounts thereof to said town, and the fact that the said town may not have paid such judgment or decree shall constitute no defense on the part of said company; and it is hereby further expressly provided that in case of the failure on the part of said Englewood Electric Light company to perform any of the conditions or provisions of this ordinance, the said town of Lake shall not be limited to an action upon the bond of said company, but may proceed at once against the said company in any suit or action at law or in equity which it may deem advisable or necessary for the recovery of any money, damages or costs, which it may have sustained by reason of such

breach or failure; and it is hereby further provided that the said Englewood Electric Light company, its successors and assigns, shall renew said bond, and the sureties thereon, whenever and so often as the said town of Lake may desire or require.

¶ **10. Acceptance of ordinance.**] § 9. The said company shall signify its acceptance of this grant or permission upon the terms, conditions and restrictions herein provided, by filing with the clerk of the town of Lake a written acceptance hereof, together with the bond herein provided for, and together with a certificate of the secretary of state that said company is duly incorporated under the laws of the state of Illinois, within sixty days from the date of the passage hereof.

§ *25. Englewood Electric Light company (with Hyde Park).

¶ 1. Title and date of passage.
¶ 2. Permission to erect, lay, maintain and use one or more systems of electrical conductors above or underground in designated limits.
¶ 3. Grant to lay, maintain and use an underground system of conduits as electrical conductors.
¶ 4. Terms of grant constitute a contract.
¶ 5. Permits for work—restoration of streets.
¶ 6. Restoration of streets.
¶ 7. Charges or rates to consumers.
¶ 8. Bond to be given, not to limit liability.
¶ 9. Insulation—dimension of poles, how placed.
¶ 10. Subject to ordinances.
¶ 11. Acceptance—when in force.

¶ 1. AN ORDINANCE AUTHORIZING THE ENGLEWOOD ELECTRIC LIGHT COMPANY, ITS SUCCESSORS, TO ERECT, LAY AND MAINTAIN ELECTRICAL CONDUCTORS FOR THE BUSINESS OF SUPPLYING LIGHT AND POWER FOR ELECTRICAL PURPOSES WITHIN CERTAIN TERRITORY. (Passed September 11, 1888. Accepted, bond filed, certificate of secretary of state filed September 18, 1888.)

¶ **2. Grant.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission and authority be, and the same is hereby granted to the Englewood Electric Light company, a corporation organized under the laws of the state of Illinois, having its principal office in Englewood, Cook county, Illinois, and its successors, to erect, lay, maintain and use one or more systems of electrical conductors above or under ground, in the streets, alleys, places, parks and public grounds of the village of Hyde Park.

¶ **3. Grant for underground system.**] § 2. That permission and authority be, and the same is hereby granted to the Englewood Electric Light company to lay, maintain and use an underground system of conduits for the purpose of occupying and using the same for electrical conductors, in the streets, alleys, places, parks and public grounds of the village of Hyde Park.

¶ **4. Conditions of grant.**] § 3. The foregoing privileges are granted to the Englewood Electric Light company upon the

following conditions and with the following limitations and agreements, and the acceptance of this ordinance by the said Englewood Electric Light company shall constitute said conditions, limitations and agreements, a binding contract upon the said Englewood Electric Light company.

¶ 5. Permits for work—restoration of streets.] § 4. No street, alley, place, park or public ground of the village shall be entered upon by the said Englewood Electric Light company, its successors, for the purpose of erecting, laying, using or maintaining any of the works or constructions above mentioned, or using said street, alley, place or public ground of the village of Hyde Park for either or any of the purposes mentioned in sections 1, 2 and 3 above, without having first obtained, in each instance, from the president and board of trustees of said village, express authority and permission for the specific work proposed, and in each and every instance said work shall be done under the supervision and to the satisfaction of the superintendent of the department of public works of the village of Hyde Park, and at such times and in such manner as the said president and board of trustees may in said ordinance or resolution designate; and said streets, alleys, places, parks or public grounds shall be restored by said Englewood Electric Light company, under the supervision and to the satisfaction of the superintendent of the department of public works of the village of Hyde Park, without any expense whatever to said village, and in such time as said superintendent of the department of public works of said village may designate, to as good condition as they were in before said work was begun by said company; and said company, by the acceptance of this ordinance, agrees to do said work and make said restoration as herein provided, and said company, by the acceptance of this ordinance, further agrees to maintain such parts of said streets, alleys, places, parks and public grounds as may have been so disturbed by said company, for the period of one year after said restoration, in good repair, under the supervision and to the satisfaction of the superintendent of the department of public works of said village, and without expense to said village, and in case the said Englewood Electric Light company shall refuse or neglect, for the period of five days after receiving written notice from the superintendent of the department of public works of said village, to make said restoration or repairs, then said superintendent of the department of public works of said village may cause the same to be done in such manner as he may deem proper, and the expense of such work shall be paid by said company on demand of said village of Hyde Park.

¶ 6. Restoration of streets.] § 5. Whenever it may be found necessary, in making any of the constructions herein contained or contemplated in this ordinance, or in repairing the same, to interfere with or disturb any pavement, sidewalk or crosswalk, the same shall be replaced and restored by, or at the expense of said

Englewood Electric Light company, and without any expense whatever to the said village of Hyde Park, to as good condition as the same was in before said work was begun by said company.

¶ 7. **Charge to consumers.**] § 6. Said company shall not charge its customers to exceed the sum of one cent per hour per sixteen candle power light, when the use of the same is ascertained by meter, and all town service of light shall not exceed a like sum as charged to its regular customers, with the discount thereon to said village of ten per cent. if payment be made on or before the twelfth day of the succeeding month.

¶ 8. **Bond—not a limit of liability—renewal.**] § 7. The rights and privileges hereby granted are granted upon the express condition that the said Englewood Electric Light company will enter into a bond with the village of Hyde Park, to be approved by the president and board of trustees of said village, with good and sufficient sureties, in the penal sum of twenty thousand dollars ($20,000), conditioned to indemnify and save harmless the said village against and from any and all damages or claims for damages, judgments, decrees, costs and expenses of the same, which said village of Hyde Park may suffer or which may be recovered or obtained against the said village, for or by reason of the granting of the rights and privileges in this ordinance contained, or for or by reason of, or growing out of, or resulting from the passage of this ordinance, or from any act or acts of the said company, under or by virtue of the authority herein granted, or the failure, refusal or neglect of said company to perform each and every of the said conditions upon which this ordinance is granted; and it is hereby further provided that, upon the recovery of any such final judgment or decree against said village as aforesaid, said company shall immediately, and without prior payment of such judgment or decree by said village, be liable to pay, and shall pay the amount or amounts thereof to said village, and the fact that the said village may not have paid such judgment or decree shall constitute no defense on the part of said company; and it is hereby further expressly provided that, in case of the failure on the part of said Englewood Electric Light company to perform any of the conditions or provisions of this ordinance, the said village of Hyde Park shall not be limited to an action upon the bond of said company, but may proceed at once against the said company in any suit or action, at law or in equity, which it may deem advisable or necessary for the recovery of any money, damages or costs, which it may have sustained by reason of such breach or failure; and it is hereby further provided that the said Englewood Electric Light Company, its successors, shall renew said bond and the sureties thereon, whenever, and as often as the village of Hyde Park may desire or require.

¶ 9. **Insulation—dimensions of poles, how placed.**] § 8. All

lines of wire, conductors or conduits, for the transmission of electricity, shall be properly insulated, and when placed above ground shall be supported upon substantial poles not less than six inches in diameter, not less than 25 feet in height, and not more than 180 feet apart.

¶ 10. **Subject to all ordinances.**] § 9. This ordinance and all rights herein granted shall be subject to all ordinances or regulations relating to electric lighting, electric lighting companies, and the placing or maintenance of wires for electric lighting purposes now in force, or that may hereafter be passed.

¶ 11. **Acceptance of ordinance.**] § 10. The said company shall signify its acceptance of this grant or permission upon the terms, conditions and restrictions herein provided, by filing with the clerk of the village of Hyde Park a written acceptance hereof, together with the bond herein provided for, and together with the certificate of the secretary of state, that said company is duly incorporated under the laws of the state of Illinois, within sixty days from the date of the passage hereof.

FORT WAYNE JENNY ELECTRIC LIGHT COMPANY.

§ 26. Fort Wayne Jenny Electric company.
¶ 1. Title and date of passage.
¶ 2. Permission to erect and maintain a system of electric lighting.
¶ 3. Poles, towers, standards, how erected.
¶ 4. Indemnity clause.
¶ 5. Privileges to extend to successors of the company.
¶ 6. Penalties for defacing or injuring poles, etc.
¶ 7. In force from and after acceptance by the company.

¶ 1. An Ordinance Granting Permission to the Fort Wayne Jenny Electric Light Company to Erect Electric Lighting System. (Passed March 18, 1884. Accepted March 24, 1884.)

¶ 2. **Grant.**] Be it ordained by the board of trustees of the town of Lake: § 1. That the Fort Wayne Jenny Electric Light company, a corporation of the state of Indiana, be and [it] is hereby authorized and empowered to erect and maintain from time to time upon any or all of the streets, alleys or other ways in the town of Lake, now or hereafter dedicated to public use, such towers, masts, poles or standards as the said company may desire, and to place and use thereon such wires, cables or other electrical conductors, lamps or other devices or appliances as may, in the discretion of said company, be necessary for the convenient and proper operation, maintenance and use of the Jenny electric lighting system: Provided, however, that no wire or cable shall be placed upon such

towers, masts or poles at a distance less than twenty-four feet from above the surface grade of the street, alley or way upon which the same shall be placed, provided all such work shall be under the control of the engineer of the town of Lake, and be upon such streets as the board of trustees may from time to time designate.

¶ 3. **Poles, how erected.**] § 2. Such towers, masts, poles or standards shall be erected and maintained in such manner as not to unnecessarily interfere with the public use of any street, alley or way.

¶ 4. **Indemnity clause.**] § 3. Said company shall forever indemnify and save harmless the town of Lake from and against any loss or damage growing out of or resulting from the passage of this ordinance or the privileges by the terms hereof extended to the said company.

¶ 5. **Privileges extend to successors.**] § 4. The privileges and obligations of this ordinance shall extend to and be binding upon the successors and assigns of said Fort Wayne Jenny Electric Light company.

¶ 6. **Penalty for defacing fixtures.**] § 5. Any person, not authorized by said company, who shall climb upon, or in any manner interfere with, deface, damage or injure any tower, mast, pole or other standard belonging to said company, or any wire, cable or electrical conductor or lamp placed thereon, or connected therewith, shall be liable to a penalty of not less than fifty dollars nor more than one hundred dollars for each offense.

¶ 7. **When in force.**] § 6. This ordinance shall be in force from and after its acceptance by said company.

GARFIELD ELECTRIC LIGHT COMPANY.

* 26. Garfield Electric Light Company.

¶ 1. Title.
¶ 2. Permission.
¶ 3. Underground conduits as prescribed.
¶ 4. Permits required, streets to be restored—deposit.
¶ 5. Subject to supervision of superintendent of city telegraph and to ordinances.
¶ 6. Limitation of time for construction.
¶ 7. Rates and charges.
¶ 8. Five per centum of annual gross receipts to be paid to city.
¶ 9. Term of grant 25 years.
¶ 10. Notice of acceptance, and indemnity bond to be given.

¶ 1. An Ordinance Granting Permission to the Garfield Electric Light Company to Erect and Maintain Plants for Production of Light and Heat by Electricity, and for the Distribution of the Same Within Certain Territory. (Passed April 19, 1897.)

¶ 2. **Grant.**] Be it ordained by the city council of the city of Chicago: § 1. That under the conditions, and subject to the limitations hereinafter prescribed, permission and authority be and the same are hereby granted to the Garfield Electric Light Company, a corporation organized and existing under and by virtue of the laws of the state of Illinois, its successors and assigns, to erect, construct, maintain and operate a plant or plants for the production, transmission and distribution of electricity for the purpose of furnishing heat, light and power in, through, upon and under the streets, alleys and public ways of the city of Chicago, within the limits of the twelfth ward in said city, bounded as follows: Commencing at the intersection of Crawford avenue and west Twelfth street, thence east along west Twelfth street to Campbell avenue, thence north to west Taylor street, thence along west Taylor street to Paulina street, thence north along Paulina street to the intersection of Washington boulevard, thence west along Washington boulevard to California avenue, thence north on California avenue to Lake street, thence west and northwest along Lake street to the intersection of Crawford avenue, thence south along Crawford avenue to the intersection of west Twelfth street, or the place of beginning; provided, that said company is prohibited from furnishing power for the propelling of street cars or surface railways.

¶ 3. **Underground conduits as prescribed.**] § 2. The said company may in any or all of the streets or avenues, within the district above prescribed, place, maintain and operate lines of wires or other electrical conductors in underground conduits, which conduits shall be constructed under the supervision and to the satisfaction of the commissioner of public works, and said company shall at all times place and keep on file with the commissioner of public works plans showing the location of each conduit laid, and the number of ducts and wires in each conduit, and before laying any new conduit said company shall file with the said commissioner of public works a plan showing where each conduit is to be laid, location of manholes, or other openings to gain access to said conduits, and each cover for such openings shall have placed thereon the name of said company.

¶ 4. **Permits required, streets to be restored—deposit.**] § 3. Said company shall not construct any conduits, or string any wires, or in any way disturb the surface of any street, avenue or alley until it shall have procured a permit from the department of public works of said city for said work. And whenever said company shall make application in writing to such department for such permit or permits, and shall comply with the terms and conditions of this ordinance, it shall be the duty of such department to forthwith issue such permit or permits. Said company shall do no permanent injury to any street, avenue or alley, or in any manner unnecessarily interfere with any water pipe, sewer or gas pipe, telegraph or electric wires, cables or pipes which are now or may hereafter be laid by the city of Chicago, or

by any authorized company or corporation; and whenever said company shall open any street, alley or public way, or interfere with any sewer, gas pipe, cable, wire or conduit therein, the said street, alley or public way shall be restored forthwith to as good condition as it was before said opening, the said restoration to be made at the expense of the said company; and before it shall disturb the surface of any street or alley it shall deposit with the commissioner of public works a sum of money sufficient to pay for the restoration to as good a condition as the same was before being disturbed; which said sum of money so deposited shall be returned to said company by said commissioner as soon as said company shall have restored said street or alley as herein provided; and if said company shall neglect or refuse to restore such street or alley, then from and with the funds so deposited said commissioner shall cause the same to be done, and shall repay and refund the surplus, if any, to said company. Said company shall not permit any street, avenue, alley or public place to remain open or encumbered for a longer period than shall be necessary to execute the work for which the same shall have been opened, and it shall erect and place suitable and necessary barriers and lights so as to effectually prevent the happening of any accident in consequence of such opening or encumbering of such street, avenue or alley. It is expressly agreed and understood that the rights and privileges granted under this ordinance are subject to all the general ordinances of the city now in force or which may hereafter be passed.

¶ 5. **Subject to supervision of superintendent of city telegraph and to ordinances.**] § 4. All conductors and wires owned and operated under the provisions of this ordinance shall be properly insulated. And said conductors and wires shall be placed under the supervisions of, and in such manner as may be approved by the superintendent of city telegraph. And this ordinance is granted by the city of Chicago and accepted by said company with the express understanding and agreement that it is subject to all ordinances now in force or which may hereafter be passed concerning the removal of poles from the streets of the city and the placing of the wires thereon in underground conduits.

¶ 6. **Limitation of time for construction.**] § 5. Said company shall within three years from the passage of this ordinance erect, construct and have ready for operation a plant or plants, and in connection therewith have constructed underground conduits, the actual bona fide cost of which shall not be less than five thousand dollars.

¶ 7. **Rates and charges.**] § 6. Said company, its successors and assigns, shall not charge any private consumer a sum exceeding three-fourths of a cent per hour for each sixteen candle power light, or thirty-five cents for each sixteen-hundred-candle power arc light for the entire night; and it shall not charge more than the sum of forty

cents per horse power per twelve hours for all power furnished by it; and the charge for any other use or purpose shall be a reasonable one.

¶ 8. **Five per centum of annual gross receipts to be paid to city.**] § 7. The rights and privileges hereby granted are upon the express condition that the said company, its successors and assigns, shall from and after January 1st, 1899, pay to the city of Chicago a sum equal to five per cent of its annual gross receipts derived thereafter from all revenues within the territory covered by this ordinance from the operation of any plant or plants hereby authorized; said payment to be made to the city comptroller within thirty days after the expiration of each six months from said date, and each payment shall be accompanied by an affidavit subscribed and sworn to by the treasurer, or other duly authorized officer or agent of said company, to the effect that the amount of such payment is equal to five per cent of said company's gross receipts as required by this ordinance. The city comptroller shall, within a reasonable time after the filing of such affidavit, have the right to examine the books and accounts of said company for the purpose of verifying the correctness of the statements contained in such affidavit or affidavits accompanying such payments.

¶ 9. **Term of grant 25 years.**] § 8. The rights and privileges hereby granted by this ordinance are granted for the term of twenty-five years from and after the acceptance of this ordinance; and it is further expressly agreed that at the end of the said term of twenty-five years from and after the acceptance of this ordinance, the city of Chicago shall have the right to purchase the entire plant or plants of said company, and all its property and effects of every kind and nature within said city of Chicago, at an appraised value, which shall be ascertained and determined by three competent and disinterested appraisers, who shall have full access to all books, papers and other documents bearing on or appertaining to the subject, and shall be selected in the following manner, towit: One of said appraisers shall be appointed by the said city of Chicago, one by said company, and the two so selected shall select a third, and if said two appraisers can not agree upon a third, then such third appraiser shall be selected by the chief justice of the circuit court of Cook county, Illinois; and the said three appraisers so chosen shall within six months after the appointment of the last appraiser make report in writing of the values of the said property to said city of Chicago, and the said city of Chicago shall have the option at any time within six months after the receipt of said report, to purchase said plant or plants and property, together with all its appurtenances and equipment, at the aforesaid value so fixed by said appraisers.

¶ 10. **Notice of acceptance, and indemnity bond to be given.**] § 9. This ordinance shall not be in force as to said company until it shall have been accepted by it. Such acceptance to be made and notice thereof in writing filed with the city clerk within sixteen days

from the passage of the same; nor shall it be in force until said company shall have given and filed in the city clerk's office a good and sufficient bond, with sureties to be approved by the mayor of said city, in the penal sum of twenty thousand dollars, provided that said company shall well and truly pay, or cause to be paid, any and all damages that may accrue by delays in repairing, stringing, removing or laying its wires and conduits, and shall indemnify and save harmless the said city from any and all costs and expenses of every kind whatsoever, which may be recovered against said city in consequence of the neglect of said company or its authorized agents or servants, and will save and keep harmless the said city from any and all damages, loss or expenses caused by or incidental to the laying of said conduits and operation of said wires, and the maintenance thereof.

CHARLES F. HARTWIG AND EDWARD AHLSWEDE.

§ 27. Charles F. Hartwig and Edward Ahlswede.

¶ 1. Title and date of passage.
¶ 2. Permission to construct and maintain a line or lines of wires or other electric conductors.
¶ 3. Underground construction—permits.
¶ 4. Restoration of streets.
¶ 5. Indemnity clause.
¶ 6. Privileges not exclusive unless bond be given.
¶ 7. Liability not limited—subject to ordinances.
¶ 8. Extension of the system.
¶ 9. To light street intersections.
¶ 10. Compensation to the city—Acceptance.
¶ 11. Rights when forfeited.
¶ 12. The city may regulate rates and charges to consumers.
¶ 13. In force after acceptance in writing.

¶ 1. An Ordinance Granting Authority to Charles F. Hartwig and Edward Ahlswede to Construct and Maintain Electric Light Works Within Certain Territory. (Passed July 2, 1888.)

¶ 2. Grant—underground wires.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby granted to Charles F. Hartwig and Edward Ahlswede to construct and maintain in the streets and alleys, and with the consent of the adjacent property owners, in or under the sidewalks of that portion of the city of Chicago, bounded on the north by North avenue, on the west by Noble street ,on the south by Kinzie street, and on the east by Desplaines street, a line or lines of wires or other electric conductors, to be used for transmitting electricity for the purpose of furnishing light and power, said conductors to be placed in such parts

of said streets and alleys as shall be designated in the written permit hereinafter mentioned; provided, that in any street where the Chicago Sectional Electric Underground Company or any other conduit system has completed conduits, or may hereafter lay conduits, then said Chas. F. Hartwig and Edward Ahlswede, desiring to use such streets, shall lay their wires in such conduits, or in conduits of their own, and when said Chas. F. Hartwig and Edward Ahlswede shall build conduits of their own, they shall allow the wires or conductors of any other person or persons, company or corporation, to be placed in such conduits at an annual rental equal to that charged by any other conduit company. They shall permit the city of Chicago to use the conduits of said Chas. F. Hartwig and Edward Ahlswede free of cost to said city.

¶ 3. **Wires to be underground—permits.**] § 2. Where streets or alleys shall be crossed by connecting lines, wires or conductors, which are run under or in sidewalks, such lines, wires or conductors shall be laid as directed by the commissioner of public works. All such lines or wires shall be underground, properly insulated, and shall be constructed under the supervision and to the satisfaction of the commissioner of public works, or such other officer or department of the city government as hereafter designated by ordinance to perform the duties of such commissioner. No wires shall be laid unless a plat shall be filed with the commissioner of public works designating the streets, squares and alleys in which it is proposed to locate the same, and a plat of the circuit of wires completed shall be filed with the commissioner of public works before the same are used, and any change in the same shall be reported to the commissioner of public works.

¶ 4. **Restoration of streets.**] § 3. Said company shall do no permanent injury to any street or alley, or in any manner interfere with any water, sewer or gas pipe, telegraph or electric wires, cables or pipes which are now, or may hereafter be laid by the city of Chicago, or any authorized company or corporation, and when said company shall open ground in any street or alley, or shall lay its conductors under any sidewalk, or in any tunnel, it shall forthwith restore the street, alley or sidewalk, water pipe, sewer or gas pipe, to as good condition as before, at the expense of said company, and under the direction and supervision and to the satisfaction of the department of public works of said city; and if said company shall fail or refuse so to do, the same may be done by said city and the said company shall be liable for the cost thereof, and said company shall not make any excavation in any street, avenue or alley without first procuring a written permit for that purpose from the department of public works of said city, which permit shall specify the part of the street, alley or avenue where the conductor or conductors of said company shall be laid. When any excavation shall be made by said company in any street or alley, the foundation, boards or planks shall be removed without being cut,

unless such cutting shall be specially permitted by the department of public works of said city. The said company shall, upon notice from the department of public works of said city, forthwith remove or change any conductor which may be in the way or interfere with the construction or erection of any viaduct, public building or other public structure within said city.

¶ 5. **Indemnity clause.**] § 4. Said company shall be liable to and shall compensate the city of Chicago and pay any private individual, owner or owners, or parties interested in any property adjacent to any street, avenue or alley opened or injured by it, for all damages which may result, or by reason of such company having negligently opened, encumbered, protected or guarded any such street, avenue or alley in said city, or from or by reason of any negligence or fault on the part of said company in the exercise of any of the privileges granted by this ordinance.

¶ 6. **Privilege not exclusive unless bond be given.**] § 5. Nothing in this ordinance shall be construed as conferring any exclusive rights or privileges upon the company, and this ordinance shall not take effect until the company shall have executed a bond to the city of Chicago in the penal sum of $20,000, with sureties satisfactory to the mayor of said city, conditioned to pay to the city of Chicago the sum and sums of money hereinafter provided to be paid to said city, and to indemnify and to save harmless the city of Chicago of and from all damages which may accrue or which in any way may arise or grow out of the exercise by said company of the privileges herein granted, and said bond shall be executed and approved within sixty days from the passage of the ordinance.

¶ 7. **Liability not limited—subject to ordinances.**] § 6. The liability of such company to said city, or to any person or company who may be injured by the exercise by said company of any of the rights and privileges granted by this ordinance, shall not be limited by the penalty of said bond, nor shall the remedy against said company be confined by the said bond, it being understood that such remedy is merely cumulative, and that said city of Chicago and any person or persons shall have the same remedies against said company as it or they would or might have if no such bond were given. In case the duties of the department of public works shall be devolved by said city on any other department, or officer, the permits and licenses herein mentioned shall be applied for to such department or officer, and the duties herein prescribed to be performed by the commissioner of public works, or the department of public works, shall be performed by such other officer or department. Said company shall be subject to all general ordinances of the city now in force, or which may hereafter be passed in relation to companies laying pipes or conductors in the said city of Chicago.

¶ 8. **Extension of system.**] § 7. The said company shall

extend its conductors and supply electricity upon any street or streets within the territory hereinbefore described when ordered so to do by a majority of the city council; provided, however, that the company shall not be ordered to make such extensions upon any street or streets until consumers enough upon such street or streets to yield a net revenue of six per cent per annum upon the whole cost of such extension shall have petitioned the council for the same. The rights and privileges hereby granted shall at the expiration of twenty years from the passage of this ordinance absolutely cease and determine, it being the true meaning and intent of this ordinance to grant the said rights and privileges only for the term of twenty years from its passage.

¶ 9. **To light street intersections.**] § 8. Said company, if so requested by the city council or by the commissioner of public works, shall supply and maintain one electric arc light of 2,000 candle power each, at each street intersection throughout the territory over which its wires shall extend, at a price not to exceed cost of the same as produced by the city as may be agreed upon between the comptroller of the city of Chicago and the said company.

¶ 10. **Compensation to city—acceptance.**] § 9. This ordinance is passed upon the express agreement and understanding that the said company before availing itself of any of the rights and privileges granted by this ordinance shall file with the city clerk its acceptance of all the terms of this ordinance, and shall file with the comptroller of the city on the first day of January and July, of each year, a statement of the gross receipts of all the business of said company within the city of Chicago for the six months next preceding such statement, which statement shall be sworn to by the president or secretary of such company. And at the time of filing said statement the said company shall pay into the city treasury five (5) per cent on the amount of such gross receipt. Said semi-annual payments shall continue during the exercise of the rights and privileges granted in this ordinance.

¶ 11. **Rights forfeited, when.**] § 10. The said company shall not at any time lease, sell, transfer or assign the rights and privileges granted under this ordinance to any electric light company, nor shall the said company enter into any combination with any electric light company heretofore existing, or hereafter created, concerning prices to be charged for furnishing light and power, either to the city or private consumers, nor shall said company make any consolidation, transfer or division of the territory, streets or avenues of the city with any other electric light company or corporation, for the operation of and supplying of electricity for light and power. Any violations of the provisions of this ordinance shall authorize and entitle the city of Chicago to revoke and repeal the provisions of this ordinance.

¶ 12. **Power of city to regulate charges to consumers.**] § 11. And it is further agreed that the said ordinance is accepted by

said company upon the express condition that the city council of the city of Chicago shall have the power to regulate, control and determine the rate or rates that shall be charged to consumers for electric light and power furnished to the city and to the public. Such price to be determined by the cost of manufacture and a reasonable profit on the capital invested; provided, further, that the mayor of the city of Chicago shall have the power to appoint a person to represent the city interests on the board of directors of said company, should the city so elect, and the stockholders of said company shall agree to elect said appointee a director of said company.

¶ **13. When in force.**] § 12. This ordinance shall be in force and effect from and after its passage and its acceptance in writing by said company.

HYDE PARK ELECTRIC LIGHT AND POWER COMPANY.

§ 28. Hyde Park Electric Light and Power company.

¶ 1. Title and date of passage.
¶ 2. Permission to maintain one or more electric light works and to lay, repair, maintain and use one or more systems of electric conductors.
¶ 3. Grant for underground or overhead system.
¶ 4. Conditions.
¶ 5. Restoration of streets.
¶ 6. Permits—interference with the streets.
¶ 7. Indemnity clause.
¶ 8. Insulation—kind of poles to be used.
¶ 9. Use of its poles by other companies.
¶ 10. Charge to consumers.
¶ 11. Subject to ordinances.
¶ 12. Right of the city to use poles.
¶ 13. Duty of city officers.
¶ 14. In case of annexation.
¶ 15. Erection of plant.
¶ 16. When rights may be forfeited.
¶ 17. Indemnifying bond.
¶ 18. Acceptance, when in force.

¶ 1. An Ordinance Granting Rights and Privileges to Hyde Park Electric Light and Power Company in Certain Territory. (Passed February 19, 1889. Accepted April 16, 1889. Bond filed April 16, 1889.

¶ **2. Grant.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission and authority be and the same are hereby granted to the Hyde Park Electric Light and Power Company, a corporation organized under the laws of the state of Illinois, and its successors, to maintain one or more electric light works within the village of Hyde Park, and to erect, lay, re-

pair, maintain and use one or more systems of electrical conductors above or under ground in the streets, alleys, places, parks and public grounds of such village, in connection therewith for transmitting electricity for the purpose of furnishing light, motive power or heat by means thereof.

¶ 3. **Grant for underground and overhead system.**] § 2. That permission and authority be, and the same are hereby, granted to the Hyde Park Electric Light and Power Company to erect and maintain poles, wires and electric conductors, and to lay, maintain and use an underground system of conduits for the purpose of occupying and using the same for electrical conductors in the streets, alleys, places, parks and public grounds of the village of Hyde Park.

¶ 4. **Conditions.**] § 3. The foregoing privileges are granted to the Hyde Park Electric Light and Power Company upon the following conditions and with the following limitations and agreements, and the acceptance of this ordinance by the said Hyde Park Electric Light and Power Company shall constitute said conditions, limitations and agreements a binding contract upon the said company.

¶ 5. **Restoration of streets.**] § 4. The said company shall do no permanent injury to any highway, street, sidewalk, alley or public place, or shade tree, and shall not in any manner interfere with any water pipe, sewer or gas pipe, telegraph or electric wires, cables, conduits or pipes which are now or may be hereafter laid in said village of Hyde Park, except by the consent of duly authorized officers of said village; and when said company shall open ground in any highway, street, alley, or public place, or lay pipes, wires, or conductors under any sidewalk or viaduct, or expose any water pipe, sewer or gas pipe, said company shall put in proper signal lights, and shall forthwith restore the street, highway, alley, water pipe, sewer or gas pipe to as good condition as before, at its own expense, under the direction of the superintendent of public works or other authorized officer of said village, and within such time as he shall direct, and to the satisfaction of the board of trustees of said village, or the offices appointed or designated by said board, and said company, by the acceptance of this ordinance, further agrees to maintain such parts of said streets, alleys, places, parks and public grounds as may have been disturbed by said company for the period of one (1) year after their restoration in good repair and under the supervision and to the satisfaction of the superintendent of public works, and without expense to said village. And in case the said company shall refuse or neglect, for the period of five days after receiving notice in writing, from the superintendent of public works, or other authorized officer, to make such restoration or repair, then the same may be done by the proper village officers, and the expense thereof shall be paid by said company on demand by said village of Hyde Park, and the certificate of the superintendent of public works, or other authorized officer, that said work has been done under

his direction, and the amount of the cost thereof shall be conclusive upon said company.

¶ 6. **Permits—interference with streets.**] § 5. The said Hyde Park Electric Light and Power Company shall not make any excavation in any highway, street, alley, or public place, nor erect any poles, without first procuring a written permit for that purpose from the superintendent of public works, or other authorized officer of said village, which permit may specify in which part of the street, highway, alley or public place the said line or lines of wires, poles, conductors, or conduits shall be erected or laid. And no such permit shall be issued to make any excavation in any paved street for the purpose of laying any new lines of wires, conductors or conduits without permission, in each case, granted by the president and board of trustees of said village; and said company shall, upon notice from the superintendent of public works, or other proper officer, remove or change, at its own expense, any pole, wire, conductor, pipe or conduit which may be in the way of, or interfere with the public use of any street, or sidewalk, including the construction, erection or laying of any viaduct, sewer or water pipe, public building or other public structure within said village, and if not so done by said company such village officer may cause the same to be done at the expense of said company, and said company hereby agrees to pay for the same.

¶ 7. **Indemnity clause.**] § 6. Said company shall be liable to, and by the acceptance of this ordinance agrees to compensate, the village of Hyde Park, and any private individual, or any owner or owners or parties interested in any property adjacent to any highway, street, alley or public place, opened or injured by it, for all damage which may result from or by reason of said company having negligently opened, encumbered, protected or guarded any such highway, street, alley or public place in said village, or by reason of any negligence or fraud on the part of said company in the exercise of any privilege granted by this ordinance; and the said Hyde Park Electric Light and Power Company, by the acceptance of this ordinance, further agrees that it will save harmless the said village of Hyde Park and its successors from and against all damages or claims for damages, judgments and decrees which said village may suffer, or which may be recovered or obtained against said village, for or by reason of, or growing out of, or resulting from the passage of this ordinance, or the granting of the rights and privileges herein, or for any act or acts of the said company under or by virtue of the authority herein granted, or the failure, refusal or neglect of said company to perform each and every of the conditions provided in this ordinance.

¶ 8. **Insulation—style of poles.**] § 7. All lines of wire, conductors or conduits for the transmission of electricity shall be properly insulated, and when placed above the ground shall be supported upon substantial poles not less than six inches in diameter, and

not less than twenty-five feet in height, and not more than one hundred and eighty feet apart; provided, that said company may use metallic posts not less than fifteen feet in height for the support of electric lights on or along streets, but no wire crossing any street or alley shall be less than twenty feet from the ground.

¶ 9. **Use of poles by other companies.**] § 8. Said company shall, however, and it hereby agrees, to allow any other company, or the village of Hyde Park, or its successors, to place on any of its poles standing in any public street, or alley, wires for the conducting of electricity whenever requested by the board of trustees, and at such prices and upon such terms as may be named by said board of trustees; provided, however, that the same shall not interfere with the necessary and proper use thereof by said Hyde Park Electric Light and Power Company.

¶ 10. **Charge to consumers.**] § 9. Said company shall not charge its customers to exceed the sum of one cent per hour per sixteen candle power light, and all village service of light shall not exceed a like sum as charged to regular customers, with a discount thereon to said village of ten per cent.

¶ 11. **Subject to ordinances.**] § 10. Said Hyde Park Electric Light and Power Company shall abide by, and be subject to, all general ordinances of the village of Hyde Park, now in force, or which may be hereafter passed, regulating the putting up or maintenance of electric wires, conductors, poles, pipes or conduits.

¶ 12. **Right of city to use poles.**] § 11. Said Hyde Park Electric Light and Power Company, by the acceptance of this ordinance, further agrees to allow the village of Hyde Park to place wires belonging to the village and used for telephone, police or fire service, upon any of said company's poles, or in any of its conduits without further consideration than the passage of this ordinance.

¶ 13. **Duty of city officers.**] § 12. In case the duties herein prescribed to be performed by the superintendent of public works, or other authority, shall devolve upon any other department or officer, the same shall be performed by such other department or officer the same as though specifically mentioned herein.

¶ 14. **Provision in case of annexation.**] § 13. In case the village of Hyde Park shall change its form of government, or be divided or be united or annexed with or to any town, village or city, the municipal government, or governments succeeding to the rights and duties of the village of Hyde Park, shall be bound by and succeed to all the duties, rights, privileges and authority herein imposed upon or saved to the said village of Hyde Park.

¶ 15. **Erection of plant.**] § 14. This ordinance, and the rights and privileges herein granted, shall be void and forfeited unless

said company shall have its plant in operation so as to furnish electric light within one year after the passage of this ordinance.

¶ 16. **Rights forfeited, when.**] § 15. Any sale, transfer or yielding of the rights and privileges hereby granted, to any other corporation, company, trust or combination, without the express consent of the president and board of trustees of the village of Hyde Park, shall work an absolute forfeiture of all such rights and privileges.

¶ 17. **Indemnity bond.**] § 16. The rights and privileges hereby granted are granted upon the express condition that the said Hyde Park Electric Light and Power Company will enter into a bond with the village of Hyde Park, to be approved by the president and board of trustees of said village, with good and sufficient sureties, in the penal sum of twenty thousand ($20,000) dollars, conditioned to indemnify and save harmless said village against and from any and all damages or claims for damages, judgments, decrees, costs and expenses of the same,which said village of Hyde Park may suffer or which may be recovered or obtained against the said village for or by reason of the granting of the rights and privileges in this ordinance contained, or for or by reason of or growing out of, or resulting from the passage of this ordinance, or from any act or acts of the said company under or by virtue of the authority herein granted, or the failure, refusal or neglect of said company to perform each and every of the said conditions upon which this ordinance is granted; and it is hereby further provided that upon the recovery of any such final judgment or decree against said village, as aforesaid, said company shall immediately and without prior payment of such judgment or decree, by said village, be liable to pay and shall pay the amount or amounts thereof to said village, and the fact that said village may not have paid such judgment or decree shall constitute no defense on the part of said company; and it is hereby further expressly provided that in case of the failure on the part of the said the Hyde Park Electric Light and Power Company to perform any of the conditions or provisions of this ordinance, the said village of Hyde Park shall not be limited to an action upon the bond of the company, but may proceed at once against the said company in any suit or action at law or in equity which it may deem advisable or necessary, for the recovery of any money, damages, or costs which it may have sustained by reason of such breach or failure; and it is hereby further provided that the said the Hyde Park Electric Light and Power Company, its successors, shall renew said bond and the sureties thereon whenever and as often as the village of Hyde Park may desire or require.

¶ 18. **Acceptance of ordinance.**] § 17. The said company shall signify its acceptance of this grant or permission upon the terms, conditions and restrictions herein provided by filing with the clerk of the village of Hyde Park a written acceptance thereof, together with the bond herein provided for, and together with a certificate that

said company is duly incorporated, within sixty (60) days from the passage hereof.

HYDE PARK THOMSON-HOUSTON LIGHT COMPANY.

(Successors to Thomson-Houston Electric Company.)

§ 29. Hyde Park Thomson-Houston Light Company.

¶ 1. Title and date of passage.
¶ 2. Permission to maintain one or more electric light works within the village of Hyde Park, and to erect, lay, maintain and use one or more systems of electrical conductors either above or underground.
¶ 3. Grant for poles or wires.
¶ 4. Conditions and limitations.
¶ 5. Restoration of the streets.
¶ 6. Permits—control of the city.
¶ 7. Indemnity clause.
¶ 8. Insulation, poles how placed.
¶ 9. Other companies may use its poles.
¶ 10. Charges to consumers.
¶ 11. Subject to ordinances.
¶ 12. The municipality may use the poles free of charge.
¶ 13. Duty of city officers.
¶ 14. Rights in case of annexation.
¶ 15. Rights granted to lapse if plant be not in operation within two years.
¶ 16. Indemnity bond.
¶ 17. Erection of plant, cost, liquidated damages.
¶ 18. Acceptance, when in force.

¶ 1. An Ordinance Granting the Right and Privilege to Thomson-Houston Electric Company to Erect, Maintain and Operate an Electric Light Plant for the Purpose of Furnishing Light, Power and Heat Within Certain Territory. (Passed June 25, 1889. Assignment executed and filed in recorders' office September 10, 1891. B. 3657, p. 479. New bond filed July 13, 1896.

¶ 2. Grant for plant.] Be it ordained by the president and the board of trustees of the village of Hyde Park: § 1. That permission and authority be and the same are hereby granted to the Thomson-Houston Electric Company, a corporation organized under the laws of the state of Connecticut, and its successors and assigns, to maintain one or more eletcric light works within the village of Hyde Park, and to erect, lay, repair, maintain and use one or more systems of electrical conductors above or under ground in the streets, alleys, places, parks and public grounds of such village, in connection therewith, for transmitting electricity for the purpose of furnishing light, motive power or heat by means thereof.

¶ 3. Grant for poles and wires.] § 2. That permission and authority be and the same is hereby granted to the Thomson-Houston

Electric Company to erect and maintain poles, wires and electric conductors, and to lay, maintain and use an underground system of conduits for the purpose of occupying and using the same for electrical conductors in the streets, alleys, places, parks and public grounds of the village of Hyde Park.

¶ 4. **Conditions and limitations.**] § 3. The foregoing privileges are granted to the Thomson-Houston Electric Company upon the following conditions, and with the following limitations and agreements, and the acceptance of this ordinance by the Thomson-Houston Electric Company shall constitute said conditions, limitations and agreements a binding contract upon the said company.

¶ 5. **Restoration of streets.**] § 4. The said company shall do no permanent injury to any highway, street, sidewalk, alley or public place or shade tree, and shall not in any manner interfere with any water pipe, sewer or gas pipe, telegraph or electric wires, cables, conduits or pipes which are now or may be hereafter laid in said village of Hyde Park, except by the consent of duly authorized officers of said village; and when said company shall open ground in any highway, street, alley or public place, or lay pipes, wires or conductors under any sidewalk or viaduct, or expose any water pipes, sewers or gas pipes said company shall put in proper signal lights, and shall forthwith restore the street, highway, alley, water pipe, sewer or gas pipe to as good condition as before, at its own expense, under the directions of the superintendent of public works or other authorized officer of said village, and within such time as he shall direct and to the satisfaction of the board of trustees of said village, or the officer appointed or designated by said board; and the said company by the acceptance of this ordinance, further agrees to maintain such parts of said streets, alleys, places, parks and public grounds as may have been disturbed by said company for the period of one year after the restoration in good repair and under the supervision, and to the satisfaction, of the superintendent of public works and without expense to said village. And in case the said company shall refuse or neglect for the period of five days, after receiving notice in writing from the superintendent of public works or other authorized officer, to make such restoration or repair, then the same may be done by the proper village officers and the expense therof shall be paid by the said company on demand of said village of Hyde Park, and the certificate of the superintendent of public works, or other authorized officer, that said work has been done under his direction and the amount of the cost thereof, shall be conclusive upon said company.

¶ 6. **Permits for work—control of city.**] § 5. The said Thomson-Houston Electric Company shall not make any excavation in any highway, street, alley or public place, nor erect any poles without first procuring a written permit for that purpose from the superintendent of public works or other authorized officer of said village,

which permit may specify in which part of the street, highway, alley or public place the said line or lines of wires, poles, conductors or conduits shall be erected or laid. And no such permit shall be issued to make any excavation in any paved street for the purpose of laying any new line of wires, conductors or conduits without permission in each case, granted by the president and board of trustees of said village; and said company shall, upon notice from the superintendent of public works, or other proper officer, remove or change at its own expense any pole, wire, conductor, pipe or conduit which may be in the way of or interfere with the public use of any street or sidewalk, including the construction, erection or laying of any viaduct, sewer or water pipe, public building or other public structure within said village, and if not done by said company such village officer may cause the same to be done at the expense of said company, and said company hereby agrees to pay for the same.

¶ 7. **Indemnity clause.**] § 6. Said company shall be liable to and by the acceptance of this ordinance agrees to compensate the village of Hyde Park, and any private individual, or any owners or owner or parties interested in any property adjacent to any highway, street, alley or public place, opened or injured by it, for all damage which may result from or by reason of said company having negligently opened, incumbered, protected or guarded any such highway, street, alley or public place in said village, or by reason of any negligence or fraud on the part of said company in the exercise of any privilege granted by this ordinance, and the said Thomson-Houston Electric Company, by the acceptance of this ordinance, further agrees that it will save harmless the said village of Hyde Park and its successors from and against all damages, or claims for damages, judgments and decrees which said village may suffer, or which may be recovered or obtained against said village, for or by reason of or growing out of, or resulting from the passage of this ordinance, or for any act or acts of said company under or by virtue of the authority herein granted, or the failure, refusal or neglect of said company to perform each and every one of the conditions provided in this ordinance.

¶ 8. **Insulation—poles, how placed.**] § 7. All lines of wire, conductors or conduits for the transmission of electricity shall be properly insulated, and when placed above ground, shall be supported upon substantial poles not less than six inches in diameter, and not less than 25 feet in height, and not more than 180 feet apart; provided, that said company may use metallic posts not less than 15 feet in height for the support of electric lights on or along streets, but no wire crossing any street or alley shall be less than 25 feet from the ground.

¶ 9. **Other companies may use poles.**] § 8. Said company shall, however, and it hereby agrees to allow any other company of the village of Hyde Park, or its successors, to place on any of its poles standing in any public street or alley wires for the conducting of

electricity whenever requested by the board of trustees, and at such prices and upon such terms as may be named by said board of trustees; provided, however, that the same shall not interfere with the necessary and proper use thereof by said Thomson-Houston Electric Company.

¶ 10. **Charge to consumers.**] § 9. Said company shall not charge its customers to exceed the sum of one cent per hour per sixteen candle power light and all village service of light shall not exceed a like sum as charged to regular customers with a discount thereon to said village of ten per cent.

¶ 11. **Subject to ordinances.**] § 10. Said Thomson-Houston Electric Company shall abide by and be subject to all general ordinances of the village of Hyde Park now in force, or which may be hereafter passed, regulating the putting up or maintenance of electric wires, conductors, poles, pipes or conduits.

¶ 12. **City to use poles free of charge.**] § 11. Said Thomson-Houston Electric Company, by the acceptance of this ordinance, further agrees to allow the village of Hyde Park to place wires belonging to the village and used for telephone, police or fire service, upon any of said company's poles, or in any of its conduits without further consideration than the passage of this ordinance.

¶ 13. **Duty of city officers.**] § 12. In case the duties herein prescribed to be performed by the superintendent of public works, or other authority, shall devolve upon any other department or officer, the same shall be performed by such other department or officer the same as though specially mentioned herein.

¶ 14. **Rights not changed by annexation.**] § 13. In case the village of Hyde Park shall change its form of government, or be divided, or be united or annexed with, or to any town, village or city, the municipal government succeeding, or governments succeeding to the rights and duties of the village of Hyde Park shall be bound by and succeed to all the duties, rights, privileges and authority herein imposed upon or saved to the said village of Hyde Park.

¶ 15. **Forfeiture.**] § 14. This ordinance, and the rights and privileges herein granted, shall be void and forfeited unless said company shall have its plant in operation so as to furnish electric light within two years after the passage of this ordinance.

¶ 16. **Indemnity bond.**] § 15. The rights and privileges hereby granted are granted upon the express condition that the said Thomson-Houston Electric Company will enter into a bond with the village of Hyde Park, to be approved by the president and the board of trustees of said village, with good and sufficient sureties, in the penal sum of twenty thousand dollars, conditioned to indemnify and save harmless said village against and from any and all damages, or claims for damages, judgments, decrees, costs and expenses of the same which said village of Hyde Park may suffer, or which may be

recovered or obtained against the said village for or by reason of the granting of any of the rights and privileges in this ordinance, or from any act or acts of the said company under or by virtue of this authority herein granted, or the failure, refusal or neglect of said company to perform each and every of the said conditions upon which this ordinance is granted; and it is hereby further provided that, upon the recovery of any such final judgments or decrees against said village as aforesaid, said company shall immediately and without prior payment of such judgment or decrees, by said village, be liable to pay and shall pay the amount or amounts thereof to said village, and the fact that said village may not have paid said judgment or decree shall constitute no defense on the part of said company; and it is hereby further expressly provided that in case of the failure on the part of said Thomson-Houston Electric Company to perform any of the conditions or provisions of this ordinance, the said village of Hyde Park shall not be limited to an action upon the bond of the company, but may proceed at once against the said company in any suit or action at law or in equity which it may deem advisable or necessary for the recovery of any money damages or costs, which it may have sustained by reason of such breach or failure; and it is hereby further provided that the said Thomson-Houston Electric Company, its successors, shall renew said bond and the sureties thereon whenever and as often as the village of Hyde Park may desire or require.

¶ 17. **Erection of plant, cost — liquidated damages.**] § 16. The said Thomson-Houston Electric Company, by its acceptance of this ordinance, agrees to expend the sum of ten thousand ($10,000) dollars upon an electric plant, with the appliances, extensions and fixtures thereof within one year from the acceptance of this ordinance as hereinafter provided within the limits of the said village of Hyde Park, and that in case of its failure to so expend the said sum, if it shall accept this ordinance, that it will pay the sum of five thousand ($5,000) dollars as liquidated damages to said village or its successors, and that said company shall and will enter into a bond with the village of Hyde Park to be approved by the president and board of trustees of said village, with good and sufficient sureties, in the penal sum of ten thousand ($10,000) dollars, conditioned to pay the said sum of five thousand ($5,000) dollars, as liquidated damages, to the said village of Hyde Park, and its successors, in case said Thomson-Houston Electric Company shall neglect or fail to expend the said sum of ten thousand ($10,000) dollars within the time for the purposes in this section set forth.

¶ 18. **Acceptance.**] § 17. The said company shall signify its acceptance of this grant or permission upon the terms, conditions and restrictions herein provided by filing with the clerk of the village of Hyde Park a written acceptance thereof, together with the bond herein provided for and together with the certificate that the company is duly incorporated, within sixty days from the passage thereof.

LAKE ELECTRIC LIGHTING COMPANY.

§ 30. Lake Electric Lighting company.

¶ 1. Title and date of passage.
¶ 2. Permission to place, operate and maintain a system of electric conductors above or underground.
¶ 3. Restoration of streets.
¶ 4. Conditions and limitations.
¶ 5. In force from and after its passage and acceptance.

¶ 1. An Ordinance Granting Permission to the Lake Electric Lighting Company to Establish Electric Lighting System in Certain Territory. (Passed August 9, 1886.)

¶ 2. **Grant.**] Be it ordained by the board of trustees of the town of Lake: § 1. That permission and authority be and hereby is granted to the Lake Electric Lighting Company, its successors and assigns, to place, operate and maintain a system of electric conductors above and under ground in the streets, alley places and public grounds of the town of Lake; provided always, that the system of electric conductors shall be placed, operated and maintained in such manner and in such streets, alley places and public grounds only in said town of Lake, as may be directed by the engineer and superintendent of public works of said town of Lake.

¶ 3. **Restoration of Streets.**] § 2. Whenever, in the erecting, placing or lighting such electric conductors, it shall be found necessary to disturb any street, pavement, sidewalk, crosswalk, sewer, drain, water pipe or gas pipe, the same shall be restored to as good a condition as before disturbance, by and at the expense of the Electric Lighting Company, its successors and assigns, under the direction, and to the satisfaction, of the town authorities, and if said conductors shall be placed and maintained above ground, it shall be done in such a manner as not to interfere with the operation of any electric wires belonging or used by the said board of trustees of the town of Lake.

¶ 4. **Conditions of grant.**] § 3. The permission and authority hereby granted to the Lake Electric Lighting Company is upon the following express conditions:

First. The said Lake Electric Lighting Company, and its successors and assigns, shall and will forever indemnify and save harmless the town of Lake against and from any and all kinds of damages, judgments, decrees and expenses of every kind and nature whatsoever, which it may suffer or which may be recovered against it, the town of Lake, for and by reason of the granting of the privileges, authority and permission hereby granted, and from any damages, judgments, decrees, costs and expenses which may grow out of and result from the passage of this ordinance, or any matter or thing connected herewith, or with the exercise of the privileges, permissions and authority hereby granted, or from the acts of the said company, its successors and assigns, or by virtue of the privileges of the said ordinance.

Second. The said company, its successors and assigns, shall construct its work so as to transmit electricity for lighting purposes within two years from the date of the passage of this ordinance.

¶ 5. **Acceptance — when in force.**] § 4. This ordinance shall not be in force unless a written acceptance of the same by this company shall be filed with the town clerk within thirty days from the passage hereof.

§ 5. This ordinance shall take effect and be in force from and after its acceptance.

LAKE VIEW ELECTRIC LIGHT COMPANY.

§ 31. Lake View Electric Light company.

¶ 1. Title and date of passage.
¶ 2. Permission to construct, maintain and operate a line or lines of wire, or other electric conductors, for furnishing light.
¶ 3. Either overhead or underground construction may be used—rates.
¶ 4. Restoration of the streets.
¶ 5. Indemnity clause.
¶ 6. Erection of plant.
¶ 7. Indemnity bond.
¶ 8. Liability not limited—subject to ordinances—permits.
¶ 9. Extension of the system—term of grant 25 years.

¶ 1. AN ORDINANCE TO AUTHORIZE THE LAKE VIEW ELECTRIC LIGHT COMPANY TO CONSTRUCT, MAINTAIN AND OPERATE IN THE HIGHWAYS, STREETS, ALLEYS, SIDEWALKS AND PUBLIC GROUNDS OF THE TOWN OF LAKE VIEW, UNDER CERTAIN RESTRICTIONS, A LINE OR LINES OF WIRES OR OTHER ELECTRIC CONDUCTORS TO BE USED FOR TRANSMITTING ELECTRICITY FOR THE PURPOSE OF FURNISHING LIGHT. (Passed and Approved April 4, 1887. Accepted April 4, 1887. Bond filed April 16, 1887. Bond filed May 16, 1887.)

¶ 2. **Grant.**] Be it ordained by the board of trustees of the town of Lake View: § 1. The Lake View Electric Light Company (a corporation organized under and by virtue of the laws of Illinois, having its principal office in the town of Lake View), its successors and assigns, is hereby authorized to construct, maintain and operate in the highways, streets, alleys, sidewalks and public grounds of the town of Lake View, in all that portion of the said town south of the north line of Belmont avenue, including the whole of Clark street, Halsted street, Lincoln avenue and Evanston avenue, a line or lines of wires or other electric conductors, together with all necessary feeders, service wires and conductors to be used for transmitting electricity for the purpose of furnishing light, with the privilege of like authority to construct, maintain and operate in all other highways, streets, alleys, sidewalks and public grounds of the said town, a line or lines of wires

or other electric conductors to be likewise used for transmitting electricity for the purpose of furnishing light, whenever the said board of trustees may, by resolution or otherwise, so grant or permit.

¶ 3. **Underground wires—charges to consumers—overhead wires.**] § 2. All such line or lines (except when otherwise permitted by the said board of trustees) shall be underground, properly insulated and shall be constructed under the supervision and to the satisfaction of the board of trustees of the said town, or such agent, officer or department thereof as may be designated by ordinance, or otherwise, to perform said duties; but in constructing said lines under ground no excavation therefor shall exceed in width the space of two (2) feet; and the cost and charges for furnishing said light shall be at the following rates, towit: For a large, standard arc light not exceeding the sum of fifty (50) cents for each and every twelve (12) hours, and for all incandescent lights not exceeding the sum of twelve (12) cents for every twelve (12) hours; and no light shall be used until the same shall have been properly inspected, and a certificate thereof given by a competent electrician duly authorized by the said board of trustees or its designated agent or officer; and when not under ground such line or lines shall be constructed, maintained and operated with the least practicable obstruction to general traffic or public use—with wires stretched upon poles as far from each other as may be safe and convenient. The poles are to be of wood, neatly painted, with cross arms, and in diameter not exceeding twelve (12) inches at the base and six (6) inches at the top, in height not less than thirty (30) feet, in distance apart not nearer than one hundred and fifty (150) feet, unless necessary to lessen distances at intervals. The wires are not to exceed one-fourth of an inch in diameter, and are to be well fastened and stretched to insulators, all properly insulated and constructed under the supervision of the superintendent of public works or such officer or department as the board of trustees may designate.

¶ 4. **Restoration of streets—permits.**] § 3. Said company shall do no permanent injury to any highway, street, sidewalk, alley, avenue or public place or shade tree, or in any manner unnecessarily interfere with any water, sewer or gas pipe, telegraph or electric wires, cables or pipes which are now or may hereafter be laid by the town of Lake View, or any authorized company or corporation; and when said company shall open ground in any highway, street, avenue, alley or public place, or shall lay its conductors under any sidewalk, it shall forthwith restore the street, highway, avenue, alley, sidewalk or ground or water pipe, sewer or gas pipe, to as good condition as before, at the expense of said company, and under the direction and supervision and to the satisfaction of the superintendent of public works of said town; and if said company shall fail or refuse so to do, the same may be done by said town, and the said company shall be liable for the cost thereof; and said company shall not make any excavation in any highway,

street, avenue, alley or public place, without first procuring a written permit for that purpose from the superintendent of public works of said town, which permit shall specify the part of the street, sidewalk, alley, avenue or public place where the line or lines, conductor or conductors, of said company shall be laid. When any excavation shall be made by said company in any highway, street, alley or public place paved with wooden blocks, the foundation boards or planks, shall be removed without being cut, unless such cutting shall be specially permitted by the superintendent of public works of said town. The said company shall upon notice from the superintendent of public works of said town forthwith remove or change any conductor which may be in the way of or interfere with the construction or erection of any viaduct, public building or other public structure within said town.

¶ 5. **Indemnity clause.**] § 4. Said company shall be liable to and shall compensate the town of Lake View, and pay any private individual, owner or owners, or parties interested in any property adjacent to any highway, street, avenue, alley or public place, opened or injured by them, for all damages which may result from or by reason of such company having negligently opened, encumbered, protected or guarded any such highway, street, avenue or public place in said town, or from or by reason of any negligence or fault on the part of said company, in the exercise of any of the privileges granted by this ordinance.

¶ 6. **Erection of plant.**] § 5. Nothing in this ordinance shall be construed as conferring any exclusive rights or privileges upon the Lake View Electric Light Company, and unless said company shall within ninety (90) days after the approval of the bond hereinafter provided for, in good faith, commence the construction hereby authorized, then and in that case all rights and privileges therein granted shall absolutely cease and determine.

¶ 7. **Indemnity bond.**] § 6. This ordinance shall not take effect until the Lake View Electric Light Company shall have executed a bond to the town of Lake View, in the penal sum of twenty thousand ($20,000) dollars, with sureties satisfactory to the board of trustees of said town, conditioned to indemnify and save harmless the town of Lake View of and from all damages which may accrue, or which in any way may arise or grow out of the exercise by said Lake View Electric Light Company of the privileges herein granted; and the said bond shall be executed and approved within sixty (60) days from the passage of this ordinance; and the execution of said bond by the said company as aforesaid, and its delivery to and approval by the said board of trustees shall thenceforth authorize the said company to exercise all and singular the rights, privileges and franchises hereby granted.

¶ 8. **Liability not limited — permits how granted—subject to ordinances.**] § 7. The liability of such company to said town,

or to any person who may be injured by the exercise by said company of any of the rights and privileges hereby granted, shall not be limited by the penalty of said bonds, nor shall the remedy against said company be confined to the said bond, it being understood that said remedy is merely cumulative, and that said town of Lake View, and any person or persons shall have the same remedies against said company as it or they would or might have if no such bond were given.

In case the duties herein prescribed to be performed by the superintendent of public works or other authority, shall be devolved on any other department or officer, the permits and licenses herein mentioned shall be applied for to such department or officer, and the duties herein prescribed to be performed by the superintendent of public works or other authority, shall be performed by such other officer or department. No change in the government of the said town of Lake View to a city, organization or otherwise, shall in any manner affect or impair the rights, privileges and franchises hereby granted; but the same all and singular shall be and remain forever in full force, virtue and effect as if no such change had ever been made; and the rights and duties herein granted or imposed upon the board of trutees of said town, shall in case said town shall be organized into a city under the general law be exercised and devolve upon the city council. Said company shall be subject to all general ordinances of the town now in force or which may hereafter be passed in relation to companies or persons laying pipes or conductors in the said town of Lake View.

¶ 9. **Extension of system — term of grant.**] § 8. The Lake View Electric Light Company shall extend its conductors and supply electricity upon any street or streets, when ordered so to do by a majority vote of board of trustees of said town; provided, however, that the company shall not be ordered to make such extension, or furnish or supply, until consumers enough upon such highway or highways, street or streets, to yield a net revenue of six per cent per annum upon the whole cost of such extension, shall have petitioned the board of trustees for the same. The rights and privileges hereby granted shall at the expiration of twenty-five (25) years, from the passage of this ordinance absolutely cease and determine, it being the true meaning and intent of this ordinance to grant the said rights and privileges only for the term of twenty-five (25) years from its passage.

BUTLER LOWRY.

§ 32. Lowry, Butler.

¶ 1. Title and date of passage.
¶ 2. Permission—erecting and maintaining a line or lines of wires for carrying electricity for illuminating, heating and mechanical purposes within the corporate limits of Norwood Park.
¶ 3. Rates to the municipality.
¶ 4. Rebates to the city and to consumers.
¶ 5. Charges or rates to consumers.
¶ 6. Right to shut off light during repairs.
¶ 7. When rights may become forfeited.
¶ 8. Erection of the plant.
¶ 9. Indemnity clause.
¶ 10. Obstruction of the streets.
¶ 11. Acceptance—when in force.
¶ 12. Grantee to make rules and regulations.
¶ 13. Acceptance and bond.

¶ 1. An Ordinance Granting Rights to Butler Lowry to Construct, Maintain and Operate an Electric Plant and Distribute Electricity for Illuminating, Heating and Mechanical Purposes in Certain Territory. (Passed November 6, 1893. Acceptance and bond filed November 11, 1893.

¶ 2. **Grant.**] Be it ordained by the president and board of trustees of the village of Norwood Park, county of Cook and state of Illinois: § 1. That Butler Lowry, or his heirs, or assigns are hereby granted the right and privilege of erecting poles, or standards and in connection therewith a line or lines of a single wire or wires, or other electrical conductors, connections and fixtures within the corporate limits of said village of Norwood Park for the purpose of conveying and conducting electricity for illuminating, heating and mechanical purposes. The board of trustees hereby reserve the right to decide as to the kind of poles or standards to be used.

¶ 3. **Rate to city.**] § 2. That the rate to be charged by said Butler Lowry, or his assigns, for furnishing electric light for the purpose of illuminating the streets of said village of Norwood Park, shall not exceed five (5) cents for each thirty-two (32) candle power incandescent lamp, and six (6) cents for each fifty (50) candle power incandescent lamp and twenty (20) cents for each one thousand (1,000) candlepower arc light per night, all lights to burn during the hours of darkness nightly; and such lights are to be placed in such numbers and at such places in said village, and from time to time as said village of Norwood Park shall direct, and no light shall be placed in any of the public streets of said village, or upon any of the property under the supervision of said village, without the consent of said village for that purpose first had and obtained. The light shall in all respects be equal in quality to the average of other electric lights of like power.

¶ 4. **Rebate to city and consumers.**] § 3. A rebate pro-

portionate to the amount of such lights shall be allowed said village and private consumers for every night such light be not furnished.

¶ 5. **Charge to consumers.**] § 4. The cost of such incandescent lamp of sixteen (16) candle power for private consumption shall not exceed one (1) cent per hour of actual use, meter measure.

¶ 6. **Right to shut off light during repairs.**] § 5. In the event of making repairs or of the construction of additional new works, the said Butler Lowry, or his assigns, shall have the right to shut off the electric light, or power, upon giving reasonable notice to customers, it being understood that such necessary repairs be expedited as much as is consistent with a proper performance of the work, not exceeding ten days.

¶ 7. **Rights forfeited, when.**] § 6. Should Butler Lowry, or his assigns, after the furnishing of said lights as by this ordinance provided from any cause fail to continue said lighting of the kind and in the manner aforesaid, and such failure shall continue for thirty (30) consecutive days, except in case the plant be destroyed by fire or other cause, in which case ninety (90) days shall be allowed, then and in that case it shall be lawful for, and the right is hereby reserved to the village of Norwood Park to declare all rights, power and privilege under this ordinance vesting in the said Butler Lowry, or his assigns, as by him and them abandoned and surrendered, and upon the same being so declared by said village, all such lights, powers and privileges so vesting in the said Butler Lowry, or his assigns, shall forever thereafter cease and be held for naught.

¶ 8. **Erection of plant.**] § 7. All rights and privileges hereby granted to said Butler Lowry, or his assigns, shall be forfeited unless a plant for supplying electric light and power aforesaid shall have been erected hereunder and be in operation within one (1) year after the passage of this ordinance.

¶ 9. **Indemnity clause.**] § 8. The said Butler Lowry, or his assigns, shall hold and save harmless said village of Norwood Park, from any and all costs, expense and damage resulting from negligence in exercising or attempting to exercise any rights hereby given, and from all damage that may arise to owners of property by reason thereof.

¶ 10. **Obstruction of streets.**] § 9. In the erection of said poles, or standards, and wires and other electrical connections, fixtures or other appliances used in connection with such lights, the said Butler Lowry, or his assigns shall at all times erect and keep the same in such condition that no impediment or obstruction shall be occasioned to the free and safe passage of persons and vehicles, and all excavations or openings made in connection with such lighting shall have suitable danger signals.

¶ 11. **When in force — acceptance.**] § 10. This ordinance

shall be in force from and after its passage and a written acceptance of the same by said Butler Lowry, or his assigns.

¶ 12. **Grantee to make rules and regulations.**] § 11. The right is hereby given Butler Lowry, or his assigns, to make and enforce all reasonable rules and regulations not inconsistent with law for supplying electric light.

¶ 13. **Acceptance and bond.**] § 12. Unless the said Butler Lowry, or his assigns shall, within twenty (20) days after its passage and approval file with the village his written acceptance of the ordinance, with an acceptable bond of five thousand ($5,000) dollars, then this shall be null and void.

ROBERT C. MILLER.

§ 33. Miller, Robert C.

¶ 1. Title and date of passage.
¶ 2. Permission—underground conduits for light and power on both sides of North avenue from California avenue to Western avenue.
¶ 3. Subject to all ordinances.
¶ 4. Restoration of streets.
¶ 5. Acceptance and indemnity bond.
¶ 6. In force from and after acceptance and bond filed, duly approved.

¶ 1. An Ordinance Authorizing Robert C. Miller to Construct Underground Conduit for Electric Wires for Light and Power in North Avenue. (Passed January 4, 1897.)

¶ 2. **Grant.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same is hereby given to Robert C. Miller to put in underground conduit for putting in electric wires for light and power on both sides of North avenue, from California avenue to Western avenue; provided, that the grant of this ordinance shall extend to and cease at the end of twenty (20) years from the passage hereof.

¶ 3. **Subject to all ordinances.**] § 2. Said electric wires shall be operated and maintained subject to all the ordinances of the city of Chicago applicable thereto.

¶ 4. **Restoration of streets.**] § 3. It shall be and is hereby made the duty of the said Robert C. Miller, whenever he shall be about to disturb the surface of any street or alley for the purpose of repairing or relaying said wires, to obtain a permit therefor from the commissioner of public works and to deposit with the said commissioner of public works a sum of money sufficient to pay for the restoration of the

said streets to as good a condition as the same was before being disturbed, which said sum of money shall be returned to the said Robert C. Miller by the said commissioner of public works as soon as the said Robert C. Miller shall have restored said streets to such condition to the satisfaction of the said commissioner.

¶ 5. **Acceptance and indemnity bond.**] § 4. Said Robert C. Miller shall not be entitled to any of the rights or privileges granted by this ordinance until he shall file with the city clerk an acceptance thereof in writing and shall also file a bond in the sum of five thousand dollars to be approved by the mayor, with one or more good and sufficient securities, conditioned to indemnify and save harmless the city of Chicago from any and all expenses, costs, loss, damages, charges of liabalities in any way arising from or growing out of the provisions of this ordinance or out of the exercise of the rights and privileges hereby conferred upon the said Robert C. Miller, said acceptance and bond to be filed within thirty days from and after the passage of this ordinance.

¶ 6. **When in force.**] § 5. This ordinance shall be in force and in effect from and after its passage and upon the filing of the said acceptance and bond as hereinbefore provided.

§ *33. Miller, Robert C. Additional ordinance.

¶ 1. Title and date of passage.
¶ 2. Permission to put in and maintain conduits for wires, etc., within designated limits.
¶ 3. Subject to ordinances.
¶ 4. Notice to the city when about to disturb any street.
¶ 5. Acceptance and bond.
¶ 6. When in force.

¶ 1. Ordinance Granting Permission to Robert C. Miller to Lay Wires and Conduits in District Between North Fairfield and North California Avenues, West North Avenue and Bloomingdale Road and East to Milwaukee Avenue. (Passed April 8, 1897. Accepted April 12, 1897.)

¶ 2. **Grant—term 20 years.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same is hereby given to Robert C. Miller, his heirs and assigns, to put in underground conduits for putting in electric wires for lights and power in the alley between North Fairfield avenue and North California avenue, from West North avenue to Bloomingdale road, thence east on Bloomingdale road to Milwaukee avenue, thence northwesterly on both sides of Milwaukee avenue to the west side of North California avenue, for a term of twenty years.

¶ 3. **Subject to ordinances.**] § 2. Said electric wires shall be operated and maintained subject to all the ordinances of the city of Chicago applicable thereto.

¶ 4. **Notice to city when about to disturb streets.**] § 3. It shall be and is hereby made the duty of the said Robert C. Miller, whenever he shall be about to disturb the surface of any street or alley

for the purpose of repairing or relaying said wires, to obtain a permit therefor from the commissioner of public works, and to deposit with the said commissioner of public works a sum of money sufficient to pay for the restoration of the said streets to as good a condition as the same was before being disturbed, which said sum of money shall be returned to the said Robert C. Miller by the said commissioner of public works as soon as the said Robert C. Miller shall have restored said streets to such condition to the satisfaction of the said commissioner.

¶ 5. **Acceptance and bond.**] § 4. Said Robert C. Miller shall not be entitled to any of the rights or privileges granted by this ordinance until he shall file with the city clerk an acceptance thereof in writing and shall also file a bond in the sum of five thousand dollars to be approved by the mayor with one or more good and sufficient securities conditioned to indemnify and save harmless the city of Chicago from any and all expenses, costs, loss, damages, charges or liabilities in any way arising from or growing out of the provisions of this ordinance or out of the exercise of the rights and privileges hereby conferred upon the said Robert C. Miller, said acceptance and bond to be filed within thirty days from and after the passage of this ordinance.

¶ 6. **When in force.**] § 5. This ordinance shall be enforced and in effect from and after its passage and upon the filing of the said acceptance and bond as hereinbefore provided.

MUTUAL ELECTRIC LIGHT AND POWER COMPANY.

§ 34. Mutual Electric Light and Power company.

¶ 1. Title and date of passage.
¶ 2. Permission to erect and operate a plant for the transmission of electric light, power and heat.
¶ 3. Term of the grant 20 years.
¶ 4. Erection of the plant and the cost thereof.
¶ 5. Enlargement of the plant.
¶ 6. Kind of poles to be used and where the same are to be located.
¶ 7. Permits for work to be obtained.
¶ 8. Reservation of rights and powers.
¶ 9. Restoration of the streets.
¶ 10. Change or removal of its poles.
¶ 11. Compensation to the city.
¶ 12. Overhead wires to be guarded.
¶ 13. Underground system, how to be constructed.
¶ 14. Joint use of poles.
¶ 15. Rights when forfeited.
¶ 16. Acceptance, bond or cash deposit.
¶ 17. Cash deposit.
¶ 18. When to take effect.

¶ 1. An Ordinance Granting Permission to the Mutual Electric Light and Power Company to Erect and Operate a Plant for the Transmission of Electric Light, Power and Heat in Certain Territory. (Passed March 19, 1894. Accepted May 14, 1894.)

¶ 2. Grant for electric light plant—territory.] Be it ordained by the city council of the city of Chicago: § 1. That, under the conditions and with the limitations hereinafter prescribed, permission and authority be, and the same hereby are, granted to the Mutual Electric Light and Power Company of Chicago, a corporation of the state of Illinois, to erect and operate a plant for the transmission of electric light, power and heat, in, through or over the streets, alleys and public ways of that part of the city of Chicago which lies south of the center line of Thirty-ninth street and of said street extended west to the city limits, and west of the center line of State street, within the present limits of said city; provided, that said company is prohibited from furnishing power for the propelling of street cars or surface railways. Said company may erect, maintain and use poles, wires and electrical conductors in that part of the territory above mentioned lying south of the north line of Sixty-first street and west of the east line of Halsted street. No poles shall be erected or used north of Sixty-first street and east of Halsted street, but all wires and systems of electrical conductors north of Sixty-first and east of Halsted street shall be placed under ground and only one conduit not exceeding one foot in diameter shall be used.

¶ 3. Term of grant.] § 2. The rights and privileges hereby granted shall expire at the end of twenty years from and after the passage of this ordinance.

¶ 4. Erection of plant—cost—liquidated damages.] § 3. Said company shall, within one year from the passage of this ordinance, erect, construct and have ready for operation a plant, the actual bona fide cost of which shall be not less than forty thousand dollars ($40,000), and which shall have the capacity of furnishing electric light for not less than 350 arc lights. In case said company shall fail to complete such plant within said time, it shall pay to the city of Chicago the sum of ten thousand dollars ($10,000), as liquidated damages.

¶ 5. Enlargement of plant.] § 4. Said company shall, also, with 5 years from the passage of this ordinance, enlarge its plant so as to be able to furnish electric light at any place within the territory for which the privileges conferred by this ordinance are granted.

¶ 6. Location of poles.] § 5. All poles to be erected under the provisions of this ordinance shall be cedar poles not less than 30 feet high and of such shape as may be approved by the commissioner of public works. Said poles and said conduits shall be placed in the alleys and not in the streets, except that in cases where the commissioner of public works shall be of the opinion that it is not practicable

to place the same in the alley or alleys he may permit the erection of such poles or the laying of such conduits in the streets so far as may be absolutely necessary, but no street or alley shall be unnecessarily incumbered or obstructed by the erection or maintenance of said poles, or by the suspension or maintenance of said electrical wires or conductors, or by the laying or maintenace of the said conduits.

¶ 7. **Reservation of powers.**] § 6. The city council of the city of Chicago may direct any change in respect to the location of the said poles, conductors and wires erected under the authority hereby given and order such conductors and wires to be placed underground; and, in case said company shall fail to comply with the terms of any such order or ordinance, within three months from the passage thereof, all the privileges herein and hereby granted to said company shall, on account of such default, absolutely cease and determine.

¶ 8. **Permits for work in streets.**] § 7. Said company shall not erect any pole or do any other work in any of said public streets or alleys or, in any way, disturb the surface thereof without first receiving from the commissioner of public works a permit therefor.

¶ 9. **Restoration of streets.**] § 8. The said company shall not in any manner interfere with any sewers, pipes, cables, wires or conduits which are now laid in any of said streets, alleys and public ways, except by the consent of the commissioner of public works of said city; and, whenever said company shall open any street, alley or public way, or interfere with any sewer pipe, cable, wire or conduit therein, the same shall be forthwith restored to as good condition as before such opening, disturbance or interference by and at the expense of said company and under the direction and to the satisfaction of the commissioner of public works; and in case said company shall fail to make such restoration, the same may be done by said city and said company shall be liable to the city for the cost thereof.

¶ 10. **Change or removal of poles.**] § 9. The said company shall, upon two days written notice from the commissioner of public works, remove or change, without cost to said city, any pole, wire, conductor, or conduit which in the judgment of the commissioner of public works may interfere with the public use of any street, alley or public way, and in case said company shall fail to make such removal or change, then the commissioner of public works may cause such pole or conduit to be summarily removed under his supervision, and neither the city nor the commissioner nor any of the subordinates shall be liable for any damages on account of injury or harm done to said poles, wires, conductors, conduits or other appliances of said company, and said company shall hold the city harmless from any damages which might be recovered against the city or which it might have to pay in consequence of the exercise by it of the powers herein reserved.

¶ **11. Compensation to city — charge to consumers.**] § 10. Said company shall not charge any private consumer a sum exceeding one cent per hour for each sixteen (16) candle power light. Said company shall not charge more than ten dollars and fifty cents ($10.50) per month for each arc light of sixteen (16) hundred candle power, when such arc light is operated during the entire night, and the maximum charge for each of such arc light when the same is operated until 12:30 o'clock a. m., shall not exceed seven dollars ($7.00) per month, and when the same is operated not later than 10:30 o'clock p. m., shall not exceed five dollars and fifty cents ($5.50) per month. Said company shall, on the first day of January of each year, pay in to the city treasury of the city of Chicago a percentage of its gross receipts for the next preceding year as follows: 3 per cent during the first ten years from the passage of this ordinance and five per cent during the following ten years. The light furnished to said city of Chicago by said company shall be furnished for the rates above named with a discount to said city of ten per cent.

¶ **12. Overhead wires—guard wires.**] § 11. All overhead conductors used by the said company shall be protected by guard wires or other suitable mechanical device or devices, as may be directed by the superintendent of city telegraph. All poles, wires and cables, to be placed by said company in pursuance of this ordinance, shall be placed under the supervision of and in such manner as may be approved by the superintendent of city telegraph.

¶ **13. Underground system.**] § 12. Wherever the city of Chicago now maintains overhead wires, cables, conductors and poles for fire and police alarm and other municipal electric service on or crossing streets upon which the said company shall operate overhead conductors in accordance with provisions of this ordinance, the superintendent of city telegraph may cause to be placed underground suitable pipes and conduits to replace said cables.wires and conductors and may cause the city aerial wires and poles to be removed from said street. And the said company shall pay all the costs of said work.

¶ **14. Joint user of poles.**] § 13. Said company may, with the consent of the commissioner of public works, place its wires and conductors upon the poles or supports adapted to that purpose, belonging to any other corporation with whom it may arrange for that purpose, now located or which may hereafter be located in any of said streets. Said city of Chicago shall have the right to place wires belonging to and used by said city for telephone, police or fire service, or city electric lighting, upon any of the poles or in any of the conduits of said company, without any other consideration than the passage of this ordinance. Said company shall, also, permit any other party or parties which may in the future obtain from the city council of the city of Chicago, a license, in the exercise of which poles or conduits shall be nec-

essary, to use the poles and conduits to be erected or laid by virtue of this ordinance, if said council should so direct, upon such fair and equitable terms as may be agreed upon between the Mutual Electric Light and Power Company and such other party or parties and, in the event of a disagreement as to such terms, the same shall be settled by three disinterested arbitrators, one to be chosen by the Mutual Electric Light and Power Company, one by such other party and the third to be agreed upon by the two thus chosen.

¶ **15. Rights forfeited, when.**] § 14. The said company shall not, at any time, lease, sell, transfer or assign the rights and privileges granted under this ordinance to any other person or corporation, nor shall the said company enter into any combination with any other person, corporation or company, heretofore existing or hereafter created, concerning prices to be charged for furnishing light, heating, power or signals, either to the city or private consumers, nor shall said company make any consolidation, transfer or division of the territory, streets or avenues of the said city with any other corporation, person or company for light and power. And if, at any time, a controlling interest in said company should be acquired by any person or combination of persons, or by a company or member of firm operating another plant for transmitting electric light, heat or power for hire within the city of Chicago, or by any person or company or member of a firm or combination of persons owning a controlling interest in another company operating such a plant, or if by any means or methods whatsoever the stock in said company shall be held, owned or controlled in such a way as to effect, practically or virtually, a consolidation or combination or trust arrangement of any kind of said company with any other person, firm or company operating a like or similar plant in the city of Chicago, then the privileges granted by this ordinance shall be null and void. Any other violation of the provisions of this ordinance shall likewise authorize and entitle the city of Chicago to revoke and repeal the provisions of this ordinance.

¶ **16. Acceptance — bond — cash deposit.**] § 15. Said company shall not be entitled to any of the rights or privileges by this ordinance granted and conferred, unless the said company shall file, with the city clerk of said city, its written acceptance of this ordinance, within sixty days after its passage, and shall, within the same time, execute and file with said city clerk a bond in the penal sum of forty thousand dollars ($40,000), with sufficient sureties to be approved by the mayor of Chicago, conditioned upon the faithful performance and observance by said company of all the provisions and conditions of this ordinance and, further conditioned, to indemnify and save harmless the city of Chicago from all damages which may be occasioned, or arise, or grow out of the exercise by said company of any of the rights or powers herein reserved; but, the liability of said company to said city or to any person who may be injured by the exercise of any of said

rights or privileges, shall not be limited by the penalty of the bond herein required, nor shall such remedy be confined to such bond, and said city and any such person shall have the same remedies against said company as they severally would or might have if no such bond were given. Said bond shall constitute a continuing liability and shall not cease to be in force for the full amount of the penalty named therein after any recovery or recoveries by virtue thereof. Nor shall any of the privileges granted by this ordinance be exercised by said company, unless the same shall within sixty days from the passage of this ordinance, deposit with the treasurer of the city of Chicago ten thousand dollars ($10.000) in cash, or bonds issued by the city of Chicago of the par value of $10,000, as additional security for the performance of the conditions of this ordinance, which sum of money or bonds shall be returned to said company after the same shall have complied with the requirements contained in section 3 of this ordinance, and shall have strung not less than 20 miles of wire and laid not less than 2 miles of conduits, ready for use in the transmission of electric light, in pursuance of this ordinance.

¶ **17. Cash deposit.**] § 16. That said company shall, also, at the time of the filing of the bond herein provided for, deposit with the city treasurer of the city of Chicago the sum of one thousand dollars ($1,000) and shall, at all times during the term of this ordinance, maintain such deposit up to the sum of one thousand dollars and whenever the city of Chicago shall be put to any expense under or by virtue of the provisions of this ordinance the commissioner of public works shall certify the same to the city comptroller, who shall thereupon draw said amount so certified out of and from said deposit of one thousand dollars, and notify the said company.

¶ **18. When to take effect.**] § 17. This ordinance shall be in force and effect from and after its acceptance and filing of the bond and the making of the deposits as herein provided for.

PEOPLES' ELECTRIC LIGHT AND MOTOR POWER COMPANY.

§ 35. Peoples' Electric Light and Motor Power company.

¶ 1. Title and date of passage.
¶ 2. Permission to construct, operate and maintain electric light works within the town of Lake with one or more lines of wire or other electric conductors for transmitting electricity for light, power and heat.
¶ 3. Insulation—overhead and underground construction.
¶ 4. Service pipes, charge for.

¶ 5. Restoration of streets—permits.
¶ 6. Indemnity clause.
¶ 7. Acceptance and bond.
¶ 8. Duties of city officers.
¶ 9. Charges to consumers and to the city.
¶ 10. Rights extend to successors.
¶ 11. In force when company accepts conditions.

¶ 1. An Ordinance Granting Privileges to the Peoples' Electric Light and Motor Power Company to Maintain and Operate Electric Light Works for the Purpose of Furnishing Light and Power in Certain Territory. (Passed April 5, 1888. Accepted June 25, 1889.)

¶ 2. **Grant.**] Be it ordained by the president and board of trustees of the town of Lake: § 1. Permission and authority are hereby granted to the People's Electric Light and Motor Power Company to construct, operate and maintain electric light works within the town of Lake, with the right-of-way along, upon and under all the avenues, streets, alleys and public places within said town, for the purpose of placing, operating, maintaining, and replacing one or more lines of wire or other electric conductors or conduits and all necessary feeders, service pipes, service wires, conductors or conduits in connection therewith to be used for transmitting electricity for the purpose of lighting or motor power.

¶ 3. **Insulation — underground wires — overhead construction.**] § 2. All lines of wire, conductors or conduits for the transmission of electricity shall be properly insulated, and when directed by the board of trustees, shall be underground in all places except in those parts of alleys which are more than fifty feet from the building line at the intersection of the streets with said alleys; and in the construction of said line or lines underground, no excavations therefor shall exceed in width the space of two feet; and in constructing such lines above ground and in those parts of the streets and alleys in which under this ordinance the location of the wires above ground is permitted, said wires or conductors shall be properly insulated and supported upon substantial poles not less than six inches in diameter at the small end and thirty feet in length with five feet in the ground, well tamped. Said poles not to be more than one hundred and fifty feet apart.

¶ 4. **Service pipes — charge for.**] § 3. In laying main pipes for conducting wires underground in the streets which are paved, said grantee shall at the same time lay all feeders and service pipes to the curb line of the street to connect with each building lot along the line of said line of pipe, and the charge to any person desiring to connect with such feeder, or service pipe, shall not exceed the sum of thirty cents per foot for such feeder or service pipe.

¶ 5. **Restoration of streets — permits.**] § 4. The said grantee shall do no permanent injury to any highway, street, sidewalk, alley or public place, or shade trees, nor shall it in any man-

ner interfere with any water or sewer pipes which may now or may be hereafter, laid by the town of Lake, except by the consent of duly authorized officers of said town; and when said grantee shall open ground in any highway, street, avenue, alley or public place, or lay pipes, wires or conductors under any sidewalk or expose any viaduct, sewer or gas pipe, said grantee shall put up proper signal lights and shall forthwith restore the street, highway, avenue, alley, water pipe, sewer or gas pipe to as good condition as before, at its own expense, under the direction of the superintendent of public works or other authorized officer, and to the satisfaction of the board of trustees of said town, or the officer appointed or designated by said board; and if said grantee shall neglect or refuse so to do, the same may be done by said town, and said grantee shall be liable for and by acceptance of this ordinance agrees to pay the cost and entire expense thereof, and said grantee shall not make any excavation in any highway, street, avenue, alley or public place nor erect any poles, without first procuring a written permit for that purpose, from the superintendent of public works or other duly authorized officer of said town, which permit may specify which part of the street, sidewalk, avenue, alley or public place, the said line or lines, conductor or conductors, pipe or pipes shall be laid, when an excavation shall be made by said grantee in any highway, street, avenue, alley or public place, paved with wooden blocks, the foundation board shall be removed without being cut, unless such cutting shall be specially permitted by the proper officers of said town; the said grantee shall upon notice from such officer of said town, forthwith remove or change any wire, conductor, or pipe, which may be in the way of, or interfere with, the public use of any street including the construction or erection of any viaduct, sewer or water pipe, public building or public structure within said town.

¶ 6. **Indemnity clause.**] § 5. Said grantee shall be liable to, and by acceptance of this ordinance agrees to compensate the town of Lake, and pay any private individual owner or owners, or parties interested in any property adjacent to any highway, street, avenue, alley or public place, opened or injured by it, for all damages which may result from or by reason of said grantee having negligently opened, encumbered, protected or guarded any such highway, street, avenue, alley or public place in said town, or from or by reason of, any negligence or fraud on the part of said grantee in the exercise of any privilege granted by this ordinance.

¶ 7. **Acceptance and bond.**] § 6. The rights and privileges hereby granted are upon the express condition that said grantee shall file an acceptance thereof in writing, and execute a bond to the town of Lake in the sum of ten thousand dollars ($10,000), with sureties satisfactory to the board of trustees of said town, conditioned to indemnify and save harmless the town of Lake of and from all dam-

ages which may accrue, or which in any manner may arise or grow out of the exercise by said grantee of the privileges hereby granted; and said acceptance shall be filed and said bond shall be executed and approved within sixty days from the passage of this ordinance; the execution of said acceptance and said bond by said grantee, and their delivery to and approval by the said board of trustees, shall thenceforth authorize said grantee to exercise all and singular the rights, privileges and franchises hereby granted.

¶ 8. **Duties of city officers.**] § 7. In case the duties herein prescribed to be performed by the superintendent of public works, or other authority shall devolve upon any other department or officer, the permits and licenses herein mentioned shall be granted by such department or officer, and the duties herein imposed upon the superintendent of public works shall be performed by such other officer or department.

¶ 9. **Charge to consumers and city.**] § 8. The rights and privileges hereby granted are upon the express condition that the cost and charges of furnishing electric light to individual consumers, when furnished by said grantee, its successors or assigns, shall not exceed the following rate to-wit: For a large standard arc light of twelve hundred (1200) candle power the sum of fifty (50) cents for every night in which the light is used not more than twelve hours; and for the incandescent lights a sum not exceeding ten (10) cents each for every night in which the light is used not more than twelve hours; and the cost and charges for furnishing electric light to the town of Lake shall not exceed the following rates, to-wit: For arc lights when furnished and used three hundred nights in a year; for standard arc light of twelve hundred (1200) candle power, when the light is used until midnight only of each night, not to exceed the sum of sixty dollars ($60.00) per light per year; for standard arc light of twelve hundred (1200) candle power, when the light is used all night, not to exceed the sum of ninety dollars ($90.00) per light per year; for standard arc light of two thousand (2000) candle power when used until midnight only of each night, not to exceed the sum of forty cents (40c) per night for each light; for standard arc light of two thousand (2,000) candle power, when used all night not to exceed the sum of one hundred and fifty dollars ($150) per light per year. For arc lights when furnished every night in the year; for standard arc lights of twelve hundred (1200) candle power when used until midnight of each night, not to exceed the sum of sixty-five dollars ($65) per light per year; for a standard arc light of twelve hundred (1200) candle power when used all night, not to exceed the sum of one hundred dollars ($100) per light per year; for a standard arc light of two thousand (2000) candle power when used all night of each night in the year, not to exceed the sum of one hundred and eighty dollars ($180) per light per year. For all incandescent lights of sixteen (16) candle power each not to exceed the sum of

twelve dollars ($12) per light per year, when such incandescent lights are used for only three hundred (300) nights in the year. Provided, that such electric light shall be obliged to be furnished at the above rates to said town only upon the condition that the board of trustees of said town shall make a contract with said grantee to use and pay for the said lights for a period of at least one year.

¶ **10. Rights extend to successors.**] § 9. The rights, privileges and franchises hereby granted to said grantee shall extend to its successors and assigns upon the conditions herein set forth.

¶ **11. In force when company accepts conditions.**] § 10. The rights and privileges hereby granted are upon the express condition that by the acceptance of this ordinance, said grantee, its successors and assigns, agrees to do and perform all the duties, obligations and liabilities in and by this ordinance imposed and provided to be done and performed by and on the part of said grantee.

Note.—See following amendatory ordinance.

§ 36. Amendment to § 35, supra.
¶ 1. Time extended.
¶ 2. Bond approved.

AN ORDINANCE AMENDING AN ORDINANCE GRANTING CERTAIN RIGHTS AND PRIVILEGES TO THE PEOPLES' ELECTRIC LIGHT AND MOTOR POWER COMPANY. (Passed June 28, 1889.)

¶ **1. Amending section 6 of foregoing ordinance.**] Be it ordained by the president and board of trustees of the town of Lake: § 1. That section six (6) of the ordinance adopted by the president and board of trustees of the town of Lake, on the fifth day of April, A. D. 1888, granting to the Peoples' Electric Light and Motor Power Company, certain rights, privileges and franchises, be, and the same is hereby amended by striking out of the same the words, "sixty days," and by inserting therein in the place and stead of said words "sixty days," the words "fifteen months."

¶ **2. Former bond approved.**] § 2. That the bond in the penalty of ten thousand dollars ($10,000), bearing date the twenty-ninth day of May, A. D. 1888, and wherein the said Peoples' Electric Light and Motor Power Company, Thomas Gahan and Edward Tilden, are obligors, and the town of Lake is obligee, and wherein the adoption of said ordinance is recited, and which bond was filed in the office of the clerk of the town of Lake, on the twenty-ninth day of May, A. D. 1888, be, and the same is hereby approved, and it is hereby declared and ordained that said ordinance shall hereafter have the same force and effect as though said bond had been approved by said president and board of trustees within sixty days after the adoption of said ordinance.

PEOPLES' LIGHT AND POWER COMPANY.

§ 37. Peoples' Light and Power company.

¶ 1. Title and date of passage.
¶ 2. Permission to maintain electric light works within the village of Hyde Park and maintaining and operating lines of conductors for transmitting electricity for light and power.
¶ 3. Insulation—poles how placed.
¶ 4. Restoration of streets.
¶ 5. Indemnity clause.
¶ 6. Duty of village officers.
¶ 7. Subject to ordinances.
¶ 8. Charges to consumers.
¶ 9. Acceptance and bond—when in force.

¶ 1. An Ordinance Granting Rights and Privileges to the Peoples' Light and Power Company for the Purpose of Operating and Maintaining an Electrical System for Furnishing Light and Power in Certain Territory. (Passed, approved and filed October 23, 1888. Accepted October 30, 1888.)

¶ 2. **Grant.**] Be it ordained by the president and board of trustees of the village of Hyde Park. § 1. Permission and authority are hereby granted to The Peoples' Light and Power Company, its successors and assigns, to maintain one or more electric light works within the village of Hyde Park, with the right of way along, upon, and under all the avenues, streets, alleys and public places in said village, for the purpose of placing, operating, maintaining and repairing one or more lines of wire or other electric conductors or conduits, and all necessary feeders, service wires, conductors or conduits, in connection therewith, for transmitting electricity for the purposes of lighting and motive power.

¶ 3. **Insulation — poles, how erected and placed.**] § 2. All lines of wire, conductors, or conduits for the transmission of electricity shall be properly insulated, and when placed above ground shall be supported upon substantial poles not less than six inches in diameter, and twenty-five (25) feet in length, said poles to be not more than one hundred and eighty (180) feet apart.

¶ 4. **Restoration of streets — contents of permits.**] § 3. The company shall do no permanent injury to any highway, street, sidewalk, alley or public place or shade trees, and shall not in any manner interfere with any water or sewer pipes which are now or may be hereafter laid by the village of Hyde Park, except by the consent of duly authorized officers of said village; and when said company shall open ground in any highway, alley or public place, or lay pipes, wires or conductors under any sidewalk, or expose any viaduct, sewer or gas pipe, said company shall put in proper signal lights and shall forthwith restore the street, highway, avenue, alley, water pipe, sewer or gas pipe, in as good condition as before, at its own expense under the direction of the superintendent of public works, or other authorized officer, and to the satisfaction of the board of trustees of said village,

or the officer appointed or designated by said board; and if said company shall neglect or refuse to do so, the same may be done by said village, and said company shall be liable for, and by acceptance of this ordinance, agrees to pay the cost and entire expense thereof; and said company shall not make any excavation in any highway, street, alley or public place, nor erect any poles, without first procuring a written permit for that purpose from the superintendent of public works, or other duly authorized officer of said village, which permit may specify which part of the street, sidewalk, avenue or public place the said line or lines, conductor or conductors shall be laid; when an excavation shall be made by said company in any highway, street, avenue or public place, paved with wooden blocks, the foundation board shall be removed without being cut, unless such cutting shall be specially permitted by the proper officers of said village; the said company shall upon notice from such officer of said village, forthwith remove or change any wire, conductor or pipe, which may be in any way of, or interfere with the public use of any street, including the construction or erection of any viaduct, sewer or water pipe, public building or public structure, within said village.

¶ 5. **Indemnity clause.**] § 4. Said company shall be liable to, and by acceptance of this ordinance agrees to compensate the village of Hyde Park, and pay any private individual owner, or owners, or parties interested in any property adjacent to any highway, street, avenue or alley or public place, opened or injured by it for all damage which may result from or by reason of said company having negligently opened, encumbered, protected or guarded any such highway, street, avenue or public place in said village, or from or by reason of any negligence or fraud on the part of said company in the exercise of any privilege granted by this ordinance.

¶ 6. **Duty of city officers.**] § 5. In case the duties herein prescribed to be performed by the superintendent of public works, or other authority, shall devolve upon any other department or officer, the permits and licenses herein mentioned shall be granted by such department or officer, and the duties herein imposed upon the superintendent of public works shall be performed by such officer or department.

¶ 7. **Subject to ordinances.**] § 6. Said company shall be subject to all general ordinances of the village of Hyde Park now in force, or which may hereafter be in force, in regard to electric lighting companies, or the placing or maintainance of wires for electric lighting purposes.

¶ 8. **Charge to consumers.**] § 7. Said company shall not charge its customers to exceed the sum of one cent per hour per sixteen candle power light, when the use of the same is ascertained by meter, and all village service of light shall not exceed a like sum as charged its regular customers, with a discount thereon to said village

of ten per cent if payment be made on or before the twelfth day of the month succeeding that in which light shall have been furnished.

¶ 9. **Acceptance and bond.**] § 8. The rights and privileges hereby granted are upon the express condition that said company shall file an acceptance thereof in writing and execute a bond to the village of Hyde Park the sum of twenty thousand dollars, conditioned to indemnify and save harmless the village of Hyde Park of and from all damage which may accrue or which in any manner may arise or grow out of the exercise by said company of the privileges hereby granted; and said acceptance shall be filed and said bond shall be executed, and approved by the board of trustees, within sixty days from the passage of this ordinance; the execution of said acceptance and said bond by said company, and their delivery to and approval by the said board of trustees shall thenceforth authorize said company to exercise all and singular the rights and privileges hereby granted.

FRED R. PERSONS.

§ 38. Persons, Fred R.

¶ 1. Title and date of passage.
¶ 2. Permission to maintain and operate gas, fuel and electric light works within the limit of the village of Washington Heights and placing lines of gas mains, electric light poles, etc., for lighting, fuel and power purposes.
¶ 3. Restoration of streets.
¶ 4. Acceptance of ordinance.
¶ 5. Erection of plant—price.
¶ 6. Time of completion.
¶ 7. Exclusive privilege.
¶ 8. Substitution of style of light.
¶ 9. Time schedule.
¶ 10. Indemnity bond.
¶ 11. Right to purchase.

¶ 1. AN ORDINANCE GRANTING FRED R. PERSONS, HIS SUCCESSORS AND ASSIGNS, THE RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE GAS, FUEL GAS AND ELECTRIC LIGHT WORKS, FOR THE PURPOSE OF FURNISHING LIGHT, HEAT AND POWER WITHIN CERTAIN TERRITORY. (Passed November 13, 1890. Bond filed and approved November 17, 1890.)

¶ 2. **Grant.**] Be it ordained by the president and board of trustees and trustee of the village of Washington Heights, Illinois: § 1. Permission and authority is hereby granted to said Fred R. Persons, his associates and assigns, to maintain and operate gas, fuel gas and electric light works, any or all of them within the limits of the village of Washington Heights, Cook county, Illinois, together with the right of way, along, upon or under all the streets, avenues, alleys, lanes and

public places in said village, for the purpose of placing, operating, maintaining and repairing one or more lines of gas mains or electric light poles, including all necessary wires, pipes, feeders and services in connection therewith, for lighting, fuel and power purposes.

¶ 3. **Restoration of Streets.**] § 2. The said Fred R. Persons, his successors and assigns, shall do no permanent injury to any highways, street, alley, lane or public place, and said Fred R. Persons, his successors and assigns, shall be liable to, and by accepting this ordinance, agrees to compensate the village of Washington Heights, or its successors, and pay any private individual, whose property or person may be injured by any negligence on the part of said Fred R. Persons, his successors and assigns, while erecting any poles or wires for electric light, or opening any street, avenue, alley, lane or public place, for the purpose of laying gas mains, feeders or service pipes.

¶ 4. **Acceptance of ordinance.**] § 3. The rights and privileges hereby granted are upon the express conditions, by the acceptance of this ordinance, the said Fred R. Persons, his successors and assigns, agree to do and perform all the duties, obligations and liabilities, in and by this ordinance imposed and provided to be done.

¶ 5. **Erection of plant—price.**] § 4. For and in consideration of the rights and privileges herein granted the said Fred R. Persons, his successors and assigns, agree to erect, maintain and operate an electric light plant, furnishing both arc and incandescent lights of standard quality and power, whenever the village of Washington Heights, Illinois, or its successors, through its trustees, or municipal officers, shall order and designate where to be placed, forty arc lights, at a price at not more or less than eighty ($80.00) dollars per year per light. The said Fred R. Persons, his successors and assigns, agree to furnish twenty additional lights after forty (40) lights are in use, at rate of five ($5.00) dollars less (or seventy-five ($75.00) dollars) per year per lamp. All contracts for lights between the trustees of the village of Washington Heights, or its successors, and the said Fred R. Persons, to run for five (5) years from time light is actually supplied.

¶ 6. **Time of completion.**] § 5. The said Fred R. Persons, his successors or assigns, shall commence work on plant within sixty (60) days after lights are ordered by the said trustees, or successors, as provided in this ordinance, and shall complete the same and be ready to supply light in as short a time as is possible to perform the work of erecting plant properly.

¶ 7. **Exclusive privilege.**] § 6. The said trustees of the village of Washington Heights, Illinois, or their successors, especially agree to order from said Fred R. Persons, his successors and assigns, all lights hereafter required by said village, or its successors, during the life of this ordinance, at a price not less than seventy-five (75.00) dollars per year per lamp.

¶ 8. **Substitution of style of lights.**] § 7. In case the village of Washington Heights, Cook county, Illinois, or its successors, desire to substitute incandescent electric lights for arcs, the said Fred R. Persons, his successors or assigns, agree to place six (6) incandescent lights of 16 C. P. each for every arc so displaced, without additional price to the village of Washington Heights, or its successors.

¶ 9. **Time schedule.**] § 8. The Philadelphia schedule for lighting to govern all lights ordered by trustees of said village of Washington Heights, from said Fred R. Persons, his successors or assigns.

¶ 10. **Indemnifying bond.**] § 9. The said Fred R. Persons, his successors or assigns, shall give a good sufficient bond, which shall be approved by the president and board of trustees. or their successors, to indemnify the said village, or its successors, against any and all loss which it may sustain while erecting poles, laying gas mains, feeders or service pipes, through the negligence of said Fred R. Persons, his successors and assigns.

¶ 11. **Right to purchase, mode.**] § 10. The village of Washington Heights, Cook county, Illinois, or its successors, shall have the right to purchase the entire electric plant erected under this ordinance, at any time after three (3) years, on the following terms and conditions, viz.: Whenever the village, or its successors, shall determine to purchase, the president of board of trustees, or successors thereof, shall give to the said Fred R. Persons. his successors or assigns, or representatives, ninety days' written notice of such intention, which notice shall be served in the way it would be served if it were a summons in an action at law. Within ten days the expiration of such notice, the village, or its successors, and the owners of the plant, shall each choose one person to act as arbitrators, and determine the value of the entire plant. In case the two arbitrators so chosen cannot agree, they shall choose a third arbitrator, and the arbitrators so chosen shall determine the value of the plant. The price to be paid by the village, or successors, for the plant shall be its actual value as shown by books, to be determined by the arbitrators. Their award shall be binding on both the village of Washington Heights, Cook county, Illinois, or successors, and Fred R. Persons, his successors and assigns. Within ninety days after the delivery of the copies of the award, as aforesaid, the village, or successors. shall pay to the owner of the plant its value as fixed by the arbitrators. The costs and expenses of the arbitration shall be fixed by the arbitrators, and paid by the village or successors. No resident of the village of Washington Heights, Cook county, Illinois, or any officer, agent or employee of the said village, or successors, or of the owner of the plant, or any person interested directly, or indirectly, in the village, or its successors, or the said plant, shall act as arbitrators as aforesaid.

JOHN B. SHERMAN AND OTHERS.

§ 39. Sherman, John B.

¶ 1. Title and date of passage.
¶ 2. Franchise, to construct, maintain, repair and operate in the town of Lake an electric plant for furnishing light and power and the transmission of sound.
¶ 3. Underground wires and insulation.
¶ 4. Construction and extension of system.
¶ 5. Contract with others for use of system.
¶ 6. Rights rest in corporation if one is found.
¶ 7. Restoration of streets.
¶ 8. Opening streets—signal lights.
¶ 9. Supply wires under sidewalks, owner's permission.
¶ 10. Bond of indemnity.

¶ 1. An Ordinance Granting the Right to John B. Sherman and Others to Erect, Maintain and Operate a Plant and Line of Wires or Electric Conductors for the Purpose of Furnishing Light and Power and for the Transmission of Sound. (Passed July 12, 1889. Accepted July 13, 1889.)

¶ 2. **Grant.**] Be it ordained and enacted by the board of trustees of the Town of Lake: § 1. That permission be and is hereby granted to John B. Sherman, Irus Coy, Thomas Gahan, Michael J. Tierney, Thomas Byrne, and M. E. McGregor, or the survivors of them, and their successors or assigns, to construct, maintain, repair, and operate, in the public streets, avenues, alleys and public grounds of the said Town of Lake, from and after the date of the passage of this ordinance, a line or lines of wire or other electric conductors, together with all necessary feeders and service wires, or other electric conductors, to be placed in large pipes or conduits in said streets, avenues, alleys and public grounds of said Town of Lake, to be used exclusively for the transmission of electricity for the purpose of furnishing light and power and for the transmission of sound.

¶ 3. **Underground wires — insulation.**] § 2. All such line or lines shall be under ground, properly insulated, and shall be constructed under the supervision of the town engineer, or such other officer or department of said town of Lake as may be designated by ordinance.

¶ 4. **Construction and extension of system.**] § 3. Said persons named in section 1, or the survivors of them, or their successors or assigns, shall commence the construction of said system within one year from the passage of this ordinance, or as soon thereafter as required by the proper authority, and shall extend the same as rapidly as the board of trustees of said town of Lake may require.

¶ 5. **Contracts with others for use of system.**] § 4. Said persons named in section 1, or the survivors of them, or the successors or assigns, shall permit, by lease or contract, any other person or persons, company or companies, to use said system upon such terms as may be agreed upon by the respective parties, and in case they cannot

agree, such terms shall be fixed by arbitration of three persons, one chosen by the persons named herein, or the survivors of them, or their successors or assigns, as the case may be, one chosen by the party or parties desiring to use said system, and the third by the two thus chosen: Provided, however, that this section shall not be construed as permitting any person or corporation, not authorized by ordinance, to lay any system of wires or conduits in the street of the said Town of Lake, other than said persons named in section 1, or the survivors of them, or their successors or assigns, but meaning hereby to require of said persons and their successors, that they shall permit the use of their system to other persons and corporations upon the terms herein specified, but no such lease or contract shall be sub-let or assignable either by agreement or operation of law.

¶ 6. **Rights vest in corporation if formed.**] § 5. If the said John B. Sherman, Irus Coy, Thomas Gahan, Michael J. Tierney, Thomas Byrne, and M. E. McGregor, or the survivors of them, or their successors or assigns, shall desire to form a corporation under the general laws of this state, for the purpose of doing the business incident to this grant, they may do so, and thereupon all the rights and privileges herein granted shall pass to and vest in such corporation, and it shall become the successor of said persons or the survivors of them, as the case may be, subject to the provisions hereof, which shall thereupon apply to and be binding on said corporation the same as they do or may be on the persons named herein.

¶ 7. **Restoration of streets.**] § 6. Said persons named in section 1, or the survivors of them and their successors or assigns, shall do no permanent injury to any street, sidewalk, alley, avenue, or public place, or shade tree, or in any manner unnecessarily disturb or interfere with any water pipe, sewer or gas pipe, telegraph or electric wires, cables or pipes, now or hereafter laid by said Town of Lake, or any authorized company or corporation, and they or their successors, as the case may be, shall open ground in the same, they or their successors, as the case may be, shall forthwith restore the street pavement, sidewalk or ground, or water pipe, sewer or gas pipe, to a condition equally good as before, at their or their successors' own expense, as the case may be, and if they or their successors, as the case may be, shall fail or refuse so to do, the same may be done by said town, and they or their successors, as the case may be, shall be liable for the cost thereof; and they or their successors shall not make any excavation in any street, alley, avenue, or public place, without first procuring a permit for that purpose from the department of public works of said town. When any excavation shall be made by them, or their successors, in any street, alley or public place paved with wooden blocks, the foundation boards or planks shall be removed without being cut, unless such cutting shall be specially permitted by the department of public works of said town.

¶ 8. **Opening streets — signal lights.**] § 7. Said persons named in said section 1, or the survivors of them and their successors or assigns, shall not open or incumber more of any street, avenue, alley or public place, at any one time, than may be necessary to enable them to proceed with advantage in the laying of such wires or conductors, or conduit pipes, nor shall they or their successors or assigns, as the case may be, permit any such street, avenue, alley or public place to remain open or incumbered for a longer period than shall be necessary to execute the work for which the same shall have been opened, or without putting up the necessary barriers and lights so as to effectually prevent the happening of any accident in consequence of such opening or incumbering of such street, alley, avenue or public ground.

¶ 9. **Supply wires under sidewalks—owners' permission.**] § 8. In all cases where said persons named in section one, or the survivors of them and their successors or assigns, shall desire to place its line or lines, or feeder, or supply wires, or conduit pipes, to supply particular blocks in the areas under the sidewalks, the commissioner of public works shall issue permits for that purpose, subject to the proviso hereinafter contained. Such permits shall specify that the said line or lines of feeder or supply wires, or conduit pipes, shall be laid in such good manner that they will least inconvenience the persons occupying such sidewalk space, and he shall require that the same shall be made entirely safe and secure: Provided, that nothing in this ordinance contained shall be construed as any authority to said persons named in section one, or the survivors of them and their successors or assigns, to enter into any area or space under any sidewalk in said Town of Lake, or to appropriate or use the same for any purpose, without first obtaining from the owner or owners of the lot or lots next adjacent to and abutting upon the same, his, her or their consent in writing, to such use of the same, and to the terms and conditions upon which said area or sidewalk space may be used.

But, provided further, that where, in any block or blocks, and property owner refuse the consent above provided for, then in such block or blocks the said persons named in section one, or the survivors of them and their successors or assigns, shall have the right, and the commissioner of public works is directed to permit them, to lay their supply or feeder wires or conduit pipes next outside the curb wall under the pavement, around the property so objected for, or, at their election, to erect a hollow iron tube or pipe, or other suitable device proper for such purposes, in the alley in the middle of each such blocks, from which to distribute the necessary supply or feeder wires for such block or blocks.

¶ 10. **Bond of indemnity.**] § 9. As soon as said persons named in section one, or the survivors of them and their successors or assigns, shall commence the construction, laying and operation of said

system laid under this ordinance, a bond shall be given to the town of Lake by said persons so named in section one, or the survivors of them and their successors or assigns, in an amount and with sureties to be approved by the commissioner of public works, conditioned to indemnify and save harmless the town of Lake of and from all damage which may be occasioned, or which may in any way accrue, or arise, or grow out of the use by such persons or their successors or assigns of said system of wires.

SPARR & WEISS.

§ 40. Sparr & Weiss.

¶ 1. Title and date of passage.
¶ 2. Permission to lay underground wires as designated for the purpose of furnishing electric lights.
¶ 3. Restoration of streets, etc.
¶ 4. Compensation to city—Charge to consumers.
¶ 5. Streets to be restored.
¶ 6. Excavation in streets.
¶ 7. Rights forfeited—when term of grant.
¶ 8. Acceptance—to give bond of indemnity.
¶ 9. When to take effect.

¶ 1. An Ordinance Granting Permission to Sparr & Weiss to Lay Underground Wires in Conduits for the Purpose of Furnishing Electric Light in Certain Territory. (Passed June 18, 1894. Accepted July 7, 1894.)

¶ 2. **Grant — route.**] Be it ordained by the city council of the city of Chicago: § 1. That, in consideration of the acceptance of the terms and conditions of this ordinance, permission and authority are hereby given to the firm of Sparr & Weiss to lay underground wires, properly insulated, and to be carried in conduits not exceeding one foot in diameter, for the purpose of furnishing electric light, across the following streets at the points designated, to wit: Across North Halsted street, adjacent to the northerly line of Milwaukee avenue; across West Indiana street, adjacent to the southerly line of Milwaukee avenue; across the alley between North Halsted street and North Union street to a point adjacent to north line of West Indiana street; across the alley that intersects Milwaukee avenue between North Halsted street and North Union street, at a point adjacent to the northerly line of Milwaukee avenue; also, across said alley at a point adjacent to the southerly line of said Milwaukee avenue; across Austin avenue and across North Union street at points adjacent to the southerly line of Milwaukee avenue; across Milwaukee avenue northwesterly of North Desplaines street; and, across the alley between North Desplaines street and North Union street at a point adjacent to the north line of

Milwaukee avenue. Said wires shall be laid underground and as nearly as practicable at right angles with the streets and alleys intersected.

¶ 3. **Restoration of streets — reservation of rights.**] § 2. The said Sparr & Weiss shall not disturb or injure any conduit, water or gas pipe, sewer or any other underground structure in said streets and alleys, and shall not disturb the surface of any street or alley until they shall first deposit with the commissioner of public works the sum of seventy-five dollars for each crossing as security that they will repair the pavement or surface of said street so that the same shall be in as good condition as it was before such openings were made. Said Sparr & Weiss shall, upon two days' written notice from the commissioner of public works, remove or change the location of any of said conduits without cost to the city, if he should consider it necessary in the interest of the public use of the space beneath said streets or alleys; and, in case of their refusal to obey such order, the commissioner of public works shall cause such removal to be made and said Sparr & Weiss shall be liable to the city for the expense thereof.

¶ 4. **Charges to consumers — compensation to city.**] § 3. Said Sparr & Weiss shall charge any private consumer not to exceed eight ($8.00) dollars per month for each arc light furnished by them. In consideration of the rights and privileges granted herewith, the said Sparr & Weiss shall pay to the city of Chicago three per cent. of their gross receipts upon all revenues from their electric lighting, to be paid at the expiration of each six months, from the date of their acceptance of this ordinance.

¶ 5. **Street restoration.**] § 4. It shall be and is hereby made the duty of said Sparr & Weiss, whenever they shall have disturbed the surface of any street or alley for the purpose of laying such wires, to at once restore such street or alley to as good a condition as the same was in before being disturbed, and all pavements, sidewalks, or other structures shall be so restored and repaired by them in such manner as to suffer no injury.

¶ 6. **Excavations in streets.**] § 5. Before disturbing any street or alley said Sparr & Weiss shall obtain a permit therefor from the commissioner of public works, and all work done by said parties under the permission and authority of this ordinance shall be done under the supervision of and satisfactory to the commissioner of public works.

¶ 7. **Term of grant — rights forfeited when.**] § 6. The rights and privileges hereby granted shall expire at the end of ten years from and after the passage of this ordinance. Said Sparr & Weiss shall not, at any time, either directly or indirectly, enter into any combination with any person, firm or corporation concerning prices to be charged for electric lights, nor shall they at any time sell, lease, transfer or assign the rights and privileges granted by this ordinance

to any person, firm or corporation, unless said sale, lease, transfer or assignment be made a part of their entire plant and business, and be sold as a whole. Said plant and business being located at number 194 North Union street, in the city of Chicago.

¶ 8. **Acceptance—indemnity bond.**] § 7. Said Sparr & Weiss shall be entitled to no rights or privileges under this ordinance until they shall file with the city clerk an acceptance thereof, in writing, and shall also file a bond in the sum of ten thousand dollars, conditioned to indemnify and save harmless the city of Chicago from any and all expenses, costs, loss, damages, charges or liabilities, in any way, arising from or growing out of the provisions of this ordinance or out of the exercise of the rights and privileges hereby conferred upon said Sparr & Weiss.

¶ 9. **When to take effect.**] § 8. This ordinance shall be in force and effect from and after its passage and filing of said acceptance and bond as hereinbefore provided for, within sixty (60) days.

§ 40*. Sparr & Weiss.

¶ 1. Permission to lay underground wires across West Ohio street and North Green street.
¶ 2. Deposit for restoration of streets, conduits.
¶ 3. Charge to consumers and to city.
¶ 4. Restoration of streets.
¶ 5. Permits for work.
¶ 6. Term of grant, transfer of privileges, conditions.
¶ 7. Acceptance, bond of indemnity.
¶ 8. When in force.

An Ordinance Granting to Sparr & Weiss Permission to Lay Underground Wires for the Purpose of Furnishing Electric Light. (Passed March 23, 1896.)

¶ 1. **Grant.**] Be it ordained by the city council of the city of Chicago: § 1. That, in consideration of the acceptance of the terms and conditions of this ordinance, permission and authority are hereby given to the firm of Sparr & Weiss to lay underground wires, properly insulated and to be carried in conduits not exceeding one foot in diameter, for the purpose of furnishing electric light across the following streets, at the points designated, to wit: Across West Ohio street and North Green street at points adjacent to the south line of Milwaukee avenue. Said wires shall be laid underground and nearly as practicable at right angles with the street intersected.

¶ 2. **Deposit for restoration of streets—conduits.**] § 2. The said Sparr & Weiss shall not disturb or injure any conduit, water or gas pipe, sewer or any other underground structure in said streets, and shall not disturb the surface of any street until they shall first deposit with the commissioner of public works the sum of seventy-five ($75.00) dollars for each crossing as security that they will repair the pavement or surface of said street so that the same shall be in as good condition as it was before such openings were made. Said Sparr &

Weiss shall, upon two days written notice from the commissioner of public works, remove or change the location of any of said conduits without cost to the city, if he shall consider it necessary in the interests of the public use of the space in each said streets; and in case of their refusal to obey said order, the commissioner of public works shall cause such removal to be made and said Sparr & Weiss shall be liable to the city for the expense thereof.

¶ **3. Charge to consumers — compensation to city.**] § 3. Said Sparr & Weiss shall charge any private consumer not to exceed eight ($8.00) dollars per month for each arc light furnished by them. In consideration of the rights and privileges granted herewith the said Sparr & Weiss shall pay to the city of Chicago three per cent of their gross receipts upon all revenues for their electric lighting, to be paid at the expiration of each six months from the date of their acceptance of this ordinance.

¶ **4. Restoration of streets.**] § 4. It shall be and is hereby made the duty of said Sparr & Weiss, whenever they shall have disturbed the surface of any street for the purpose of laying such wires, to at once restore such street to as good a condition as the same was in before being disturbed, and all pavements, sidewalks or other structures shall be so restored and repaired by them in such manner as to suffer no injury.

¶ **5. Permit for work.**] § 5. Before disturbing any street, said Sparr & Weiss shall obtain a permit therefor from the commissioner of public works and all work done by said parties under the permission and authority of this ordinance shall be done under the supervision of and satisfactory to the commissioner of public works.

¶ **6. Term of grant—transfer of privileges, conditions.**] § 6. The rights and privileges hereby granted shall expire at the end of ten years from and after the passage of this ordinance. Said Sparr & Weiss shall not at any time, either directly or indirectly, enter into any combination with any person, firm or corporation concerning prices to be charged for electric lights, nor shall they at any time sell, lease, transfer or assign the rights and privileges granted by this ordinance to any person, firm or corporation, unless said sale, lease, transfer or assignment be made a part of their entire plant and business and be sold as a whole. Said plant and business being located at 194 North Union street in the city of Chicago.

¶ **7. Acceptance—bond of indemnity.**] § 7. Said Sparr Weiss shall be entitled to no rights or privileges under this ordinance until they shall file with the city clerk an acceptance thereof in writing, and shall also file a bond in the sum of two thousand ($2,000.00) dollars, conditioned to indemnify and save harmless the city of Chicago from any and all expense, costs, loss, damages, charges or liabilities, in any way arising from or growing out of the provisions of this

ordinance or out of the exercise of the rights and privileges hereby conferred upon said Sparr & Weiss.

¶ 8. **When in force.**] § 8. This ordinance shall be in force and effect from and after its passage and filing of said acceptance and bond as hereinbefore provided for within sixty days.

SUBURBAN ELECTRIC LIGHT AND POWER COMPANY.

§ 41. Suburban Electric Light and Power company.

¶ 1. Grants—limits prescribed.
¶ 2. Poles, system of, size and location prescribed.
¶ 3. Permits—plans to be filed.
¶ 4. Restoration of streets.
¶ 5. Insulation of wires.
¶ 6. Powers reserved to city council.
¶ 7. Erection of plant, cost.
¶ 8. Charge to consumers—compensation to city.
¶ 9. Rights of city to use of poles.
¶ 10. Term of grant—right of city to purchase.
¶ 11. Acceptance—bond of indemnity.
¶ 12. When in force.

AN ORDINANCE AUTHORIZING THE SUBURBAN ELECTRIC LIGHT AND POWER COMPANY TO ERECT, MAINTAIN AND OPERATE A PLANT FOR THE PRODUCTION, TRANSMISSION AND DISTRIBUTION OF ELECTRICITY FOR THE PURPOSE OF FURNISHING HEAT, LIGHT AND POWER IN CERTAIN TERRITORY. (Passed July 27, 1896.)

¶ 1. **Grant—limits prescribed.**] Be it ordained by the city council of the city of Chicago: § 1. That under the conditions, and subject to the limitations hereinafter prescribed, permission and authority be, and the same are hereby granted to the Suburban Electric Light and Power Company, a corporation organized and existing under and by virtue of the laws of the state of Illinois, its successors and assigns, to erect, construct, maintain and operate a plant or plants for the production, transmission and distribution of electricity for the purpose of furnishing heat, light and power in, through, upon, over, or under the streets, alleys and public ways of the city of Chicago, within the following prescribed limits: From Milwaukee avenue and city limits east to Carpenter road; on Carpenter road south to Milwaukee avenue; on Milwaukee avenue northwesterly to place of beginning, within the city of Chicago: Provided, that said company is prohibited from furnishing power for the propelling of street cars or surface railways.

¶ 2. **Pole system; size and position prescribed.**] § 2. The said company may, inside the district above described, erect a system of poles and place wires thereon in any of the streets and al-

leys in said district, and over buildings with the consent of the owners thereof, and in going from one building to another, if necessary, said company may cross streets, alleys and city property, but before any such poles or wires shall be so placed, the plans thereof shall be filed with the commissioner of public works. All poles to be erected under the provisions of this ordinance shall be cedar poles not less than thirty (30) feet high, and symmetrical in form, unless the commissioner of public works shall approve of poles of a different height or form upon application being made to him for said purpose. The city of Chicago shall have the right to the top cross arm of each of said poles free from charge for the use of the city telegraph and telephone wires.

¶ 3. **Permits—file plan of work.**] § 3. Said company shall not construct or erect any poles or string any wires, nor do any work in any of the said public streets or alleys or other places, nor in any way disturb the surface thereof, until it shall have filed with the commissioner of public works a plan or plans showing the location of said intended work, or in case it intends to erect poles and string wires thereon, showing the location of said poles, nor until it shall have procured a permit from the department of public works to do said work.

¶ 4. **Restoration of streets.**] § 4. Said company shall do no permanent injury to any street or alley, nor in any manner unnecessarily interfere with any telegraph or electric wires, which are now or may hereafter be laid by the city of Chicago, or any authorized company or corporation, and whenever said company shall open any street, alley or public way, or interfere with any cable or wire therein, the said street, alley or public way and said cable or wire shall be restored forthwith to as good a condition as it was before said opening or encumbrance, such restoration to be made at the expense of said company. In case said company shall fail to make such restoration in accordance with these conditions, the same may be done by said city, and said company shall be liable to said city for the cost thereof.

¶ 5. **Insulation of wires.**] § 5. All conductors and wires maintained or used by said company under the provisions of this ordinance shall be properly insulated, protected and placed under the supervision of, and in such manner as may be approved by the superintendent of city telegraph.

¶ 6. **Powers reserved in council.**] § 6. The city council of the city of Chicago may, after ten years from the acceptance of this ordinance, direct any change in respect to the location of said poles, conductors and wires, or either of them, erected under the authority hereby given, and may order such poles to be taken down, and may order the conductors and wires to be placed underground, and in case said company shall fail to comply with the terms of any order or ordinance of said council directing or ordering such change, within sixty

(60) days from the passage thereof, all the privileges herein and hereby granted shall absolutely cease and determine.

¶ 7. **Erection of plant—cost.**] § 7. Said company shall within three years from the passage of this ordinance, erect, construct and have ready for operation a plant or plants, and in connection therewith have erected poles and strung wires thereon, or both, the actual bona fide cost of all of which shall be at least one thousand ($1,000) dollars.

¶ 8. **Charge to consumers—compensation to city.**] § 8. Said company shall not charge any private consumer a sum exceeding one cent per hour for each sixteen-candle power light. Said company shall not charge more than $10.50 per month for each arc light of sixteen hundred (1,600) candle power, when such arc light is operated the entire night, and the maximum charge for each such arc light when the same is operated until 12:30 o'clock a. m., shall not exceed $7.50 per month. Said company shall not charge any private consumer more than forty cents per horse power per day for all power furnished by it, and the charge for the use of said wires for any other purpose shall be a reasonable one. From and after January 1st, 1899, said company shall pay to the city of Chicago a sum equal to three (3) per cent of its annual gross receipts thereafter from all revenues derived within the territory covered by this ordinance from any plant hereby authorized, said payments to be made to the city collector within thirty (30) days after the expiration of each six months from said date, and each payment shall be accompanied by an affidavit subscribed and sworn to by the treasurer or other duly authorized officer or agent of said company to the effect that the amount of such payment is equal to three (3) per cent of said company's gross receipts, as required by this ordinance; and the city collector or the city comptroller shall within a reasonable time after the filing of each such affidavit have the right to examine the books and accounts of said company for the purpose of verifying the correctness of the statements contained in such affidavit or affidavits accompanying such payments.

¶ 9. **Right of city to use poles.**] § 9. Said company may, with the consent of the commissioner of public works, place its wires and conductors within conduits belonging to any other corporation with whom it may arrange for that purpose now located or which may hereafter be located within any street or alley within the territory above mentioned, and may likewise string its wires upon the poles of any corporation now or hereafter having poles in said city within said territory, and it is expressly understood that said city of Chicago shall have the right to place wires owned or used by it for telegraph or telephone service in any of the conduits of the said company without any further consideration than the passage of this ordinance.

¶ 10. **Term of grant—right of city to purchase.**] § 10. The rights and privileges hereby granted by this ordinance are

granted for the term of thirty (30) years from and after the acceptance of this ordinance, and on the express condition that at the end of said term of thirty (30) years from and after the acceptance of this ordinance, the city of Chicago shall have the right to purchase the entire plant or plants of said company and all its property and effects of every kind and nature within said city of Chicago at an appraised value which shall be ascertained and determined by three competent and disinterested appraisers who shall have full access to all books, papers and other documents bearing on or appertaining to the subject. Such appraisers to be selected in the following manner, to-wit.: One of said appraisers shall be appointed by the said city of Chicago and one by said company, and the two so selected shall choose a third, and if said two appraisers cannot agree upon a third, then such third appraiser shall be selected by the chief or presiding judge of the circuit court of Cook county, Illinois, and the said three appraisers so chosen shall, within six (6) months after the appointment of the last appraiser, make report in writing of the value of the said property to said city of Chicago, and to said company, and the said city of Chicago shall have the option at any time within six (6) months after the receipt of said report to purchase said plant or plants and property, together with all its appurtenances and equipment, at the aforesaid value so fixed by said appraisers: provided, however, that if said city shall so elect to so purchase said plant or plants and property, then said company shall have the right to operate said plant or plants and property and receive the profit therefrom during the time such arbitration is in progress, and until the same shall be completed and the purchase price, as fixed by arbitration, has been paid.

¶ **11. Acceptance and bond of indemnity.**] § 11. Said company shall not be entitled to any of the rights or privileges by this ordinance conferred, until it shall have filed with the city clerk of said city its written acceptance of this ordinance, within ninety (90) days after its passage, and shall have, within the same time, executed and filed with said city clerk a bond in the penal sum of five thousand ($5,000) dollars, with sureties to be approved by the mayor of the city of Chicago, conditioned that said company will well and truly pay or cause to be paid any and all damages that may accrue by delay in repairing or removing its wires, and erecting its poles and stringing wires upon the same, and shall indemnify and save harmless the said city of Chicago from any and all damages, costs or expenses of any kind whatsoever which may accrue or be recovered against said city in consequence of the neglect of said company or its authorized agents or servants, and will save and keep harmless the said city of Chicago from any and all damages, loss or expense caused by or incident to the erection of said poles and the operation and maintenance of said wires.

¶ 12. When in force.] § 12. This ordinance shall be in force and effect from and after its passage, acceptance, and filing of the bond, as herein provided for.

SUN ELECTRIC LIGHT COMPANY.

42. Sun Electric Light company.
¶ 1. Grant—territory prescribed.
¶ 2. Wires, how to be laid, plans to be filed.
¶ 3. Restoration of streets.
¶ 4. Indemnity clause.
¶ 5. Rights not exclusive—indemnity bond to be given.
¶ 6. Liability not limited—duty of officers.
¶ 7. Extension of system—term of grant.
¶ 8. Street intersections to be lighted.
¶ 9. Compensation to city—acceptance.
¶ 10. Unlawful combination, rights, profits
¶ 11. Control of council over rates.
¶ 12. When in force.

AN ORDINANCE GRANTING THE RIGHT TO THE SUN ELECTRIC LIGHT COMPANY A LINE OF WIRES OR CONDUCTORS FOR THE PURPOSE OF FURNISHING LIGHT AND POWER IN CERTAIN TERRITORY. (Passed July 2, 1888. Accepted August 16, 1888.)

¶ 1. Grant—territory prescribed.] Be it ordained by the city council of the city of Chicago: § 1. The Sun Electric Light Company,—a corporation organized under and by virtue of the laws of Illinois, having its principal office in the city of Chicago,—is hereby authorized to construct and maintain in the streets and alleys, and with the consent of the adjacent property owners, in or under the sidewalks of that portion of the city of Chicago bounded on the north by Adams street, on the west by the south branch of the Chicago river, on the south by Twenty-third street, and on the east by Lake Michigan, a line or lines of wires or other electric conductors, to be used for transmitting electricity for the purpose of furnishing light and power; said conductors to be placed in such parts of said streets and alleys as shall be designated in the written permit hereinafter mentioned; provided, that in any street where the Chicago Sectional Electric Underground Company or any other conduit system has completed conduits, or may hereafter lay conduits, then said Sun Electric Light Company desiring to use said streets shall lay its wires in such conduits, or in conduits of its own, and when said Sun Electric Light Company shall build conduits of its own it shall allow the wires or conductors of any other person or persons, company or corporation to be placed in said conduits at an annual rental equal to that charged by any

other conduit company. It shall permit the city of Chicago to use the conduits of said Sun Electric Light Company free of cost to said city.

¶ 2. **Wires, how laid, plan to be filed.**] § 2. Where streets or alleys shall be crossed by connecting lines, wires or conductors, which are run under or in sidewalks, such lines, wires or conductors shall be laid as directed by the commissioner of public works. All such lines or wires, shall be underground, properly insulated, and shall be constructed under the supervision and to the satisfaction of the commissioner of public works, or such other officer or department of the city government as may hereafter be designated by ordinance to perform the duties of such commissioner. No wires shall be laid unless a plat shall be filed with the commissioner of public works designating the streets, squares and alleys in which it is proposed to locate the same, and a plat of the circuit of wires completed shall be filed with the commissioner of public works before the same are used, and any change in the same shall be reported to the commissioner of public works.

¶ 3. **Restoration of streets.**] § 3. Said company shall do no permanent injury to any street or alley, or in any manner interfere with any water, sewer or gas pipe, telegraph or electric wires, cables or pipes which are now, or may hereafter be laid by the city of Chicago, or any authorized company or corporation, and when said company shall open ground in any street or alley, or shall lay its conductors under any sidewalk, or in any tunnel, it shall forthwith restore the street, alley or sidewalk, water pipe, sewer or gas pipe to as good condition as before, at the expense of said company, and under the direction and supervision and to the satisfaction of the department of public works of said city; and if said company shall fail or refuse so to do, the same may be done by said city and the said company shall be liable for the cost thereof, and said company shall not make any excavation in any street, avenue or alley without first procuring a written permit for that purpose from the department of public works of said city; which permit shall specify the part of the street, alley or avenue where the conductor or conductors of said company shall be laid. When any excavations shall be made by said company in any street or alley, the foundation, boards or planks shall be removed without being cut, unless such cutting shall be specially permitted by the department of public works of said city. The said company shall, upon notice from the department of public works of said city forthwith remove or change any conductor which may be in the way of or interfere with the construction or erection of any viaduct, public building or other public structure within said city.

¶ 4. **Indemnity clause.**] § 4. Said company shall be liable to and shall compensate the city of Chicago, and pay any private individual, owner or owners, or parties interested in any property adjacent to any street, avenue or alley opened or injured by it, for all

damages which may result, or by reason of such company having negligently opened, encumbered, protected or guarded any such street, avenue or alley in said city, or from or by reason of any negligence or fault on the part of said company in the exercise of any of the privileges granted by this ordinance.

¶ 5. **Rights not exclusive — indemnity bond to be given.**] § 5. Nothing in this ordinance shall be construed as conferring any exclusive rights or privileges upon the Sun Electric Light Company, and this ordinance shall not take effect until the Sun Electric Light Company shall have executed a bond to the city of Chicago in the penal sum of $20,000, with sureties satisfactory to the mayor of said city, conditioned to pay to the city of Chicago the sum and sums of money hereinafter provided to be paid to said city, and to indemnify and save harmless the city of Chicago of and from all damages which may accrue, or which in any way may arise or grow out of the exercise by said Sun Electric Light Company of the privileges herein granted, and said bond shall be executed and approved within sixty days from the passage of this ordinace.

¶ 6. **Liability not limited—duty of city officers.**] § 6. The liability of such company to said city, or to any person or company who may be injured by the exercise by said company of any of the rights and privileges granted by this ordinance, shall not be limited by the penalty of said bond, nor shall the remedy against said company be confined by the said bond, it being understood that such remedy is merely cumulative, and that said city of Chicago and any person or persons shall have the same remedies against said company as it or they would or might have if no such bond were given. In case the duties of the department of public works shall be devolved by said city on any other department, or officer, the permits and licenses herein mentioned shall be applied for to such department or officer, and the duties herein prescribed to be performed by the commissioner of public works, or the department of public works, shall be performed by such other officer or department. Said company shall be subject to all general ordinances of the city now in force, or which may hereafter be passed in relation to companies laying pipes or conductors in the said city of Chicago.

¶ 7. **Extension of system—term of grant.**] § 7. The Sun Electric Light Company shall extend its conductors and supply electricity upon any street or strects within the territory hereinbefore described when ordered so to do by a majority of the city council; Provided, however, that the company shall not be ordered to make such extension upon any street or streets until consumers enough upon such street or streets to yield a net revenue of six per cent per annum upon the whole cost of such extension shall have petitioned the council for the same. The rights and privileges hereby granted shall at the expiration of twenty years from the passage of this ordinance

absolutely cease and determine, it being the true meaning and intent of this ordinance to grant the said rights and privileges only for the term of twenty years from its passage.

¶ 8. **Street intersections, light.**] § 8. Said company, if so requested by the city council or the commissioner of public works, shall supply and maintain one electric arc light of 2,000 candle power each, at each street intersection throughout the territory over which its wires shall extend, at a price not to exceed cost of same as produced by the city as may be agreed upon between the comptroller of the city of Chicago, and the said Sun Electric Light Company.

¶ 9. **Compensation to city—acceptance.**] § 9. This ordinance is passed upon the express agreement and understanding that the Sun Electric Light Company before availing itself of any of the rights or privileges granted by this ordinance shall file with the city clerk its acceptance of all the terms of this ordinance, and shall file with the comptroller of the city on the first day of January and July, of each year, a statement of the gross receipts of all the business of said company within the city of Chicago for the six months next preceding such statement, which statement shall be sworn to by the president or secretary of such company. And at the time of filing said statement the said company shall pay into the city treasury five (5) per cent on the amount of such gross receipts. Said semi-annual payment shall continue during the exercise of the rights and privileges granted in this ordinance.

¶ 10. **Unlawful combinations, rights forfeited.**] § 10. The said Sun Electric Light Company, shall not at any time lease, sell, transfer or assign the rights and privileges granted under this ordinance to any electric light company, nor shall the said company enter into any combination with any electric light company heretofore existing, or hereafter created, concerning prices to be charged for furnishing light and power, either to the city or private consumers, nor shall said company make any consolidation, transfer or division of the territory, streets or avenues of the city with any other electric light company or corporation, for the operation of and supplying of electricity for light and power. Any violation of the provisions of this ordinance shall authorize and entitle the city of Chicago to revoke and repeal the provisions of this ordinance.

¶ 11. **Control of council over rates.**] § 11. And it is further agreed that the said ordinance is accepted by said company upon the express condition that the city council of the city of Chicago shall have the power to regulate, control and determine the rate or rates that shall be charged to consumers of electric light, heat, power and signals, furnished to the city and to the public. Such price to be determined by the cost of manufacture and a reasonable profit on the capital invested. Provided, further, that the mayor of the city of Chi-

cago shall have the power to appoint a person to represent the city interests on the board of directors of said company should the city so elect, and the stockholders of said company shall agree to elect said appointee a director of said company.

¶ 12. When in force.] § 12. This ordinance shall be in force and effect from and after its passage and its acceptance in writing by said company.

TOWN OF LAKE DISTRICT TELEGRAPH AND ELECTRIC COMPANY.

§ 43. Town of Lake District Telegraph and Electric company.

¶ 1. Permission to construct, lay and maintain wires or electric conductors, etc., as prescribed.
¶ 2. Conditions and limitations.
¶ 3. Insulation, underground wires when.
¶ 4. Permits—restoration of streets.
¶ 5. Restoration of streets.
¶ 6. Police and fire alarms, free.
¶ 7. Indemnity bond.
¶ 8. Acceptance and bond.

AN ORDINANCE GRANTING CERTAIN RIGHTS AND PRIVILEGES TO THE TOWN OF LAKE DISTRICT TELEGRAPH AND ELECTRIC COMPANY. (Passed November 13, 1888. Accepted January 2, 1889. Bond filed January 8, 1889.)

¶ 1. Grant.] Be it ordained by the president and board of trustees of the town of Lake, as follows: § 1. That permission and authority be and the same are hereby granted to the Town of Lake District Telegraph and Electric Company, a corporation organized and existing under and by virtue of the laws of the state of Illinois, its successors or assigns, to construct, lay and maintain wires, or electric conductors, with their proper supports, guards or coverings, above or underground, in such of the streets, alleys, highways and public places of the town of Lake, as may be designated from time to time by the president and board of trustees of said town, as hereinafter provided.

¶ 2. Conditions and limitations.] § 2. The foregoing privileges are granted to the Town of Lake District Telegraph and Electric Company upon the following conditions, and with the following limitations and agreements, and the acceptance of this ordinance by the said Town of Lake District Telegraph and Electric Company, shall constitute said conditions, limitations and agreements a binding contract upon the said Town of Lake District Telegraph and Electric Company.

¶ 3. Insulation — wires underground, when.] § 3. All

wires, cables, conductors or conduits, for the transmission of electricity shall be properly insulated; and when required by the general ordinance of said town all such wires, cables, conductors, and conduits shall be placed underground by said company under the direction and supervision and to the satisfaction of the superintendent of the department of public works of said town.

¶ 4. **Permits — restoration of streets.**] § 4. No street, alley, place, park, highway or public ground of the town of Lake shall be entered upon by the said Town of Lake District Telegraph and Electric Company, its successors, or assigns, for the purpose of constructing, laying, using, or maintaining any of the works or constructions above mentioned or using such street, alley, place, park, highway or public ground of the town of Lake for either or any of the purposes mentioned in section 1 of this ordinance, without having first obtained, in each instance, from the president and board of trustees of said town, express permission and authority for the specific work proposed; and in each and every instance said work shall be done under the supervision and to the satisfaction of the superintendent of the department of public works, of the town of Lake, and at such times and in such manner as the said president and board of trustees of said town may in said ordinance or resolution, designate; and said streets, alleys, places, parks, highways, and public grounds shall be restored by said Town of Lake District Telegraph and Electric Company, under the direction and supervision and to the satisfaction of the superintendent of the department of public works of said town, without any expense whatever to said town, and in such time and manner as said superintendent of the department of public works of said town may designate, to a condition as good as the same were in before the commencement of said work by said company; and said company by the acceptance of this ordinance agrees to do said work and to make said restoration as herein provided and said company by the acceptance of this ordinance further agrees to keep and maintain said streets, alleys, places, parks, highways and public grounds so entered upon by said company as above provided for the period of one year after said restoration in good condition and repair, under the supervision and to the satisfaction of the superintendent of the department of public works of said town, and without expense to said town. In case the said Town of Lake District Telegraph and Electric Company shall refuse or neglect, for the period of five days after receiving written notice from the superintendent of the department of public works of said town to make said restoration or repairs, then said superintendent of the department of public works may cause the same to be done in such manner as he may deem proper, and the said company shall be liable for the cost thereof and upon notice shall forthwith pay such amount to said town.

¶ 5. **Interference with pipes or paving -restoration.**] § 5.

The said company shall do no permanent injury to any pavement, sidewalk, crosswalk, flagging, curb, street, alley or public place, nor in any manner unnecessarily interefere with any water pipe, sewer pipe, gas pipe or any other pipes or drain, which now is or which may hereafter be laid by the town or by any authorized person or corporation, and no street, alley, place, park, highway, or public ground shall be allowed to remain open or encumbered for a longer period than shall be necessary in the opinion and discretion of the superintendent of the department of public works of said town, to execute the work for which the said street, alley, place, park, highway or public ground shall have been opened or encumbered. Whenever it may be found necessary in making any of the constructions herein provided for, or in repairing the same, to interfere with or disturb any pavement, flagging, curb, sidewalk, crosswalk, sewer, water pipe, gas pipe, or any other pipe or drain the same shall be replaced and restored by the said company at its own expense, and without any expense whatever to the said town of Lake to a condition as good as the same were in before the commencement of such work by said company.

¶ **6. Police and fire alarms free.**] § 6. The Town of Lake District Telegraph and Electric Company hereby agrees to retransmit, without extra charge therefor, to the police and fire departments of the town of Lake police and fire alarms received by them from their subscribers, said service to be governed by the rules and regulations of said departments.

¶ **7. Indemnity bond.**] § 7. The rights and privileges hereby granted are granted upon the express condition that the said Town of Lake District Telegraph and Electric Company will first enter into a bond with the town of Lake, to be approved by the president and board of trustees of said town, with good and sufficient sureties in the penal sum of ten thousand ($10,000) dollars conditioned to indemnify and save harmless the said town against and from any and all damages or claims for damages, judgments, decrees, costs and expenses of the same, which said Town of Lake may suffer, or which may be recovered or obtained against the said town for or by reason of the granting of the rights and privileges in this ordinance contained, or for or by reason of or growing out of or resulting from the passage of this ordinance or from any act or acts of the said company under or by virtue of the authority herein granted or the failure, refusal or neglect of said company to perform each and every of the said conditions upon which this ordinance is granted; and it is hereby further provided, that upon the recovery of any such final judgment or decree against said town as aforesaid, said company shall immediately and without prior payment of such judgment or decree by said town be liable to pay, and shall pay, the amount or amounts thereof to said town, and the fact that said town may not have paid such judgment or decree shall constitute no defense on the part of said company, and it is

further hereby expressly provided that in case of the failure on the part of the said Town of Lake District Telegraph and Electric Company to perform any of the conditions or provisions of this ordinance, the said town of Lake shall not be limited to an action upon the bond of said company, but may proceed at once against the said company in any suit or action at law or in equity, which it may deem advisable or necessary for the recovery of any money, damages or costs, which it may have sustained or paid by reason of such breach or failure; and it is hereby further provided, that the said Town of Lake District Telegraph and Electric Company, its successors and assigns, shall renew said bond and the sureties thereon, whenever and so often as the said town of Lake may desire or require.

¶ 8. **Acceptance and bond.**] § 8. This ordinance shall not be in force until its written acceptance by the said Town of Lake District Telegraph and Electric Company, together with the bond herein provided for, shall have been filed with the clerk of said town of Lake, and unless said acceptance and said bond herein provided for shall be executed and filed with the clerk of said town as aforesaid, within sixty days from the date of the passage hereof, this ordinance shall be null and void; and in case of a failure on the part of said Town of Lake District Telegraph and Electric Company, its successors and assigns, to keep and observe each and every of the conditions and provisions of this ordinance the town of Lake shall have the right to repeal this ordinance and to forfeit all rights acquired hereunder; and all rights, power and authority conferred upon the Town of Lake, its officers or trustees, shall vest in and be exercised by the municipal corporation, its officers, trustees, or authorities within whose limit the said work or constructions, or any part thereof, may be situated.

Note—See following amendatory ordinance.

§ 43a. Town of Lake District Telegraph and Electric company.

¶ 1. **Amending section 4 of the foregoing ordinance.**

AN ORDINANCE AMENDING SECTION FOUR OF THE TOWN OF LAKE DISTRICT TELEGRAPH AND ELECTRIC COMPANY'S ORDINANCE. (Passed March 30, 1889.)

¶ 1. **Amending section 4 of foregoing ordinance.**] § 4. No street, alley, place, park, highway, or public grounds of the town of Lake shall be entered upon by the said Town of Lake District Telegraph and Electric Company, its successors or assigns, for the purpose of constructing, laying, using or maintaining any of the works or constructions of those mentioned, or using such street, alley, place, park, highway or public ground of the town of Lake for either or any of the purposes mentioned in section 1 of this ordinance, without having first obtained, in each instance, from the president and board of trustees of said town, express permission and authority for the specific work proposed; provided, however, that upon such streets, alleys, avenues, parks, highways and public grounds whereon poles are already erected, belonging to the town (or the ownership wherein

consent is given), permission shall be given to the said the Town of Lake District Telegraph and Electric Company and assigns, to erect and maintain one line or wire for the express purpose as set forth in their letter of application filed with their ordinance on November 13th, 1888, viz.: "Police, Fire and Messenger Service," provided said company shall at any time remove said wire at its own expense, when directed so to do by the board of trustees of said town. Said permission shall be issued under the above conditions whenever said company shall make proper application in writing by the superintendent of public works, or such other authorized officer as the board of trustees shall designate, and in each and every instance, said work shall be done under the supervision of the superintendent of the department of public works, and at such time and in such manner as the said president and board of trustees in said ordinance or resolution designated, and said streets, alleys, places, parks, highways and public grounds shall be restored by said Telegraph and Electric Company, under the direction and supervision, and to the satisfaction of the superintendent of the department of public works of said town, without any expense whatever to said town, and in such time and manner as said superintendent may designate, to a condition as good as the same were in before the commencement of said work. And said company, by the acceptance of this ordinance, agrees to do said work, and to make said restoration as herein provided. In case the said Town of Lake District Telegraph and Electric Company shall refuse or neglect, for the period of five days after receiving written notice from the superintendent of the department of public works, to make such restoration, repairs or removal, then said superintendent may cause the same to be done in such manner as he may deem proper, and the said company shall be liable for cost, and upon notice, shall forthwith pay such amount to said town.

TOWN OF LAKE ELECTRIC LIGHT COMPANY.

§ 44. Town of Lake Electric Light company.

¶ 1. Grant.
¶ 2. Restoration of streets.
¶ 3. Conditions of the grant.
¶ 4. Acceptance.
¶ 5. When in force.

AN ORDINANCE GRANTING PERMISSION TO THE TOWN OF LAKE ELECTRIC LIGHT COMPANY TO ERECT ELECTRIC LIGHT SYSTEM. (Passed March 18, 1884. Accepted March 28, 1884.)

¶ 1. **Grant.**] Be it ordained by the board of trustees of the

town of Lake: § 1. That permission and authority be and hereby is given to the Town of Lake Electric Light Company, its successors and assigns, to erect, lay and maintain a system of electric conductors above or under ground in the streets, alleys, places and public grounds of the town of Lake, as the board of trustees of the town of Lake may direct.

¶ 2. **Restoration of streets.**] § 2. Whenever, in erecting or laying or repairing such electric conductors, it shall be found necessary to disturb any street, pavement, sidewalk, crosswalk, sewer drain, water pipe or gas pipe, the same shall be restored to as good condition as before such disturbance, by or at the expense of said Town of Lake Electric Light Company, its successors or assigns, and under the direction and to the satisfaction of the town engineer, and if said conductors shall be placed and maintained above ground, it shall be done in such manner as not to interfere with the operation of any electric wires belonging to the town of Lake.

¶ 3. **Conditions of grant.**] § 3. The permission and authority hereby granted the Town of Lake Electric Light Company are upon the following express conditions, the willful and continued violation of any one of which shall render the authority and permission hereby granted, absolutely null and void.

1st. The said Town of Lake Electric Light Company, its successors or assigns, shall and will forever indemnify and save harmless the town of Lake against and from any and all damages, judgments, decrees, and costs and expenses of the same which it may suffer, or which may be recovered against it, the town of Lake, for or by reason of the granting of such privileges and authority, or for or by reason of, or growing out of, or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company, its successors or assigns, of the privileges and authority hereby granted, or from the acts of said company, its successors or assigns, or by virtue of the provisions of this ordinance.

2nd. That the said company, its successors or assigns, shall construct its works so as to transmit electricity for lighting purposes within two years from the date of the passage of this ordinance.

3rd. That the said company, its successors or assigns, shall be held jointly and severally bound to pay all damages that may accrue to the owners of property by reason of the construction and operation of its works, in pursuance of the provisions of this ordinance.

4th. That the said company, its successors and assigns, shall promptly fulfill all the obligations and duties that are now or may hereafter be imposed by general ordinance of the board of trustees of the Town of Lake, upon all persons or companies operating in, or doing business with electricity in the town of Lake: Provided, that on such streets and in such localities where the consumption of elec-

tricity would be limited said company may supply the same by conductors above ground.

¶ 4. **Acceptance.**] § 4. This ordinance shall not be in force unless a written acceptance thereof by said company be filed with the town clerk of the town of Lake within thirty (30) days after the passage thereof.

¶ 5. **When in force.**] § 5. This ordinance shall take effect and be in force from and after its passage and acceptance.

WESTERN EDISON LIGHT COMPANY.

§ 45. Western Edison Light Company.

¶ 1. Grant.
¶ 2. Consent of property owners, underground wire, permits, etc.
¶ 3. Restoration of streets.
¶ 4. Indemnity clause.
¶ 5. Rights not exclusive unless bond be given.
¶ 6. Bond.
¶ 7. Liability, not limited.
¶ 8. Extension of system.

AN ORDINANCE AUTHORIZING THE WESTERN EDISON LIGHT COMPANY TO MAINTAIN A LINE OF WIRES OR CONDUCTORS FOR THE PURPOSE OF FURNISHING LIGHT, HEAT AND POWER. (Passed March 28, 1887. Accepted April 11, 1887.)

¶ 1. **Grant.**] Be it ordained by the city council of the city of Chicago: § 1. Permission and authority are hereby granted to the Western Edison Light Company, and its successors and assigns, to construct and maintain in the streets, alleys, sidewalks, tunnels, and public grounds of the city of Chicago, a line or lines of wire or other electric conductors to be used for transmitting electricity for the purposes of furnishing light, heat and power; provided, however, that said company, and its successors or assigns, shall not have the right to sell or lease to any other person or corporation any conduit, duct, wire or electric conductor, or part of the same, which may be laid by virtue of this ordinance, nor shall any of the rights or privileges hereby granted be sold in part or leased in part to any other person or corporation whatsoever.

¶ 2. **Underground wires — permits — consent of property owners.**] § 2. Said line or lines of wire or other electric conductors shall be placed in such parts of said streets, alleys, sidewalks, tunnels, and public grounds as shall be designated in the written permit hereinafter mentioned. Such lines, except where they pass through tunnels, shall be underground, as near to the curb as practicable, prop-

erly insulated, and shall be constructed under the supervision and to the satisfaction of the commissioner of public works or such other officer or department of the city government as may hereafter be designated by ordinance to perform the duties of said commissioner. In all cases where said company shall desire to place its line or lines of feeder or supply wires, to supply particular blocks, in the area under sidewalks, the commissioner of public works shall issue permits for that purpose, subject to the proviso hereinafter contained. Such permits shall specify that the said line or lines of feeder or supply wires shall be laid in such manner that they will least inconvenience the persons occupying such sidewalk space, and he shall require that the same shall be made entirely safe and secure; provided, that nothing in this ordinance contained shall be construed as any authority to said company to enter into any area or space under any sidewalk in the city of Chicago, or to appropriate or use the same for any purpose without first obtaining from the owner or owners of the lot or lots next adjacent to and abutting upon the same, his, her or their consent, in writing, to such use of the same, and to the terms and conditions upon which said area or sidewalk space may be used; but

Provided, further, that when in any block or blocks any property owner refuses the consent above provided for, then in such block or blocks the said company shall have the right, and the commissioner of public works is directed to permit it, to lay its supply or feeder wires next outside the curb wall under the pavement, around the property so objected for, or, at its election, to erect a hollow iron tube or pipe, or other suitable device proper for such purposes, in the alley in the middle of each of such blocks, from which to distribute the necessary supply or feeder wires for such block or blocks.

¶ **3. Restoration of streets.]** § 3. Said company shall do no permanent injury to any street, sidewalk, alley, avenue or public place, or shade tree, or in any manner unnecessarily interfere with any water, sewer or gas pipe, telegraph or electric wires, cables or pipes which are now or may hereafter be laid by the city of Chicago, or any authorized company or corporation; and when said company shall open ground in any street, avenue, alley or public place, or shall lay its conductors under any sidewalk or in any tunnel, it shall forthwith restore the street, avenue, alley, sidewalk, tunnel or ground or water pipe, sewer, or gas pipe, to as good condition as before, at the expense of said company, and under the direction and supervision and to the satisfaction of the department of public works of said city; and if said company shall fail or refuse so to do, the same may be done by said city, and the said company shall be liable for the cost thereof; and said company shall not make any excavation in any street, avenue, alley or public place, without first procuring a written permit for that purpose from the department of public works of said city, which permit shall specify the part of the street, sidewalk, alley, avenue, public place or tunnel where the conductor or conductors of said company

shall be laid. When any excavation shall be made by said company in any street, alley or public place, paved with wooden blocks, the foundation boards or planks shall be removed—without being cut—unless such cutting shall be specially permitted by the department of public works of said city. The said company shall, upon notice from the department of public works of said city, forthwith remove or change any conductor which may be in the way of or interfere with the construction or erection of any viaduct, public building or other public structure within said city.

¶ **4. Indemnity clause.**] § 4. Said company shall be liable to, and shall compensate the city of Chicago, and pay any private individual, owner or owners, or parties interested in any property adjacent to any street, avenue, alley, or public place, opened or injured by them, for all damages which may result from or by reason of such company having negligently opened, encumbered, protected or guarded any such street, avenue, alley or public place in said city, or from or by reason of any negligence or fault on the part of said company, in the exercise of any of the privileges granted by this ordinance.

¶ **5. Rights not exclusive.**] § 5. Nothing in this ordinance shall be construed as conferring any exclusive rights or privileges upon the Western Edison Light Company, and unless said company shall, within sixty days after the approval of the bond hereinafter provided for, in good faith, commence the construction hereby authorized, then and in that case all rights and privileges herein granted shall absolutely cease and determine.

¶ **6. Bond.**] § 6. This ordinance shall not take effect until the Western Edison Light Company, its successors or assigns, shall have executed a bond to the city of Chicago, in the penal sum of fifty thousand dollars ($50,000), with sureties satisfactory to the mayor of said city, conditioned to indemnify and save harmless the city of Chicago of and from all damages which may accrue or which in any way may arise or grow out of the exercise by said Western Edison Light Company of the privileges herein granted, and the said bond shall be executed and approved within sixty days from the passage of this ordinance.

¶ **7. Liability not limited — subject to ordinances.**] § 7. The liability of such company to said city, or to any person who may be injured by the exercise by said company, of any of the rights and privileges hereby granted, shall not be limited by the penalty of said bond, nor shall the remedy against said company be confined by said bond, it being understood that such remedy is merely cumulative and that said city of Chicago and any person or persons shall have the same remedies against said company as it or they would or might have if no such bond were given. In case the duties of the department of public works shall be devolved by said city on any other department or officer, the permits and licenses herein mentioned shall be applied

for to such department or officer, and the duties herein prescribed to be performed by the commissioner of public works or the department of public works, shall be performed by such other officer or department. Said company shall be subject to all general ordinances of the city now in force or which may hereafter be passed, in relation to companies laying pipes or conductors in the said city of Chicago.

¶ 8. **Extension of system.**] § 8. The Western Edison Light Company shall extend its conductors and supply electricity upon any street or streets, when ordered so to do by a majority vote of the city council.

Provided, however, that the company shall not be ordered to make such extension upon any street or streets until consumers enough upon such street or streets to yield a net revenue of six per cent. per annum upon the whole cost of such extension, shall have petitioned the council for the same. The rights and privileges hereby granted shall, at the expiration of twenty-five years from the passage of this ordinance, absolutely cease and determine, it being the true meaning and intent of this ordinance to grant the said rights and privileges only for the term of twenty-five years from its passage.

§ 9. The ordinance passed by the city council, March 21st, 1887, granting certain rights to the Western Edison Light Company, is hereby repealed.

§ 45a. Same (Hyde Park).

¶ 1. Grant.
¶ 2. Insulation.
¶ 3. Restoration of streets.
¶ 4. Opening streets, signal lights.
¶ 5. Rights not exclusive unless bond be given.
¶ 6. Liability not limited by bond.
¶ 7. Subject to ordinances.

AN ORDINANCE AUTHORIZING THE WESTERN EDISON LIGHT COMPANY TO LAY AND MAINTAIN ITS SYSTEM OF ELECTRIC CONDUCTORS UNDERGROUND IN CERTAIN TERRITORY. (Passed and approved March 27, 1884.)

¶ 1. **Grant.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission and authority be and hereby is given to the Western Edison Light Company, its successors or assigns, to lay and maintain its system of electric conductors underground in the streets, alleys, places, tunnels, parks and public grounds of the village of Hyde Park.

¶ 2. **Insulation.**] § 2. Such electric conductors shall be properly insulated, and shall be laid under the supervision and direction of the department of public works.

¶ 3. **Restoration of streets—deposit.**] § 3. Whenever in laying or repairing such electric conductors, it shall be found necessary to disturb any pavement, sidewalk, crosswalk, sewer, drain, water pipe or gas pipe, or telegraph or electric wires, cables or pipes, the same shall be forthwith restored to as good condition as before such

disturbance, by and at the expense of said Western Edison Light Company, its successors or assigns, and under the direction and to the satisfaction of the department of public works of said village: Provided, that if said company, its successors or assigns, as the case may be, shall fail or refuse to make such restoration, the same may be done by said village, and it, or its successors or assigns, as the case may be, shall be liable for the cost thereof: Provided further, that said company, its successors or assigns shall not make any excavation in any street, alley or public place without first procuring a permit for that purpose from the department of public works of said village, which permit shall specify the time, place and manner of making such excavation. Before issuing such permit, the comptroller may require from the said company, its successors or assigns, as the case may be, a deposit not exceeding two hundred and fifty dollars ($250) for each block of improved street, or fifty dollars ($50) for each block of unimproved street, authority to disturb which is granted in said permit. And the deposit so exacted shall be returned to the said company, or its successors or assigns, as the case may be, on the completion of the work proposed in the permit, to the satisfaction of the department of public works.

¶ 4. **Opening streets—signal lights.**] § 4. Said company, or its successors or assigns, shall not open or encumber more of any street, avenue, alley or public place at any one time than may be necessary to enable it to proceed with advantage in the laying of such wires or conductors, nor shall it, or its successors or assigns, as the case may be, permit any such street, avenue, alley or public place, to remain open or encumbered for a longer period than necessary to execute the said work, nor without putting up the necessary barriers and lights so as to effectually prevent the happening of any accident in consequence of such opening or encumbering of such street, alley, avenue or public ground.

¶ 5. **Rights not exclusive—bond.**] § 5. Nothing in this ordinance shall be construed as conferring any exclusive rights or privileges on the Western Edison Light Company, its successors or assigns, and this ordinance shall not take effect until the said company shall execute a bond to the village of Hyde Park, in the penal sum of ten thousand dollars ($10,000), with sureties satisfactory to the president and board of trustees, conditioned to indemnify and save harmless the village of Hyde Park of and from all damages which may be occasioned or which in any way may occur, or arise, or grow out of the exercise by it, or its successors or assigns, of the privileges hereby granted: Provided further, that unless the said company, its successors or assigns, shall commence work under this ordinance within six months from the passage hereof; then all the rights and privileges herein granted shall be forfeited and of no effect.

¶ 6. **Liability not limited by bond.**] § 6. The liability

of said company, or its successors or assigns, as the case may be, to said village or any person who may be injured by the exercise by it or them of any of the rights or privileges hereby granted, shall not be limited by the penalty of the bond herein required, nor shall such remedy be confined to said bond, it being understood that such remedy is merely cumulative and that said village of Hyde Park, and any person or persons, shall have the same remedies against it, or its successors or assigns, as the case may be, as it or they would, or might have, if no such bond was given.

¶ 7. **Subject to ordinances.**] § 7. This grant shall be subject to any and all general ordinances of the village of Hyde Park, either now in force, or hereafter coming in force, in relation to the maintenance of underground lines of wire or other electric conductors in the streets, avenues, alleys and tunnels of said village, and in relation to the inspection of electric lights and their conductors.

WESTERN ELECTRIC COMPANY.

§ 46. Western Electric company.
¶ 1. Grant, district designated.
¶ 2. Poles, control of council.
¶ 3. Term of grant, indemnity.

AN ORDINANCE AUTHORIZING THE WESTERN ELECTRIC COMPANY TO ERECT AND OPERATE ELECTRIC LIGHTS IN CERTAIN TERRITORY. (Passed and approved February 1, 1886.)

¶ 1. **Grant—district defined.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission and authority be and are hereby granted unto the Western Electric Company, a corporation of the state of Illinois, its successors and assigns, to erect and operate electric lights in the district of South Chicago, village of Hyde Park, that is to say, within the limits described as follows: 87th street on the north, 106th street on the south, Ashkum avenue on the west, from 87th street to Western Indiana railroad track, and Hoxie avenue from said railroad crossing to 106th street, and lake Michigan on the east.

¶ 2. **Poles — control of council.**] § 2. The right of way for that purpose is hereby granted to the said Western Electric Company through and across the streets, alleys and public grounds of said district of South Chicago, for erecting and maintaining the necessary poles, and laying, suspending and maintaining the necessary wires and other appliances for the transmission of electricity in, through, under or over the said streets, alleys and public grounds of said district:

Provided, however, that all necessary poles shall be erected in the alleys of said district, and that said streets, alleys and public grounds shall not be unnecessarily obstructed in the erection and maintenance of said poles, or the suspending and maintenance of said electric conductors; and provided further, that this ordinance is granted upon the express understanding, that the board of trustees of Hyde Park may at any time, whenever in their opinion the public safety requires, direct any change in respect to the location and management of the poles and wires, or to wholly discontinue the existence and operation of the same.

¶ 3. **Term of grant — indemnity.**] § 3. The permission and authority hereby granted shall continue for a period of twenty-five years, unless sooner terminated by the board of trustees of the village of Hyde Park as aforesaid, and in consideration of said grant the said Western Electric Company agrees to indemnify and hold harmless the village of Hyde Park against all claims for damages on account of the setting and maintenance of poles, and stringing wires, or operating and managing the same, and the acceptance of this ordinance by said company shall constitute a sufficient guarantee to that effect.

Note.—See following amendatory ordinance.

§ 46*. Amendment.

¶ 1. Amending section 2 of preceding ordinance.

AN ORDINANCE AMENDING SECTION 2 OF AN ORDINANCE ENTITLED, "ORDINANCE GRANTING CERTAIN RIGHTS TO THE WESTERN ELECTRIC COMPANY IN SOUTH CHICAGO." (Passed, approved and filed October 31, 1887.)

¶ 1. **Amending Section 2 of Foregoing Ordinance.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That section 2 of an ordinance entitled: "'Ordinance granting certain rights to the Western Electric Company in South Chicago," be and the same is hereby amended as follows:

§ 2. The right of way for that purpose is hereby granted to the said Western Electric Company, through and across the streets, alleys and public grounds of said district of South Chicago, for erecting and maintaining the necessary poles and laying, suspending and maintaining the necessary wires and other appliances for the transmission of electricity, in, through, under or over the said streets, alleys and public grounds of said district: Provided, that all necessary poles shall be erected under the supervision of the superintendent of public works and that said streets, alleys and public grounds shall not be unnecessarily obstructed in the erection and maintenance of said poles, or the suspending and maintenance of said electric conductors, and provided further, that this ordinance is granted upon the express understanding that the board of trustees of Hyde Park, may, at any time, whenever in their opinion the public safety requires, direct any change in respect to the location and management of the poles and wires or to wholly discontinue the existence and operation of the same.

WESTERN LIGHT AND POWER COMPANY.

§ 47. Western Light and Power company.

¶ 1. Grant.
¶ 2. Poles—supervision of.
¶ 3. Charge to consumers.
¶ 4. Poles, how erected.
¶ 5. Restoration of streets.
¶ 6. Indemnity clause.
¶ 7. Indemnifying bond.
¶ 8. Charges.
¶ 9. Underground wires.
¶ 10. Forfeiture.
¶ 11. When in force.

AN ORDINANCE TO AUTHORIZE THE WESTERN LIGHT AND POWER COMPANY TO CONSTRUCT, MAINTAIN AND OPERATE, ALONG, UNDER OR OVER THE HIGHWAYS, STREETS, ALLEYS OR AVENUES OF THE CITY OF LAKE VIEW, UNDER CERTAIN RESTRICTIONS, A LINE OR LINES OF POLES, WIRES AND OTHER CONDUCTORS, FOR THE PURPOSE OF TRANSMITTING ELECTRICITY FOR LIGHT, HEAT, MOTIVE POWER AND OTHER PURPOSES. (Passed June 17, 1889. Accepted July 2, 1889.)

¶ 1. Grant.] Be it ordained by the city council of the city of Lake View: § 1. The Western Light and Power Company, (a corporation organized under and by virtue of the laws of the state of Illinois, and doing business in the cities of Lake View and Chicago), is hereby authorized to erect and maintain poles, with wires stretched thereon; or to lay, operate and maintain an underground system of wires, along, under, over and above the highways, streets, alleys, avenues or public grounds; under the sidewalks where permission is first obtained of the city of Lake View; or over housetops, where permission is first obtained from the owner; together with all necessary feeders, service wires and conductors, to be used for the purpose of transmitting electricity, for furnishing light, motive power and heat, and for other proper purposes.

¶ 2. Poles — supervision of.] § 2. All such poles and wires shall be well and properly constructed to the satisfaction of the city council of said city, or such agent or officer of department thereof as may be designated by ordinance or otherwise to perform such duties; that when an underground system shall be used, the wires and other conductors shall be well and properly insulated, and that in constructing said underground system or systems no excavations shall exceed in width the space of two feet at the bottom, except by special permission of the commissioner of public works of said city.

¶ 3. Charge to consumers.] § 3. The cost and charge for furnishing light to the people of said city shall not exceed the following rates, to-wit: For one large standard arc light of 2,000 candle-power from sunset until midnight, not to exceed the sum of fifty cents per night; for one standard arc light of 1,200 candle-power, from sunset until midnight, not to exceed the sum of forty cents per night; for

each incandescent light of sixteen candle-power, not to exceed the sum of one (1) cent per hour per light; for each electrical horse-power, not to exceed the sum of ten dollars ($10) per month; and for heat, the same rate per candle-power as above specified for incandescent lighting.

¶ **4. Poles not to interfere with traffic — moving of houses.**] § 4. When such line or lines shall not be constructed underground, said line or lines shall be constructed, maintained or operated with the least practicable obstruction to general traffic or public use, with wire stretched upon poles as far from each other as may be safe or convenient. Said poles are to be of wood or of iron, neatly painted, with cross arms; in diameter not exceeding fifteen inches at the base, and six inches at the top, except where specially authorized by the commissioner of public works of said city, for safety or otherwise; in height not less than thirty-five (35) feet unless otherwise permitted by the commissioner of public works; in distance apart not nearer than one hundred and fifty (150) feet, unless necessary for safety or to lessen distance at intervals or at corners. Said company shall, upon due notice given them, remove or raise wires to allow or permit derricks, buildings or other apparatus, to be transported along said street, provided due notice is given of such intention in time to permit such removal without detriment to the service of said company, or the public or city.

¶ **5. Restoration of streets — control of council.**] § 5. Said company shall do no permanent damage to any highway, street, alley, public place, or sidewalk, or shade tree or trees, or in any manner unnecessarily interfere with any water, sewer or gas pipe, telegraph or other electric wires, cables or pipes, which are now, or may hereafter be laid by the city of Lake View, or any authorized company or corporation; and when said company shall open ground in any highway, avenue, street, alley or public place, it shall forthwith restore the said street, highway, avenue, alley or public place, or water, gas or sewer pipe, to as good condition as before, at the expense of said company and to the satisfaction of the commissioner of public works of said city; and if said company shall refuse or fail so to do, the same may be done by said city, and the said company shall be liable for the cost thereof. And the said company shall not make any excavation in any street, highway, avenue, alley or public grounds, without first procuring a written permit for the purpose from the commissioner of public works, of said city, which permit shall specify that part of the street, highway, avenue, or public place, where such excavation shall be made. When any excavation shall be made by said company in any highway, street or alley paved with wooden blocks, the foundation boards or planks shall be removed without being cut, unless such cutting shall be specially permitted by the commissioner of public works of said city. The said company shall, upon written notice from the

commissioner of public works of said city, forthwith remove or change any conductors which may be in the way of, or interfere with, the construction or erection of any viaduct, public building, or other public structure within said city.

¶ **6. Indemnity clause.**] § 6. The said company shall forever indemnify and save harmless the city of Lake View from all legal damages, judgments, decrees, costs and expenses of the same, which may suffer, or which may be recovered or obtained against said city for, or by reason of the granting of, or resulting from the passage of this ordinance, or any matter or thing connected herewith, or from the exercise by said company of the privileges hereby granted, or from any act or acts of the said company, its servants or agents under or by virtue of the provisions of this ordinance. And said company shall also pay all damages to any owner or owners of any property abutting on or adjacent to any street, highway, alley or public place which such owner or owners may sustain by reason of any negligence or fault on the part of said company, its agents or servants, in the exercise of any of the privileges granted by this ordinance.

¶ **7. Indemnity bond.**] § 7. This ordinance shall not take effect until the Western Light and Power Company shall have executed a bond to the city of Lake View in the penal sum of five thousand dollars ($5,000), conditioned to indemnify and save harmless the said city of Lake View of and from all damages which may accrue, or which in any way arise or grow out of the exercise by said company of the privileges herein granted; and said bond shall be executed within sixty days from the passage of this ordinance and the execution of such bond and its delivery to, and approval by the mayor of said city shall thenceforth authorize said Western Light and Power Company to exercise all and singular the rights, privileges and franchises herein granted.

¶ **8. Charge for street lamps and to city.**] § 8. That the Western Light and Power Company shall provide incandescent lamps to the said city of Lake View for street lighting at the rate of one-half (½) cent per hour for each lamp of sixteen candle power; provided, however, that the said city shall cause a contract to be made with the said Western Light and Power Company to furnish current for not less than one thousand (1,000) lamps for a term of not less than three years. And said company shall furnish incandescent lights of sixteen candle power at such times and in such quantities as the city may desire, to the public buildings of said city, situated upon or near its mains or wires at the rate of one-half (½) cent per hour, but the said company shall not be required to furnish the necessary wires or conductors or fixtures from the outside of said buildings to the inside lamps. The Western Light and Power Company shall furnish to the city of Lake View arc lights situate upon the lines of its wires, or near

the same, at the following rates: For each arc light of 2,000 candle-power from sunset until midnight, one hundred and forty dollars ($140.00) per year; for each 2,000 candle-power arc light from sunset until daylight the sum of one hundred and sixty dollars ($160.00) per year; for each 1,200 candle-power arc light from sunset until midnight, the sum of one hundred dollars ($100.00) per year; and for each arc light of 1,200 candle-power from dark until daylight, the sum of one hundred and thirty dollars ($130.00) per year.

¶ 9. **Underground wires when — erection of plant.**] § 9. Said company shall not be required to lay their wires underground for the space of five years from the date of the passage of this ordinance, and at the expiration of that time, should the city council pass an ordinance requiring said company to lay their wires underground, said company is hereby granted a further time of two years from the passage of any such ordinance for making or completing the change.

Said company [shall construct] its works and provide for the furnishing of electric light and power in accordance with the provisions of this ordinance within one year from the date of the acceptance of this ordinance by this company; and said company shall by notice in writing delivered to the mayor or city clerk of said city of Lake View, signify their acceptance of the terms and conditions of this ordinance within sixty days after the passage of this ordinance.

¶ 10. **Rights forfeited when.**] § 10. After said company shall have commenced to supply and transmit electricity under the provisions of this ordinance, in case of any failure thereafter on their part, for and during any period of four consecutive weeks, to supply and transmit sufficient electricity for furnishing light, motive power and heat, and for other proper purposes, as contemplated in this ordinance, and in case of any other failure upon the part of said company to fulfill all and singular the provisions of this ordinance, according to the terms thereof, all the rights and privileges herein granted shall at the option of the city council of said city of Lake View be forfeited and annulled.

¶ 11. **When in force.**] § 11. This ordinance shall take effect and be in force from and after its passage.

UNITED TELEGRAPH AND TELEPHONE AND ELECTRIC COMPANY.

(Successors to Hyde Park District Telegraph and Electric company.)

§ 48. United Telegraph and Telephone and Electric Company.
¶ 1. Grant.
¶ 2. Permits, consent of owners.

¶ 3. Police and fire alarms, transmission.
¶ 4. Changes subject to ordinances.
¶ 5. Bond of indemnity, renewal of.
¶ 6. Acceptance—filing of bond.

AN ORDINANCE GRANTING AUTHORITY TO THE HYDE PARK DISTRICT TELEGRAPH AND ELECTRIC COMPANY TO CONSTRUCT, OPERATE AND MAINTAIN AN ELECTRIC SIGNAL SERVICE WITHIN CERTAIN TERRITORY. (Passed January 29, 1889. Accepted February 5, 1889.)

¶ 1. **Grant.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That the Hyde Park District Telegraph and Electric Company, a corporation of the state of Illinois, its successors or assigns, are hereby granted the right and privilege of placing such wires or electric conductors, with their proper supports, guards, or coverings, above or under ground in the public streets and alleys within the village of Hyde Park as will be necessary for the successful and economical operation of their business of transmitting electrical signals or messages, orally or telegraphically, and to enable them to reach the property or premises of their patrons, subject to the provisions hereinafter contained.

¶ 2. **Permits — consent of property owners.**] § 2. All wires or electric conductors and the supports thereto permitted to be erected under this ordinance shall be placed under the general supervision of the superintendent of public works of the village of Hyde Park, providing that in all cases where said company desire to make use of any street or alley, they shall first obtain permission from the board of trustees of the village of Hyde Park, subject to the consent of a majority of the property owners abutting on said street or alley; said consent of said property owners must be in writing and accompany said petition, providing that said company may place their circuits or wires wherever ordered by the board of trustees of the village of Hyde Park, for public benefit.

¶ 3. **Police and fire alarms, transmission of.**] § 3. The Hyde Park District Telegraph and Electric Company, hereby agrees to re-transmit, without extra charge therefor, to the police and fire department of the village of Hyde Park, police and fire alarms received by them from their subscribers. Said service to be governed by the rules and regulations of said department, and the facilities and opportunities offered and allowed to said company by said village.

¶ 4. **Charges—subject to ordinances.**] § 4. The said Hyde Park District Telegraph and Electric Company shall abide by and be subject to all general ordinances now in force, or which may hereafter be adopted by the village board of trustees, or its political successors, regulating the putting up or maintenance of electric wires, and that the charge for the service of an eleven-call box shall not exceed the sum of fifteen dollars ($15.00) per each, for the period of one year.

¶ 5. **Bond of indemnity, renewal of.**] § 5. The rights and privileges hereby granted are granted upon the express condition that the said Hyde Park District Telegraph and Electric Company will enter into a bond with the village of Hyde Park, to be approved by the president and board of trustees of said village, with good and sufficient sureties in the penal sum of ten thousand dollars ($10,000), conditioned to indemnify and save harmless said village against and from any and all damages or claims for damages, judgments, decrees, costs and expenses of the same, which said village of Hyde Park may suffer, or which may be recovered or obtained against said village for or by reason of the granting any of the rights and privileges in this ordinance contained, or for or by reason of or growing out of, or resulting from the passage of this ordinance, or from any act or acts of the said company under or by virtue of the authority herein granted, or the failure, refusal or neglect of said company to perform each and every of the said conditions upon which this ordinance is granted; and it is hereby further provided that upon the recovery of any such final judgment or decree against said village, as aforesaid, said company shall immediately and without prior payment of such judgment or decree, by said village be liable to pay and shall pay the amount or amounts thereof to said village, and the fact that said village may not have paid such judgment or decree shall constitute no defense on the part of said company; and it is hereby further expressly provided that in case of the failure on the part of the said Hyde Park District Telegraph and Electric Company to perform any of the conditions or provisions of this ordinance, the said village of Hyde Park shall not be limited to an action upon the bond of the company, but may proceed at once against the said company in any suit or action at law, or in equity which it may deem advisable or necessary. And it is hereby further provided that the said Hyde Park District Telegraph and Electric Company, its successors, shall renew said bond and the sureties thereon whenever and as often as the village of Hyde Park may desire or require.

¶ 6. **Acceptance — filing of bond.**] § 6. The said company shall signify its acceptance of this grant or permission upon the terms, conditions and restrictions herein provided, by filing with the clerk of the village of Hyde Park a written acceptance thereof, together with the bond herein provided for, and together with a certificate that said company is duly incorporated, within sixty days from the passage hereof, or this ordinance and all rights thereunder shall be forfeited.

Note: Bill of sale Galpin, receiver to McDonald, recorded August 1, 1894. B. 4952, p. 316. Bill of sale McDonald to U. T. & T. & E. Co. Recorded B. 4659, p. 571.

CHARLES YONDORF.

§ 49. Charles Yondorff.

¶ 1. Grant.
¶ 2. Subject to ordinances.
¶ 3. Permits—restoration of streets.
¶ 4. Consumers—compensation to city.
¶ 5. Acceptance bond.
¶ 6. When in force.

AN ORDINANCE AUTHORIZING CHARLES YONDORF TO MAINTAIN AND OPERATE CERTAIN WIRES IN CONDUITS WITHIN CERTAIN TERRITORY. (Passed February 11, 1895. Accepted February 11, 1895.)

¶ 1. **Grant—territory prescribed.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same is hereby given to Charles Yondorf to maintain and operate the electric wires now existing in the conduits running from his electric light plant at the corner of Blue Island avenue and 14th street, to forty-six (46) feet east of Blue Island avenue, thence north to thirty-eight (38) feet north of 14th street, thence west to forty-six (46) feet west of Blue Island avenue, and thence south to the place of beginning, as per plat hereto attached and made a part hereof.

¶ 2. **Subject to ordinances.**] § 2. Said electric wires shall be operated and maintained subject to all the ordinances of the city of Chicago applicable thereto.

¶ 3. **Permits—restoration of streets.**] § 3. It shall be and is hereby made the duty of said Charles Yorndorf, whenever he shall be about to disturb the surface of any street or alley for the purpose of repairing or relaying said wires, to obtain a permit therefor from the commissioner of public works, and to deposit with said commissioner of public works a sum of money sufficient to pay for the restoration of said street to as good condition as the same was in before being disturbed, which said sum of money shall be returned to the said Charles Yondorf by the said commissioner of public works as soon as said Charles Yondorf shall have restored said street to such condition to the satisfaction of said commissioner.

¶ 4. **Consumers — compensation to city — term of grant — charge to.**] § 4. The rights and privileges hereby granted shall expire at the end of ten (10) years from and after the passage of this ordinance. The said Charles Yondorf shall not charge any private consumer a sum exceeding three-quarters of a cent per hour for each sixteen-candle power light, and shall not charge more than seven and one-half ($7.50) dollars per month for each arc light of sixteen hundred (1600) candle power, and shall not charge more than forty cents per horse power per day for all power furnished by him. Said Charles Yondorf shall on the first (1st) day of January of each year pay into the city treasury of the city of Chicago five (5%) per cent of the gross re-

ceipts from all light and power furnished by him during the next preceding year.

¶ **5. Acceptance and bond.**] § 5. Said Charles Yondorf shall not be entitled to any of the rights or privileges granted by this ordinance until he shall file with the city clerk an acceptance thereof in writing, and shall also file a bond in the sum of two thousand dollars ($2000), to be approved by the mayor, with one or more good and sufficient sureties, conditioned to indemnify and save harmless the city of Chicago from any and all expenses, costs, loss, damages, charges or liabilities in any way arising from or growing out of the provisions of this ordinance, or out of the exercise of the rights and privileges hereby conferred upon said Charles Yondorf, said acceptance and bond to be filed within thirty (30) days from and after the passage of this ordinance.

¶ **6. When in force.**] § 6. This ordinance shall be in force and effect from and after its passage, and upon the filing of said acceptance and bond as hereinbefore provided.

CHAPTER III. GAS.

§ 51. Burdett Loomis Gas and Electric company.
52. Calumet Gas company.
53. Chicago Economic Fuel Gas company.
*53. Extension and amendment.
†53. Another ordinance.
‡53. Resolution declaring a forfeiture.
54. Chicago Fuel and Light company.
55. Chicago Gas Light and Coke company.
56. Chicago Municipal Gas, Fuel and Light company.
*56. Repealed.
57. Consumers' Gas, Fuel and Light company.
58. Consumers' Gas, Light and Fuel company of Lake View.
59. Economic Electric Light and Gas company.
*59. Extension of time.
60. Economic Light and Heat Gas company.
61. Equitable Gas Light and Fuel company.
62. Hyde Park Gas company.
*62. Further rights granted.
63. Hyde Park Light and Fuel company.
64. Metropolitan Gas company of Hyde Park.
*64. Additional rights and requirements.
†64. Repealed.
65. Mutual Fuel Gas company.
66. North Western Gas Works.
67. Ogden Gas company.
68. Peoples' Gas Light and Coke company.
*68. Peoples' Gas Light and Coke company.
†68. Peoples' Gas Light and Coke company.
69. Suburban Gas company.
70. Universal Gas company.

BURDETT LOOMIS GAS AND ELECTRIC LIGHT COMPANY.

§ 51. Burdett Loomis Gas and Electric Light company.

¶ 1. Permission to lay its gas mains, pipes, feeders and service pipes for light, heat or power, as designated.
¶ 2. Restoration of streets.
¶ 3. The plant, its capacity; price of gas limited.
¶ 4. Location of the plant.
¶ 5. Subject to all general ordinances.
¶ 6. Acceptance to be made and filed within 30 days.
¶ 7. In force from and after its passage. Forfeiture for non-acceptance thereof.

AN ORDINANCE GRANTING RIGHTS TO THE BURDETT LOOMIS GAS AND ELECTRIC LIGHT COMPANY. (Passed and approved April 4, 1887. Accepted April 25, 1887.)

¶ **1. Grant.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission and authority be and the same is hereby granted to the Burdett Loomis Gas and Electric Light Company, a corporation of the state of Illinois in process of organization,* to lay its gas mains, pipes, feeders and service pipes, for light, heat, or power, in any and all of the streets, alleys, avenues, highways, parks, squares and public grounds throughout the village of Hyde Park, south of the center line of Sixtieth (60th) street, and north of the center line of Ninety-fifth (95th) street, and west of Stony Island avenue, south of Sixty-seventh (67th) street.

¶ **2. Restoration of streets.**] § 2. Said Burdett Loomis Gas and Electric Light Company when it shall open the ground to lay any pipes (or for any purpose whatever) shall without delay restore the ground, streets, pavements and sidewalks to a condition as good as before they opened them, and satisfactory to the superintendent of public works, or such other persons as the board of trustees may appoint.

¶ **3. Plant — price of gas.**] § 3. The Burdett Loomis Gas and Electric Light Company's works shall be of sufficient capacity to supply said territory, and shall be commenced within three months and light furnished, and the works of said company be in full operation within twelve months from the passage of this ordinance, and no more than two ($2) dollars per thousand cubic feet shall be charged to consumers of gas; provided, however, that in case payment shall be made by such consumer on or before the twelfth (12th) day next after the month in which the gas shall be consumed, a rebate of twenty-five (25) cents per thousand cubic feet shall be allowed to such consumers.

¶ **4. Location of plant.**] § 4. The works of said Burdett Loomis Gas and Electric Light Company shall be located at a point south of Sixty-seventh (67th) street.

¶ **5. Subject to ordinances.**] § 5. The said Burdett Loomis Gas and Electric Light company, its successors and assigns, shall be subject to all the general ordinances of the village of Hyde Park in relation to gas and electric light companies now in force, or which shall hereafter be in force in relation to the government of gas and electric light companies, and acceptance of this ordinance shall be deemed as an agreement and consent of and by said company, to save and keep harmless the said village of Hyde Park from any and all claims for damages, of every nature and kind, growing out of any act on the part of said company, its successors or assigns, or their agents or servants.

¶ **6. Acceptance.**] § 6. The rights and privileges hereby granted are upon the express condition that the said company shall, before the expiration of thirty days from the date of the passage hereof,

*Plant never built.

file with the village clerk their acceptance in writing of the terms and conditions of this ordinance.

¶ 7. **In force from and after passage.**] § 7. This ordinance shall be in force from and after its passage, and a failure to comply with the terms and conditions of this ordinance shall work a forfeiture of the rights and privileges hereby granted.

CALUMET GAS COMPANY.

§ 52. Calumet Gas company.
¶ 1. Grant.
¶ 2. Restoration of streets.
¶ 3. Capacity of plant—price of gas limited.
¶ 4. Location.
¶ 5. Limitations and conditions.
¶ 6. Subject to ordinances.
¶ 7. In force from and after its passage.

§ *52. Amendment extending the grant.

AN ORDINANCE GRANTING RIGHTS TO THE CALUMET GAS COMPANY. (Passed and approved November 9, 1885.)

¶ 1. **Grant.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission and authority be and the same is hereby granted to the Calumet Gas Company, a corporation of the state of Illinois, to lay its gas mains, pipes, feeders and service pipes in any and all the streets, alleys, avenues, highways, parks, squares and public grounds throughout the village of Hyde Park, south of the center line of Sixty-seventh street, upon the following conditions.

¶ 2. **Restoration of streets.**] § 2. Said Calumet Gas Company, when it shall open the ground to lay any pipes, or for any purpose whatever, shall without delay restore the grounds, streets, pavements and sidewalks to a condition as good as before they opened them, and satisfactory to the superintendent of public works, or such other person as the board of trustees may appoint.

¶ 3. **Capacity of plant — price of gas.**] § 3. The works of said Calumet Gas Company shall be of sufficient capacity to supply said territory, and shall be commenced within six months, and gas furnished within eighteen months from the passage of this ordinance, and no more than two ($2.00) dollars per thousand cubic feet shall be charged to consumers; provided, however, that in case payment shall be made by said consumer on or before the twelfth day next after the

month in which the gas shall be consumed, a rebate of twenty-five (25) cents per thousand cubic feet shall be allowed to such consumer.

¶ **4. Location of plant.**] § 4. The works of said Calumet Gas Company shall be located at a point south of the center line of Eighty-third street.

¶ **5. Limitation of grant.**] § 5. The said Calumet Gas Company shall not have any privileges or rights in the territory bounded on the north by Ninety-fifth street, on the east by the center of Stony Island avenue, and on the south by the south line of Hyde Park, and on the west by the west line of Hyde Park.

¶ **6. Subject to ordinances.**] § 6. The said Calumet Gas Company, its successors and assigns, shall be subject to all the general ordinances of the village of Hyde Park in relation to gas companies, now in force, and which shall hereafter be in force in relation to the government of gas companies, and shall save and keep harmless the said village of and from all claims for damages growing out of any act on the part of said company, its successors or assigns, or their agents or servants.

¶ **7. When in force.**] § 7. This ordinance shall be in force from and after its passage.

Note.—See following amendatory ordinance.

AN ORDINANCE AMENDING AN ORDINANCE GRANTING RIGHTS TO THE CALUMET GAS COMPANY. (Passed, approved and filed November 17, 1887. Accepted November 18, 1887.)

¶ **8. Amending section 1 of the foregoing ordinance.**] Be it ordained by the president and board of trustees of the village of Hyde Park: That section 1 of an ordinance granting rights and privileges to the Calumet Gas Company, passed November 9, 1885, be and the same is hereby amended to read as follows:

That permission and authority be and the same is hereby granted to the Calumet Gas Company, a corporation of the state of Illinois, to lay its gas mains, pipes, feeders and service-pipes, in any and all the streets, alleys, avenues, highways, parks, squares and public grounds throughout the village of Hyde Park.

CHICAGO ECONOMIC FUEL GAS COMPANY.

§ 53. Chicago Economic Fuel Gas company.
§ *53. Extension and amendment.
§ †53. Another ordinance.
§ ‡53. Resolution declaring a forfeiture.

¶ 1. Grant.
¶ 2. Pipes, how to be laid—charges for connections.
¶ 3. Restoration of streets.
¶ 4. Incumbering streets—barriers and lights to be furnished.
¶ 5. Damages—liability for.
¶ 6. Subject to ordinances.
¶ 7. Conditions—charges to consumers.
¶ 8. Pipes, how to be laid.
¶ 9. Compensation to the city.
¶ 10. Time of completion, specified.
¶ 11. Bond of indemnity.
¶ 12. When in force.
¶ 13. Terms of the grant—right of purchase.

AN ORDINANCE GRANTING AUTHORITY TO THE CHICAGO ECONOMIC FUEL GAS COMPANY TO CONSTRUCT AND OPERATE WORKS FOR THE MANUFACTURE OF FUEL GAS IN THE CITY OF CHICAGO. (Passed December 22, 1890. Accepted January 19, 1891.)

¶ 1. Grant.] Be it ordained by the city council of the city of Chicago: § 1. Subject to the terms and conditions of this ordinance there is hereby granted to the Chicago Economic Fuel Gas Company, its successors and assigns, the right to construct and operate works for the manufacture of fuel gas, only, within the city of Chicago; also with the right of way along, upon and under all the avenues, streets, alleys and public places in said city for the purpose of placing, operating, repairing and maintaining a line or lines of gas mains and pipes and all necessary feeders and service pipes in connection therewith, for the distribution of natural and manufactured fuel gas exclusively. Said gases shall, at all times, be of the best quality and highest efficiency respectively for the purposes. Provided, however, that the successors and assigns referred to in this section, or elsewhere in this ordinance, shall not be construed to include any other gas company, trust or corporation, as provided in section twelve (12) of this ordinance.

¶ 2. Pipes, how laid — charges for connections.] § 2. Such company or corporation shall not lay its main pipes in any such avenue, street, alley or public place of said city, unless it shall at the time lay down all feeders or service pipes necessary to make connection without any subsequent disturbance of the pavement or surface of such avenue, street or public place with each and all building lots fronting or abutting thereon, and all service pipes or feeders laid by said company shall be coated with Dr. Angus Smith's composition, or some other equally good material for preserving said service pipes or feeders from decay. Provided, that the main or distributing pipes shall be laid on such portion of the public highway as the commissioner of public works may direct, and at all intersecting streets which are improved the main or distributing pipes shall be laid at right angles thereto and extend at least to the building line, and all feeders or service pipes shall be laid to the curb line of the street. Said company or corporation shall not charge any person desiring to make a connection with any service pipe laid or to be laid by such company or corporation

more than twenty-five cents a lineal foot for such service pipe when laid. Said company shall, when so ordered by a majority vote of all the aldermen elected, extend their mains and supply pipes on any street, avenue or other public highway contiguous to the pipes of said company at the time in use or operation. Provided, such extension shall cover territory one-half of which is improved by buildings.

¶ 3. **Restoration of streets.**] § 3. That said company or corporation shall do no permanent injury to any street, sidewalk, alley, avenue or public place, or shade tree, or in any manner unnecessarily disturb or interfere with any water pipe, sewer, gas pipe, conduit or other underground work now or hereafter laid by said city, or any authorized company or corporation, and when such company shall open ground in any street it shall forthwith restore the street, pavement, sidewalk or ground or water pipe, sewer, gas pipe, conduit or other underground work, to a condition equally as good as before, at the expense of said company, and, if said company shall fail or refuse so to do, the same may be done by said city and the said company shall be liable for and pay the cost thereof. Said company shall not make any excavation in any street, avenue, alley or public place without first procuring a permit for that purpose from the commissioner of public works of said city. When any excavation shall be made by said company in any street, alley or public place paved with wooden blocks, the foundation boards or planks shall be removed without being cut, unless said cutting shall be specially permitted by the commissioner of public works of such city. The said company shall not use the public fire hydrants of said city, or any water therefrom, without paying for same, under a license and permit from the commissioner of public works of said city. The said company shall, upon notice from the commissioner of public works of said city, remove or change any gas main pipe, service pipe or feeder which may be in the way or interfere with the construction or erection of any viaducts, public building or other public structure, and whenever said city shall construct or form into a general subway any street, avenue, alley or other public highway, on or through which any pipe or pipes authorized by this ordinance may be located, said company, upon due notice from proper city authorities, shall occupy said subway and place and maintain its pipes and appurtenances therein at its own cost and expense.

¶ 4. **Incumbering streets—signal lights.**] § 4. Such company or corporation shall not open or encumber more of any street, avenue, alley or public place at any one time than may be necessary to enable it to proceed with advantage in the laying of such main pipes, feeder or service pipes, nor shall said company permit any such street, avenue, alley or public place to remain open or encumbered for a longer period than shall be necessary to execute the work for which the same shall have been opened, or without putting up the necessary barriers and lights so as to effectually prevent the happening of any

accident in consequence of such opening or encumbering of such street, alley, avenue or public grounds, nor shall any two next parallel streets be excavated at the same time.

¶ 5. **Liability for damages.**] § 5. Such company or corporation shall be liable to and shall compensate the city of Chicago, and pay any private individual, owner or owners, or parties interested in any property adjacent to any street, avenue, alley or public place opened or injured by it, for all damages which may result from leaks of pipes, or by reason of such company having neglectfully opened, encumbered, protected or guarded any such street, avenue, alley or public place in said city: Provided, said company shall, in the exercise of the rights and privileges hereby granted, be subject to all laws and ordinances relating to nuisances.

¶ 6. **Subject to ordinances—meter inspection.**] § 6. Such company or corporation shall be subject to all general ordinances of the city of Chicago in regard to gas companies, and the city of Chicago shall have the right, at any time, to provide for the appointment of one or more inspectors of gas, with all the power and authority incident to such position and which the said city may deem necessary to protect the city of Chicago, in its corporate rights, and individual consumers of gas. All meters used by said company for measuring gas shall be subject to inspection and approval by such person or persons, officer or officers, as may be appointed by said city for that purpose, and said company shall pay all reasonable costs and charges of such inspection, as the same may be fixed by the city council of said city, and said company shall pay the reasonable cost of all necessary city inspectors of the work of construction.

¶ 7. **Conditions—charges to consumers.**] § 7. The rights and privileges hereby granted are upon the express condition that no gas flowing through any main pipe, feeder or service pipe laid, controlled or operated by said company, or by its authority, shall be charged for at a rate not to exceed sixty (60) cents per one thousand (1,000) cubic feet for natural gas, nor to exceed fifty (50) cents per one thousand (1,000) cubic feet for manufactured fuel gas, with a rebate of ten (10) cents per thousand (1,000) cubic feet on said above prices in case of payment before the 12th day of the month next succeeding that in which such gas is furnished, and to attempt to collect a greater rate than that herein specified shall work a forfeiture of the rights and privileges hereby granted.

¶ 8. **Pipes, how laid.**] § 8. The laying of the pipes herein authorized shall be under the supervision and direction of the commissioner of public works, and where said company shall apply to the commissioner of public works for permission to lay its pipes on any given street in order to reach any specified point on such street, and there shall be an alley parallel with said street and within three hundred feet

of the same, the commissioner of public works shall order such pipe or pipes to be laid in such alley, instead of such street, and the use of such alley shall be subject to all the conditions provided herein for streets.

¶ **9. Compensation to city.**] § 9. Said company shall pay annually to the city of Chicago, for and in consideration of the rights and privileges hereby granted, an amount equal to five (5) per cent of the gross revenue or receipts of said company. Such payment shall be made in the manner following: At the expiration of one year from the time when said company shall commence to distribute gas to consumers in the city of Chicago the president or other chief officer of the company shall file with the city comptroller a statement verified under oath, showing the amount of the gross annual revenue or receipts of said company for the preceding year and shall, at the same time, pay to said comptroller the said amount of five (5) per cent. on the annual gross revenue receipts. Said payment to be made, as herein prescribed, annually during the term of this ordinance.

¶ **10. Time of completion.**] § 10. This ordinance is granted upon the express condition that said company shall, within two years from the date of the acceptance of this ordinance, have laid, and in operation and ready for supplying consumers, at least twelve (12) miles of its main pipes within the limits of the city of Chicago, and unless it shall so have constructed and laid the number of miles of distribution pipes herein referred to, then and under these conditions this ordinance shall be and become void and of no effect: Provided, however, that the time during which any legal proceedings shall be pending, whereby the said company, its successors and assigns, shall be prevented from or delayed in complying with the requirements of this section, shall not be taken or deemed any part of the time specified: Provided, further, however, that the city of Chicago may intervene in any suit and move for its dismissal, in the name of said company, in case such suit may be deemed by the city as collusive, or for the purposes of delay or extension of the time herein specified.

¶ **11. Bond of indemnity.**] § 11. Said company shall file with the city clerk a good and sufficient bond, to be approved by the mayor, in the penal sum of one hundred thousand dollars ($100,000), conditioned that such company, its successors or assigns, shall comply with all the terms and conditions of this ordinance and shall indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs of whatsoever kind or nature, by reason of the passage of this ordinance and the exercise of any of the rights and privileges hereby or herein granted.

¶ **12. When in force — combinations.**] § 12. This ordinance shall take effect and be in force from and after its passage and the filing and approval of the bond herein required and the acceptance

thereof by said company: Provided, that if said approved bond and acceptance be not filed within thirty days of the passage hereof, this ordinance shall be void and of no effect; and, provided still further, that if said company shall at any time enter into any combination, directly or indirectly, with any gas company or companies, concerning the rates or prices to be charged for gas, or if said company shall, directly or indirectly, sell, lease or transfer its plant, property rights and privileges as herein authorized to any other gas company, trust or corporation now or hereafter engaged in the manufacture and sale of gas within the city of Chicago, or if said company, having commenced to manufacture gas, or furnish natural gas, shall cease for a period of more than ten (10) consecutive days, unless by reason of unavoidable accident, or injunction, to furnish gas through their pipes, or if said company shall fail or refuse to extend its distribution pipes, as required by this ordinance, the rights and privileges hereby granted shall cease and be of no more force and effect.

¶ **13. Term of grant — right of city to purchase.**] § 13. The rights and privileges granted by this ordinance shall be granted for the term of twenty-five (25) years from and after its acceptance, and all rights hereunder shall cease after the expiration of such term. The permission and authority hereby granted are upon the express terms and conditions that at the end of twenty (20) years after the passage of this ordinance the city of Chicago shall have the right to purchase the entire plant of said company and all of its property and effects, of every kind and description, within said city of Chicago, at an appraised value, which shall be ascertained and determined by three competent appraisers, who shall have free access to all the books, papers and other data bearing upon the subject. Said appraised value shall not include the value of any rights, privileges and franchises granted by the city. One of said appraisers shall be appointed by the mayor of the city of Chicago, one by said company, and one by the two so selected, and if they cannot agree upon the third appraiser, then any one of the chancellors of the circuit court of Cook county may appoint him. The said appraisers shall make report of the value of said property, within six (6) months after their appointment, to the mayor and city council, and said mayor and city council shall have the option, at any time within six (6) months after receipt of said report, to purchase said plant and property, together with all its appurtenances and equipments, at the appraised value.

Note.—See following amendatory ordinances and also resolution.

§ *53. Extension and amendment.

¶ 1. Amendments specified: (1) to Section 1; (2) to Section 3; and (3) to Section 13, of preceding ordinance.

¶ 2. In force from and after its passage.

AN ORDINANCE AMENDING AN ORDINANCE GRANTING AUTHORITY TO THE CHICAGO ECONOMIC FUEL GAS COMPANY TO CONSTRUCT AND OPERATE WORKS

FOR THE MANUFACTURE OF GAS. (Passed December 29, 1890. Accepted January 19, 1891.)

¶ 1. Amending section 2 of foregoing ordinance.] Be it ordained by the city council of the city of Chicago: § 1. That the ordinance passed by the city council of the city of Chicago, on the 22nd day of December, 1890, granting unto the Chicago Economic Fuel Gas Company the right to construct and operate works for the manufacture and distribution of fuel gas, within the limits of said city, be and the same is hereby amended, as follows: By striking out the last paragraph in section 2, which reads as follows: "Said company shall, when so ordered by a majority vote of all the aldermen elected, extend their mains and supply pipes on any street, avenue or other public highway contiguous to the pipes of said company at the time in use or operation; Provided, such extension shall cover territory one-half of which is improved by buildings."

Amending section 3.] Also, by adding to section 3, the following: "And it shall be the duty of said commissioner of public works to issue all permits asked for under this ordinance, without any delay and in accordance with the terms thereof."

Amending section 13.] Also by striking out all after the first paragraph in section 13, so that said section 13 shall read as follows: "Section 13. The rights and privileges granted by this ordinance shall be granted for the term of twenty-five (25) years from and after its acceptance, and all rights hereunder shall cease after the expiration of such time."

¶ 2. When in force.] § 2. This ordinance shall take effect and be in force from and after its passage.

§ †53. Chicago Economic Fuel Gas company.

¶ 1. A second amendatory ordinance.
¶ 2. In force from its passage.

¶ 1. AN ORDINANCE AMENDING AN ORDINANCE GRANTING TO THE CHICAGO ECONOMIC FUEL GAS COMPANY THE RIGHT TO CONSTRUCT AND OPERATE WORKS FOR THE MANUFACTURE OF FUEL GAS WITHIN THE CITY OF CHICAGO. (Passed July 13, 1891.)

¶ 1. Amending ordinance of December 22, 1890.] Be it ordained by the city council of the city of Chicago: § 1. That the ordinance passed by the city council on the 22d day of December, 1890, granting unto the Chicago Economic Fuel Gas Company the right to construct and operate works for the manufacture and distribution of fuel gas within the city of Chicago, be and the same is hereby amended, as follows:

Amending section 1.] Section 1 of said ordinance is hereby amended, so as to read as follows: "Section 1. Subject to the terms and conditions of said ordinance, there is hereby granted to the Chicago Economic Fuel Gas Company, its successors and assigns, the right to construct and operate works for the manufacture of illuminat-

ing and fuel gas within the city of Chicago; also, with the right of way along, upon and under all the avenues, streets, alleys and public places in said city, for the purpose of placing, operating, repairing and maintaining a line or lines of gas mains and pipes, and all necessary feeders and service pipes in connection therewith, for the distribution of illuminating gas and natural and manufactured fuel gas. Said gases shall at all times be of the best quality and highest efficiency for the purposes: Provided, however, that the successors and assigns referred to in this section or elsewhere in this ordinance, shall not be construed to include any other gas company, trust or corporation, as provided in section 12 of this ordinance."

Amending section 7.] Also, by amending section 7 of said ordinance of December 22, 1890, so that said section 7 shall read as follows: "Section 7. The rights and privileges hereby granted are upon the express condition that the price to be charged for the several kinds of gas shall not be in excess of the following rates: For illuminating gas the charge shall not exceed one dollar and ten cents ($1.10) per one thousand (1,000) cubic feet; for natural gas the charge shall not exceed sixty cents (.60) per one thousand (1,000) cubic feet, and for manufactured fuel gas the charge shall not exceed fifty cents (.50) per one thousand (1,000) cubic feet, with a rebate of ten cents (.10) per one thousand (1,000) cubic feet on said above prices for illuminating, natural and fuel gas, in case of payment before the twelfth day of the month next succeeding that in which said gas is furnished; and to attempt to collect a greater rate than that herein specified shall work a forfeiture of the rights and privileges hereby granted. Said company shall commence work within six months from the passage thereof, or this ordinance shall be null and void."

Amending section 9.] Also, by amending section 9 of said ordinance, so that said section 9 shall read as follows: "Section 9. Said company shall pay annually to the city of Chicago, for and in consideration of the rights and privileges hereby granted, an amount equal to three (3) per cent. of the gross revenue or receipts of said company from the sale of illuminating gas, and five (5) per cent. on the gross revenue or receipts of the said company from the sale of the natural gas or manufactured fuel gas. Such payments shall be made in the manner following: At the expiration of one year from the time when said company shall commence to distribute either illuminating gas or fuel gas to consumers in the city of Chicago, the president or other chief officer of the company shall file with the city comptroller a statement, under oath, showing the amount of the gross annual revenue or receipts of said company for the preceding year and shall, at the same time, pay to said comptroller the said amount of 3 per cent on the annual gross revenue or receipts from the sale of illuminating gas, and 5 per cent on the annual gross revenue or receipts from the sale of natural or fuel gas. Said respective payments to be made as herein

prescribed, annually, during the term of this ordinance. And, in addition to said payments, said company shall, by the said city of Chicago, furnish to said city illuminating gas at the rate of not to exceed seventeen dollars and fifty cents ($17.50) per lamp per annum during the term of this ordinance."

Amending section 10.] Also, by striking out the word "two," occurring in the third line of section 10 of said ordinance, and inserting in lieu thereof the word "three."

¶ **2. When in force.**] § 2. This ordinance shall take effect and be in force from and after its passage.

§ ‡53. Chicago Economic Fuel Gas Company.

A Resolution Declaring the Rights and Privileges Granted to the Chicago Economic Fuel Gas Company by Certain Ordinances to Be Forfeited and of no Further Force or Effect. (Passed February 29, 1892.)

¶ **1. Preamble.**] Whereas, it appears, by the reports in the public press and by the admissions therein published of the promoters and managers of the Chicago Economic Fuel Gas company and of officers or managers of the Chicago Gas trust, that the majority of the capital stock of the Chicago Economic Fuel Gas company or the control thereof has been sold and has passed into the hand of the Chicago Gas trust, or of its managers or principal certificate holders, and that this has been carried through in order to remove and prevent competition between said Economic company and said Gas trust, or any competition in supplying gas to the citizens of the city of Chicago; and, whereas, by the ordinance of this council, passed on the 22d day of December, A. D. 1890, and by the amended ordinance passed July 13, 1891, permission was granted to said Chicago Economic Fuel Gas company to construct, maintain and operate gas works, and also gas mains and pipes under the avenues, streets, alleys and public places of the city of Chicago; but upon the condition, however, that if said company should at any time enter into any combination, directly or indirectly, with any gas company or companies, concerning the rates or prices to be charged for gas, or if said company shall directly or indirectly, sell, lease or transfer its plant, property, rights and privileges, as therein authorized, to any other gas company, trust or corporation, the rights and privileges granted by said ordinance should cease and be of no more force or effect; and, whereas, it has been held that the action of stockholders of a corporation in thus transferring the stock thereof to a pool or combination is so far the act of the corporation as to make it responsible therefor; and that the sale and deal aforesaid was plainly and undeniably to bring said Economic company into the combination with the other Chicago gas companies, to prevent competition in the price of gas, and was a breach of the condition aforesaid of said ordinance; and, whereas, it has now been demonstrated that said Chicago Economic Fuel

Gas company was gotten up, and its ordinance obtained, not with a view of furnishing gas to the consumers of gas in the city of Chicago in competition with the other gas companies, but with a view of compelling such other gas companies, or the proprietors thereof, to buy out the said Economic company, or its stockholders or promoters, at a great profit to such stockholders or promoters; and that the representations and assurances of the promoters and managers of said Chicago Economic Fuel Gas company, made in order to obtain said ordinance from the city council, that said company or its stock would never be sold or disposed to other competing gas companies or interests, but would, if granted such privileges, furnish gas in competition with said other gas companies or interests, were false and fraudulent; and that said license or grant of privileges from the city council, contained in said ordinances, were obtained by fraud on the part of said Chicago Economic Fuel Gas company:

¶ 2. **Resolution.**] Now, therefore, Resolved, that the rights and privileges of said Chicago Economic Fuel Gas company granted by said ordinances, or either of them, or which might otherwise be claimed thereunder, and each and every of them, be, and the same are hereby, declared to be forfeited and to have ceased, and that the same are of no further force or effect; and that the commissioner of public works and superintendent of streets be, and they are, ordered and instructed to permit no further laying of pipes, or other disturbance of the streets of the city, or of any of them, by said Chicago Economic Fuel Gas company, its agents, servants or employes, and that commissioner of public works and superintendent of streets be and they are further directed to take charge and control of all gas mains and pipes, and feeders and service pipes, laid by said Chicago Economic Fuel Gas company, or its agents, contractors, servants or employes, in any of the avenues, streets, alleys and public places in said city, under or in pursuance of said ordinances, as the property of the city of Chicago, and to prevent the use or any interference therewith by any other person or corporation.

CHICAGO FUEL AND LIGHT COMPANY.

§ 54. Chicago Fuel and Light Company.

¶ 1. Grant.
¶ 2. Restoration of streets.
¶ 3. Signal lights.
¶ 4. Indemnity clause

¶ 5. Subject to ordinances.
¶ 6. Reservation.
¶ 7. Notice to put in pipes.
¶ 8. Erection of plant—failure.
¶ 9. Construction.
¶ 10. Liquidated damages—bond.
¶ 11. Price of gas.
¶ 12. Transfer prohibited.
¶ 13. When in force.

AN ORDINANCE GRANTING RIGHTS TO THE CHICAGO FUEL AND LIGHT COMPANY TO CONSTRUCT, MAINTAIN AND OPERATE A SYSTEM OF GAS WORKS IN CERTAIN TERRITORY. (Passed, approved and filed August 28, 1888. Accepted October 26, 1888.)

¶ 1. Grant.] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission and authority be and are hereby granted to the Chicago Fuel and Light Company, subject to provisions hereinafter contained, to construct, maintain, and operate a system of works within the village of Hyde Park to enable said company to receive, produce and furnish for sale, natural and other gas, and petroleum oil, or either of them, and to enable said company to deliver such gas and oil to its customers, the right of way is hereby granted to it along, upon and under all avenues, streets, alleys and public places, rivers and canals, in said village, for the purpose of laying, operating, maintaining and repairing pipes, tubes, feeders and service pipes in connection with the said business of said company.

¶ 2. Restoration of streets.] § 2. Such company shall do no permanent injury to any street, sidewalk, alley, avenue or public place, or in any manner unnecessarily disturb or interfere with any water pipe, sewer or gas pipe, telegraph or electric wires, cables or pipes, now laid or hereafter to be laid by or by authority of said village; that in laying their said pipes no greater distance than one-quarter of a mile shall be opened at any one time and the work shall be done continuously and speedily prosecuted to completion under the direction of the superintendent of public works or other proper officer of said village; that any streets, lanes, roads or alleys open for the purpose aforesaid shall be immediately restored to a condition equally as good as before opened by or for the benefit of said company, by the superintendent of public works or other proper officer of said village; and the said superintendent of public works or other proper officer of said village shall make an estimate of the cost of restoring of each section not exceeding one-quarter of a mile, as aforesaid, to a condition equally as good as before, and payment of the amount of the said estimate shall be made by said company to the comptroller of the said village before such street, lane, road or alley shall be opened, and in no case shall the village be held liable for any loss or damage that may occur in the restoring of such street, lane, road or alley as aforesaid; provided, however, that if the said corporation shall restore each section as aforesaid of said street, lane, road or alley to a condition satis-

factory to the superintendent of public works, or other proper officer of said village, within fifteen days after the same shall have been opened, by or for said company, then the amount of deposit as aforesaid shall be returned to said company upon the order of the said superintendent of public works or other proper officer.

¶ 3. **Signal lights.**] § 3. Said company shall put up all necessary barriers, lights and signals to prevent the happening of any accident in consequence of any opening or encumbrance of any street, alley, lane, avenue or public ground in said village.

¶ 4. **Indemnity clause.**] § 4. Said corporation shall be liable to, and by the acceptance of this ordinance, agrees to pay and compensate the village of Hyde Park, or any private individual, owner, owners, or parties interested in any property adjacent to any street, avenue, alley or public place opened or injured by them, for all damages such parties may suffer caused by, or resulting from negligence or want of proper care and skill in the construction of its works or lines of pipes, or in opening, incumbering, refilling or guarding any opening or obstruction of any street, alley or public place in said village, or growing out of the escape of any oil or gas contained in or conducted through such pipes or tubes of said company.

¶ 5. **Subject to ordinances.**] § 5. Said corporation shall be subject to all general ordinances of the village of Hyde Park in regard to gas companies, or companies of a similar character or business, or relating to the storage of oil now in force, or which may be hereafter passed.

¶ 6. **Reservation of rights.**] § 6. The village of Hyde Park, for itself and citizens, reserves the right to put in sewerage, water and other pipes, and any and all improvements which it may deem necessary or proper, at any and all times, in its streets, alleys or public grounds without any liability to said Chicago Fuel and Light Company for so doing, and on reasonable notice said company shall take proper care of its own pipes and property in such streets, alleys or public grounds.

¶ 7. **Notice to put in pipes.**] § 7. Whenever the board of trustees or their successors shall provide for the improvement of any street by paving or macadamizing the same, the said company shall, within sixty days after receiving such notice from the department of public works, or other proper authority, cause pipes suitable for the supply of gas upon said street, to be laid therein, including such main or service pipes, feeders and house connections to the curb lines of said street, and connecting with the building lots thereon, as may be necessary or proper. Provided, however, that said company shall not be required to lay pipe in any such street unless the pipe so laid shall connect with the general system of said company, and, provided further, that in case of the failure of said company after such notices to

lay such pipe and connections prior to such improvement, said company shall not thereafter have the right to tear up said street nor any part thereof, except upon permission of the board of trustees or their successors first specially had and obtained.

8. Erection of plant—failure.] § 8. Said corporation shall, unless prevented by due process of law, commence the erection of gas works within six months from the date of passage of this ordinance, and shall complete said works and furnish gas for fuel, power, light or heat within eighteen months from said date. Said works to have a capacity of not less than two hundred and fifty thousand (250,000) cubic feet of gas per day.

If said company shall so fail to commence said works and complete the same, and furnish gas within said periods of six and eighteen months, or having commenced to supply gas, it shall, unless for causes beyond the control of said company, cease to supply gas for fuel, power, light or heat for a period of more than thirty days, then the rights and privileges hereby granted shall cease and be of no more force and effect.

Provided, however, that if said company shall be delayed by any ordinance or resolution of the village of Hyde Park, or by any suit, injunction, order or decree of any court of competent jurisdiction, then the period of any and all such delays shall be added to said periods of six and eighteen months. But the village of Hyde Park shall have the right to intervene, at its option, in any such suit or proceedings in any court, and become a party thereto, and move for the dissolution of any such injunction or the vacation of any such order or decree.

9. Construction.] § 9. The trunk line of gas pipes or oil pipes for high pressure natural gas, that is, having a pressure exceeding ten pounds to the square inch, shall be of wrought iron of the best material and with joints of the best known character for securing natural gas or oil. Said pipes shall be placed at least three (3) feet below the surface of the ground, and it is hereby made the duty of said company or corporation to provide an escape system to carry off superfluous natural gas or oil (to) relieve undue pressure and prevent explosion.

10. Liquidated damages—bond.] § 10. Such company or corporation shall forfeit and pay to the said village of Hyde Park the sum of twenty thousand ($20,000) dollars as liquidated damages in case it shall fail to commence the erection of gas works within six months from the date of the passage of this ordinance, or in case it shall fail to complete said works and furnish gas within eighteen months from said date, as provided by section 8 hereof, and such company or corporation shall, within sixty days from and after the date of the passage of this ordinance execute and file with the president of the village of Hyde Park a good and sufficient bond in the penal sum of fifty thousand dollars ($50,000), conditioned that said

company shall at all times save said village harmless from and on account of all injury to persons or property that may be caused by the acts of the said corporation, or its employes, or by the escape of its gas or oil, and to make good and pay for all injury and damage to property of the said village of Hyde Park that may be in anywise caused by the operations of the said company hereunder; and further conditioned to pay the said village of Hyde Park said sum of twenty thousand dollars ($20,000) liquidated damages, provided for in this section.

¶ **11. Price of gas.**] § 11. Said company shall not charge nor collect more than one dollar per thousand (1,000) cubic feet for gas for illuminating purposes, nor more than forty (40) cents per thousand (1,000) cubic feet for gas for heating purposes, with a rebate of twenty per cent. on said above prices in case of payment on or before the twelfth day of the month next succeeding that in which such gas is used by consumers thereof. When said company shall furnish illuminating gas then such company or corporation shall supply gas light under uniform and sufficient pressure between sunset and sunrise of each day, and the quality of the same shall be as nearly uniform as practicable, averaging for any one month not less than sixteen sperm candles burning one hundred and twenty grains per hour, to be determined by authorized photo metrical tests, a five foot burner being used. And, provided, the rights and privileges hereby granted are upon the express condition that said company shall not charge the village of Hyde Park more than seventy (70) cents per thousand (1,000) cubic feet for illuminating gas, and not more than twenty-five (25) cents per thousand (1,000) cubic feet for heating gas.

¶ **12. Transfer of privileges.**] § 12. No transfer of the privileges hereby granted shall ever be made to any other company or corporation, and should the Chicago Fuel and Light Company become a party to any trust or combination respecting the quantity or quality or price of its gas or oil, any such transfer, combination or transaction shall work a forfeiture of the rights and privileges hereby granted.

¶ **13. When in force.**] §13. This ordinance shall take effect and be in force when and as soon as said company shall file with the clerk of the village of Hyde Park its acceptance in writing thereof, together with its bond, as hereinbefore provided, and in case said company shall not file said acceptance in writing, and said bond, within sixty (60) days after the passage and approval of this ordinance, then this ordinance shall be and become void and without force and effect.

CHICAGO GAS LIGHT AND COKE COMPANY.

§ 55. Chicago Gas Light and Coke company.

¶ 1. Grant to use tunnel.
¶ 2. Grant to construct tunnel.
¶ 3. Indemnity clause.
¶ 4. In force immediately on passage and acceptance.

AN ORDINANCE TO PERMIT THE CHICAGO GAS LIGHT AND COKE COMPANY TO PLACE GAS MAINS IN A TUNNEL CROSSING THE CHICAGO RIVER AT 35TH STREET. (Passed July 14, 1887.)

¶ 1. **Grant.**] Be it ordained by the city council of the city of Chicago: § 1. That the commmissioner of public works be, and he is hereby, authorized to permit the Chicago Gas Light and Coke Company to use the tunnel under the south fork of the south branch of the Chicago river for the purpose of placing therein twelve (12) inch gas main. The commissioner of public works shall regulate the manner and impose such conditions as he may deem proper for the use of the tunnel for the purpose aforesaid, and provided that this permission may be revoked at any time hereafter by the city council; and in case said company shall not remove its gas mains after such termination, within such time as the commissioner of public works may designate, then the commissioner of public works may at the expense of said gas company, remove said gas main.

¶ 2. **Grant to construct tunnel.**] § 2. In case the permission given in section one of said gas company is revoked, then said Chicago Gas Light and Coke Company are hereby granted the right and privilege to place a tunnel under said south fork, between the south branch of the Chicago river and 35th street, for the purpose of placing therein said twelve (12) inch gas main: Provided, said tunnel described in this section shall be built under such plans and specifications and at such place as the commissioner of public works, or other proper department, shall approve of.

¶ 3. **Indemnity clause.**] § 3. Said Chicago Gas Light and Coke Company shall save and keep harmless the city Chicago against any and all damages by reason of the rights granted by this ordinance to said company.

¶ 4. **When in force.**] § 4. This ordinance shall be in force from and after its passage and acceptance by said Chicago Gas Light and Coke Company.

CHICAGO MUNICIPAL GAS LIGHT AND FUEL COMPANY.

§ 56. Chicago Municipal Gas Fuel and Light company.
§ 56a. Repealed.
¶ 1. Grant.
¶ 2. Opening streets.
¶ 3. Time limited.
¶ 4. Repeal, etc.

AN ORDINANCE GRANTING PERMISSION TO THE CHICAGO MUNICIPAL GAS LIGHT AND FUEL COMPANY TO LAY GAS MAINS IN CERTAIN TERRITORY. (Passed March 24, 1884.)

¶ 1. **Grant.**] Be is ordained by the board of trustees of the town of Lake: § 1. That permission and authority be and the same is hereby granted to the Chicago Municipal Gaslight and Fuel Company of Cook county and state of Illinois, to lay their gas mains, pipes, feeders and service pipes, in any and all the streets, alleys, avenues, highways, parks and public grounds throughout said town of Lake, and to maintain and repair the same, provided that no permanent injury nor damage shall be done to any street, alley, park or highway in the said town of Lake.

¶ 2. **Opening streets.**] § 2. Said company, when they shall open the ground to lay any pipes, or for any other purpose whatsoever, shall restore the grounds, streets, alleys, pavements and sidewalks to a condition as good as before they were opened, with all convenient dispatch; all excavations shall be made in such manner that the public shall not be unnecessarily inconvenienced thereby.

¶ 3. **Time limited.**] § 3. Said company shall commence furnishing gas to the town of Lake within one year from the date of the passage of this ordinance, and the price of gas to consumers shall not exceed two dollars and fifty cents per thousand cubic feet, with a rebate to such consumers of fifty cents per thousand cubic feet, in case of payment on or before ten days next after the expiration of the month in which the gas is used by such consumer, provided this rebate shall not apply to street lamps and public buildings; the supply therefor to be subject to special agreement.

¶ 4. **Repeal, etc.**] § 4. That an ordinance adopted by the board of trustees of the town of Lake on the 18th day of March, 1884, granting certain privileges to the Chicago Municipal Gas Light and Fuel Company* be and the same is hereby repealed.

*Note.—See following repealing ordinance.

§ 56b. Ordinance repealing the foregoing.

AN ORDINANCE REPEALING AN ORDINANCE GRANTING RIGHTS TO THE CHICAGO MUNICIPAL GAS LIGHT AND FUEL COMPANY. (Passed April 23, 1884.)

Repeal of above ordinance.] Be it ordained by the board of trustees of the town of Lake: § 1. That the ordinance passed by the board of trustees of the town of Lake on the 25th day of March, A. D. 1884, granting permission to the Chicago Municipal Gas Light and

Fuel Company, of Cook county and state of Illinois, to lay gas pipes and feeders and service pipes in the streets, alleys, avenues, highways and parks, etc., throughout the town of Lake, be, and the same is herebe repealed.

CONSUMERS' GAS, FUEL AND LIGHT COMPANY.

§ 57. Consumers' Gas, Fuel and Light company.

¶ 1. Grant.
¶ 2. Pipes, their extension and connections.
¶ 3. Restoration of streets.
¶ 4. Restrictions as to opening and encumbering.
¶ 5. Indemnity clause.
¶ 6. Subject to ordinances.
¶ 7. Supply and quality of gas.
¶ 8. Conditions of the grant.
¶ 9. Construction of plant—forfeiture.
¶ 10. Acceptance—bond.
¶ 11. Bond not to limit liability.

AN ORDINANCE GRANTING RIGHTS TO THE CONSUMERS' GAS, FUEL AND LIGHT COMPANY TO CONSTRUCT, MAINTAIN AND OPERATE GAS WORKS WITHIN THE CITY OF CHICAGO. (Passed April 28, 1882.)

¶ 1. Grant.] Be it ordained by the city council of the city of Chicago: § 1. Subject to the terms and conditions of this ordinance there is hereby granted to the Consumers' Gas, Fuel and Light Company, of Chicago, the right to construct, maintain and operate gas works within the city of Chicago, together with the right of way along, upon and under all the avenues, streets, alleys and public places in said city for the purpose of placing, operating, repairing and maintaining one or more lines of gas mains and pipes, and all necessary feeders and service pipes in connection therewith, for lighting and fuel purposes.

¶ 2. Pipes, extensions, connections.] § 2. Such company or corporation shall not lay its main pipes in any such avenue, street, alley or public place of said city, unless it shall at the same time lay down all feeders or service pipes necessary to make connection, without any subsequent disturbance of the pavement or surface of such avenue, street or public place, with each and all building lots fronting or abutting thereon, and all service pipes or feeders laid by said company shall be coated with Dr. Angus Smith's composition, or some other equally good material for preserving said service pipes or feeders from decay. Such company or corporation shall not charge any person desiring to make a connection with any service pipe laid, or to be laid by such company or corporation, more than twenty-five cents a foot for such service pipe when laid. Said company shall, when ordered by a ma-

jority of the city council, extend its main pipes in any block one-half of which shall be improved by buildings.

¶ 3. **Restoration of streets, removal of pipes.**] § 3. That such company or corporation shall do no permanent injury to any street, sidewalk, alley, avenue or public place, or shade tree, or in any manner unnecessarily disturb or interfere with any water pipe, sewer or gas pipe, telegraph or electric wires, cables or pipes, now or hereafter laid by said city or any authorized company or corporation; and when such company or corporation shall open ground in the same, they shall forthwith restore the street, pavement, sidewalk or ground, or water pipe, sewer or gas pipe, to a condition equally good as before, at the expense of said company, and if said company shall fail or refuse so to do, the same may be done by said city, and the said company shall be liable for the cost thereof; and said company shall not make any excavations in any street, alley, avenue or public place, without first procuring a permit for that purpose from the department of public works of said city. When any excavation shall be made by said company in any street, alley or public place, paved with wooden blocks, the foundation boards or planks shall be removed without being cut, unless such cutting shall be specially permitted by the department of public works of said city. The said company shall not use the public fire hydrants of said city, nor any water therefrom, without a license and permit from the department of public works of said city. The said company shall, upon notice from the department of public works of said city, remove or change any gas main, pipe, service pipe or feeder, which may be in the way of or interfere with the construction or erection of any viaduct, public building or other public structure within said city.

¶ 4. **Opening and encumbering streets.**] § 4. Such company or corporation shall not open or encumber more of any street, avenue, alley or public place, at any one time, than may be necessary to enable it to proceed with advantage in the laying of any such main pipe, feeder or service pipe, nor shall said company or corporation permit any such street, avenue, alley or public place to remain open or encumbered for a longer period than shall be necessary to execute the work for which the same shall have been opened, or without putting up the necessary barriers and lights, so as to effectually prevent the happening of any accident in consequence of such opening or encumbering of such street, alley, avenue, or public grounds.

¶ 5. **Indemnity clause.**] § 5. Such company or corporation shall be liable to and shall compensate the city of Chicago, and pay any private individual, owner or owners, or parties interested in any property adjacent to any street, avenue, alley or public place, opened or injured by them, for all damages which may result from leaks of pipe, or by reason of such company or corporation having negligently opened, encumbered, protected or guarded any such street, avenue, alley or public place in said city.

¶ 6. **Subject to ordinances.**] § 6. Such company or corpora-

tion shall be subject to all general ordinances of the city of Chicago in regard to gas companies. And the city of Chicago shall have the right, at any time, to provide for the appointment of one or more inspectors of gas, with all the power and authority incident to such position, and which the said city may deem necessary to protect the city of Chicago, in its corporate rights, and individual consumers of gas, against oppression or fraud; and, if the said city shall deem it necessary, to require any inspector (or other city official) to certify to the correctness of all gas bills of consumers of gas furnished by such company or corporation. All meters used by said company for measuring gas shall be subject to inspection and approval by such person or persons, officer or officers, as may be appointed by said city for that purpose, and said company shall pay all reasonable costs and charges of such inspection, the same to be fixed by the city council of said city.

¶ **7. Gas, quality of, supply.**] § 7. Such company or corporation shall supply gas light under uniform and sufficient pressure between sunset and sunrise of each day, and the quality of the same shall be as nearly uniform as practicable, averaging for any one month not less than sixteen sperm candles burning one hundred and twenty grains per hour, to be determined by authorized photometrical tests, a five-foot burner being used.

¶ **8. Conditions of grant—price of gas.**] § 8. The rights and privileges hereby granted are upon the express condition that no gas flowing through any main-pipe, feeder or service pipe, laid by said company or corporation or by its authority, shall be charged for, to general consumers thereof, at a rate exceeding one dollar and seventy-five cents per thousand cubic feet: Provided, that to all consumers using at the rate of one hundred thousand cubic feet and over, per annum, a rebate of at least twenty-five cents per thousand feet shall be allowed, and to attempt to collect at a greater rate than that herein specified for gas consumed from any such main pipe, feeder or service pipe, shall work a forfeiture of the rights and privileges hereby granted. The rights and privileges granted are upon the further express condition that such company or corporation shall not extend its pipes beyond the limits of the city, or allow any connection to be made with its pipes, so that gas shall be furnished through its pipes to any consumer outside the city of Chicago.

¶ **9. Construction of plant, rights forfeited when.**] § 9. In the event that such company or corporation, within three years from the date of the passage of this ordinance giving it permission to lay its main pipes, etc., shall not have built and completed gas works in said city sufficiently extensive to enable it to manufacture and distribute gas to an amount not less than ten million feet in every thirty days, and located within the limits of the city of Chicago, and shall not have commenced such works, and expended thereon at least five hundred thousand dollars within eight months from the date of the passage of this ordinance, or if such company or corporation shall at any time enter

into any combination, directly or indirectly, with any gas company or companies, concerning the rates (or price) to be charged for gas, either to the city or private consumers, or if such company or corporations shall directly or indirectly sell, lease or transfer its franchises and privileges to any other gas company or corporation, or if such company or corporation, having commenced to manufacture gas, shall cease for a period of more than ten consecutive days (unless by reason of unavoidable accident) to furnish gas through their pipes, the rights and privileges hereby granted shall cease and be of no more force or effect; or shall fail or refuse to extend its main pipes, as required by section 2 of this ordinance, and it shall not require the judgment or decree of any court of law or equity to determine the said rights and privileges, but the same shall wholly cease and determine, absolutely and at once, upon the happening of any of the matters or things in this sections specified.

¶ **10. Acceptance—bond.**] § 10. This ordinance shall not be in force as to said company or corporation until it shall have been accepted by such company or corporation, such acceptance to be made by a vote of such company or corporation, duly passed and recorded, nor until such company or corporation shall have given and filed in the city clerk's office a good and sufficient bond, with two or more good and sufficient sureties, in the penal sum of five hundred thousand dollars, conditioned that such company or corporation shall and will, within three years from the date of the passage of this ordinance, build and complete gas works in said city, sufficiently extensive to enable it to manufacture and distribute gas to an amount not less than ten million feet in every thirty days, and located within the limits of the city of Chicago, and that the rate to be charged to the consumers of gas which may flow through the pipes laid by such company or corporation, or by its authority, shall never exceed the rate named and specified in section 8 of this ordinance, and that such company or corporation will not sell, lease or transfer its franchises and privileges to any other gas company, and shall and will not enter any combination with any other gas company concerning the rate (or price) to be charged for gas, and to pay all damages which the city of Chicago, or any consumer of the gas furnished by such company or corporation, shall suffer by reason of the failure of such company or corporation to perform any of the obligations or conditions of this ordinance, such bond and sureties to be approved by the mayor and city comptroller.

¶ **11. Bond not a measure of liability.**] § 11. The liability of said company to said city, or to person who may be injured by the exercise by said company of any of the rights and privileges hereby granted, shall not be limited by the penalty of said bond, nor shall the remedy against said company be confined to the said bond, it being understood that such remedy is merely cumulative, and that said city of Chicago, and any person or persons, shall have the same remedies against said company as it or they would or might have if no such bond were given. In case the duties of the department of public works shall

be devolved by said city on any other department or officer, the permits and licenses herein mentioned shall be applied for to such department or officer.

CONSUMERS' GAS, LIGHT AND FUEL COMPANY.

§ 58. Consumers' Gas, Light and Fuel company of Lake View.

¶ 1. The grant.
¶ 2. Service pipes—charges therefor limited—to be coated.
¶ 3. Restoration of streets.
¶ 4. Restrictions as to encumbrance of streets.
¶ 5. Indemnity clause.
¶ 6. Subject to ordinances—pressure of gas.
¶ 7. Rates for gas limited.
¶ 8. Erection of the plant, time of and the cost thereof limited.
¶ 9. Bond in penal sum of $10 000; conditions of.

AN ORDINANCE GRANTING RIGHTS TO THE CONSUMERS' GAS, LIGHT AND FUEL COMPANY OF LAKE VIEW, COOK COUNTY, STATE OF ILLINOIS, TO CONSTRUCT, MAINTAIN AND OPERATE GAS WORKS IN CERTAIN TERRITORY. (Passed and approved May 21, 1883.)

¶ 1. **Grant.**] Be it ordained by the board of trustees of the town of Lake View: § 1. Subject to the terms and conditions of this ordinance there is hereby granted to the Consumers' Gas Light and Fuel Company of the town of Lake View, the right to construct, maintain and operate its works within the town of Lake View, together with the right of way upon, along and under all the avenues, streets, alleys and public places in said town, for the purpose of placing, operating, repairing and maintaining one or more lines of gas mains and pipes and all necessary feeders and service pipes in connection therewith for lighting and fuel purposes.

¶ 2. **Service pipes—charge for—coating.**] § 2. Such company or corporation shall, when laying its main pipes in any such street, avenue, alley, or public place of said town, when requested by the property owners or order of the board of trustees lay down all feeders or service pipes necessary to make connection without any subsequent disturbance of the pavement or surface of such avenue, street or public place, with each and all building lots fronting or abutting thereon, and all service pipes or feeders laid by said company shall be coated with Dr. Angus Smith's composition or some other equally good material for preserving said service pipes or feeders from decay. Such company or corporation shall not charge any person desiring to make a connection with any service pipe laid or to be laid by such company or corporation more than twenty-five cents a foot for such service pipe when laid. Said company shall, when ordered by a majority of the board of

trustees, extend its main pipes in any block, one-half of which shall be improved by buildings.

¶ 3. **Restoration of streets.**] § 3. That such company or corporation shall do no permanent injury to any street, sidewalk, avenue, alley, or public place, or shade tree, or in any manner unnecessarily disturb or interfere with any water pipe, sewer pipe, telegraph wires, cables or pipes now or hereafter laid by said town, or any authorized company or corporation, and when such company or corporation shall open grounds in the same they shall forthwith restore the street, pavement, sidewalk or ground or water pipes, sewer or gas pipes to a condition equally as good as before, at the expense of said company, and if said company shall fail or refuse so to do, the same may be done by said town, and the said company shall be liable for the cost thereof, and said company shall not make any excavation in any street, alley, avenue or public place, without first procuring a permit for that purpose from the board of trustees of said town of Lake View. When any excavation shall be made by said company in any street, alley, or public place paved with wooden blocks, the foundation board or planks shall be removed without being cut, unless such cutting shall be specially permitted by the board of trustees.

The said company shall not use the public fire hydrants of said town, nor any water therefrom, without a license and permit from the superintendent of public works.

¶ 4. **Encumbering streets.**] § 4. Such company or corporation shall not open or encounter more of any street, avenue, alley or public place at any one time than may be necessary to enable it to proceed with advantage in the laying of any such main pipe, feeder or service pipe, nor shall said company or corporation permit any such street, avenue, alley or public place to remain open or encumbered for a longer period than shall be necessary to execute the work for which the same shall have been opened, or without putting up the necessary barriers and lights, so as to effectually prevent the happening of any accident in consequence of such opening or encumbering of such street, avenue, alley or public grounds.

¶ 5. **Indemnity clause.**] § 5. Such company or corporation shall be liable to and compensate the town, and pay any private individual, owner or owners, or parties interested in any property adjacent to any street, avenue, alley or public place opened, or injured by them, for all damages which may result from leaks of pipe or by reason of such company or corporation having negligently opened, encumbered, protected or guarded any such street, avenue, or public place in said town.

¶ 6. **Subject to ordinances—pressure of gas.**] § 6. Such company or corporation shall be subject to all general ordinances of the town of Lake View in regard to gas companies, and such company or corporation shall supply gas under uniform and sufficient pressure

between sunset and sunrise of each day and the quality of the same shall be as nearly uniform as practicable, averaging for any one month not less than sixteen sperm candles burning one hundred and twenty grains per hour, to be determined by authorized photo-metrical tests, a five-foot burner being used.

¶ 7. **Charge to consumers.**] § 7. The rights and privileges hereby granted are upon the express condition that no gas flowing through any main pipe, feeder or service pipe laid by said company or corporation or by its authority shall be charged for to general consumers thereof at a rate exceeding two dollars and fifty cents per thousand cubic feet: Provided, that to all consumers using at the rate of one hundred thousand cubic feet and over per annum, a rebate of at least twenty-five cents per thousand cubic feet shall be allowed, and to attempt to collect at a greater rate than that herein specified for gas consumed from any such main pipes, shall work a forfeiture of the rights and privileges hereby granted.

¶ 8. **Erection of plant—size.**] § 8. In the event that said company or corporation within three (3) years from the date of the passage of this ordinance giving it permission to lay its main pipes etc., shall not have built and completed gas works in said town sufficiently extensive to enable it to manufacture and distribute gas to an amount not less than one million feet in every thirty days, and located within the limits of the town of Lake View, and shall not have commenced such works and expended thereon at least twenty thousand dollars, within eighteen months from the date of the passage of this ordinance, the rights and privileges hereby granted shall cease and be of no more force or effect.

¶ 9. **Bond, conditions of.**] § 9. This ordinance shall not be in force as to said company or corporation until it shall have given and filed in the town clerk's office a good and sufficient bond, with two or more good and sufficient sureties in the penal sum of ten thousand dollars. Conditioned that such company shall and will within three years from the date of the passage of this ordinance build and complete gas works in said town sufficiently extensive to enable it to manufacture and distribute gas to an amount not less than one million feet in every thirty days, and located within the limits of the town of Lake View, and that the rate to be charged to the consumers of gas which may flow through the pipes laid by such company or corporation, or by its authority, shall never exceed the rate named and specified in section 7 of this ordinance, such bond and sureties to be approved by the board of trustees of said town.

ECONOMIC ELECTRIC LIGHT AND GAS COMPANY.

§ 59. Economic Electric Light and Gas Company.

¶ 1. The grant.
¶ 2. Further privileges—to construct, operate and maintain gas works, with right of storage for natural gas and mains, feeders, etc.
¶ 3. Grant for electric light works.
¶ 4. Method of construction.
¶ 5. Feeder and service pipes.
¶ 6. Restoration of streets.
¶ 7. Indemnity clause.
¶ 8. Acceptance and bond.
¶ 9. Permits for work.
¶ 10. Price and quality of gas specified.
¶ 11. Price of electric light limited.
¶ 12. Grant is to successors and assigns.
¶ 13. Acceptance, what to contain.
¶ 14. Improvement of streets.
¶ 15. Sale or transfer to a trust company prohibited under pain of forfeiture of the rights and privileges hereby granted.

§ *59. Ordinance extending time for completion of plant one year.

AN ORDINANCE GRANTING RIGHTS TO THE ECONOMIC ELECTRIC LIGHT AND GAS COMPANY TO CONSTRUCT, MAINTAIN AND OPERATE GAS AND ELECTRIC LIGHT WORKS IN CERTAIN TERRITORY. (Passed, approved and filed November 9, 1887. Accepted November 11, 1887. Bond filed and approved November 14, 1887.)

¶ 1. Grant right of way.] Be it ordained by the president and board of trustees of the village of Hyde Park. § 1. Permission and authority are hereby granted to the Economic Electric Light and Gas Company of Hyde Park, to construct, maintain, and operate gas works within the village of Hyde Park, together with the right of way along, upon, and under all the avenues, streets, alleys and public places in said village, for the purpose of placing, operating, maintaining and repairing one or more lines of gas mains and pipes, and all necessary feeders and service pipes in connection therewith, for lighting and fuel purposes.

¶ 2. Grant of right to store gas.] § 2. Permission and authority are also hereby granted to the Economic Electric Light and Gas Company of Hyde Park, to construct, maintain, and operate works for storing and distributing natural gas within the village of Hyde Park, together with the right of way along, upon, and under all the avenues, streets, alleys and public places in said village, for the purpose of placing, operating, maintaining and repairing one or more lines of gas mains and pipes, and all necessary feeders and service pipes in connection therewith, for conveying natural gas for lighting and fuel purposes.

¶ 3. Grant for electric light works.] § 3. Permission and authority are also hereby granted to the Economic Electric Light and Gas Company of Hyde Park to construct, maintain and operate

electric light works within the village of Hyde Park, with the right of way along, upon, and under all the avenues, streets, alleys, and public places in said village, for the purpose of placing, operating, maintaining and repairing one or more lines of wires, or other electric conductors or conduits, and all necessary feeders, service wires, conductors or conduits in connection therewith, for transmitting electricity for the purposes of lighting and motor power.

¶ **4. Method of construction.**] § 4. All lines of wire, conductors or conduits for the transmission of electricity shall be properly insulated, and, except when otherwise permitted by the board of trustees, shall be underground in all places, except in those parts of alleys which are more than fifty feet from the building line at the intersection of the streets with said alleys; and in the construction of said line or lines, underground, no excavation therefore shall exceed in width the space of two feet; and in constructing such lines above ground, in those parts of the alleys in which, under this ordinance, the location of the wires above ground is permitted, said wires or conductors shall be properly insulated and supported upon substantial poles not less than six inches in diameter and twenty-five feet in length with five feet in the ground, well tamped. Said poles to be not more than one hundred and fifty feet apart.

¶ **5. Feeder and service pipes.**] § 5. In laying main pipes for conducting gas in the streets which are paved, said company shall at the same time lay all feeders and service pipes to the curb line of the street to connect with each building lot along the line of said line of pipe, and the charge to any person desiring to connect with such feeder, or service pipe, shall not exceed the sum of thirty cents per foot, for such feeder or service pipe.

¶ **6. Restoration of streets.**] § 6. The company shall do no permanent injury to any highway, street, sidewalk, alley or public place, or shade trees, nor shall it in any manner interfere with any water or sewer pipes which may now, or may be hereafter, laid by the village of Hyde Park, except by the consent of duly authorized officers of said village; and when said company shall open ground in any highway, street, avenue, alley or public place, or lay pipes, wires or conductors, under any sidewalk or expose any viaduct, sewer or gas pipe, said company shall put up proper signal lights and shall forthwith restore the street, highway, avenue, alley, water pipe, sewer or gas pipe, to as good condition as before, at its own expense, under the direction of the superintendent of public works or other authorized officer, and to the satisfaction of the board of trustees of said village, or the officer appointed or designated by said board; and, if said company shall neglect or refuse so to do, the same may be done by said village, and said company shall be liable for and by acceptance of this ordinance agrees to pay cost and entire expense thereof; and said company shall not make any excavation in any highway, street, avenue, alley or public place, nor erect any poles, without first procuring

a written permit for that purpose, from the superintendent of public works or other duly authorized officer of said village, which permit may specify which part of the street, sidewalk, avenue, alley or public place, the said line or lines, conductor or conductors, pipe or pipes, shall be laid; when an excavation shall be made by said company in any highway, street, avenue, alley or public place, paved with wooden blocks, the foundation board shall be removed without being cut, unless such cutting shall be specially permitted by the proper officers of said village. The said company shall, upon notice from such officer of said village, forthwith remove or change any wire, conductor or pipe which may be in the way of, or interfere with, the public use of any street, including the construction or erection of any viaduct, sewer or water pipe, public building or public structure within said village.

¶ 7. **Indemnity clause.**] § 7. Said company shall be liable to, and by acceptance of this ordinance agrees to compensate the village of Hyde Park, and pay any private individual owner or owners, or parties interested in any property adjacent to any highway, street, avenue, alley or public place, opened or injured by it, for all damages which may result from or by reason of said company having negligently opened, encumbered, protected or guarded any such highway, street, avenue, alley or public place in said village, or from, or by reason of, any negligence or fraud on the part of said company in the exercise of any privilege granted by this ordinance.

¶ 8. **Acceptance and bond.**] § 8. The rights and privileges hereby granted are upon the express condition that said company shall file an acceptance thereof in writing and execute a bond to the village of Hyde Park in the sum of twenty-five thousand ($25,000) dollars with sureties satisfactory to the board of trustees of said village conditioned to indemnify and save harmless the village of Hyde Park of and from all damages which may accrue, or which in any manner may arise, or grow out of, the exercise by said company of the privileges hereby granted; and said acceptance shall be filed and said bond shall be executed and approved within sixty days from the passage of this ordinance; the execution of said acceptance and said bond by said company and their delivery to and approval by said board of trustees, shall thenceforth authorize said company to exercise all and singular the rights, privileges and franchises hereby granted.

¶ 9. **Permits for work.**] § 9. In case the duties herein prescribed to be performed by the superintendent of public works or other authority, shall devolve upon any other department or officer, the permits and licenses herein mentioned shall be granted by such department or officer, and the duties herein imposed upon the superintendent of public works shall be performed by such other officer or department.

¶ 10. **Price and quality of gas.**] § 10. The rights and privileges hereby granted are upon the express condition that gas furnished by said company to consumers within the village of Hyde

Park shall be as nearly uniform in quality and illuminating power as practicable, averaging for any one month not less than fifteen sperm candles burning one hundred and twenty grains per hour from a burner using four feet of gas per hour, and the same shall be furnished at a cost and charge to individual consumers not exceeding one dollar and twenty-five cents ($1.25) for each one thousand cubic feet of gas. Provided, that when payments are made on or before the 12th day of each month a rebate shall be allowed such consumers of twenty-five cents per thousand feet.

¶ **11. Price of electric light.**] § 11. The rights and privileges hereby granted are upon the express condition that the cost and charges of furnishing electric light to individual consumers when furnished by said company, its successors or assigns, shall not exceed the following rates, to wit: For a large standard arc light of twelve hundred (1,200) candle power the sum of sixty cents ($0.60) for every night in which the light is used not more than twelve hours; and for the incandescent lights a sum not exceeding ten cents ($0.10) each for every night in which the light is used not more than twelve hours. And the cost and charges of furnishing electric light to the village of Hyde Park shall not exceed the following rates, to wit: For arc lights when furnished and used three hundred nights in a year; for standard arc light of twelve hundred (1,200) candle power, when the light is used until midnight only of each night, not to exceed the sum of sixty ($60) dollars per light per year; for standard arc light of twelve hundred (1,200) candle power, when the light is used all night, not to exceed the sum of ninety ($90) dollars per light per year; for standard arc light of two thousand (2,000) candle power, when used until midnight only of each night, not to exceed the sum of eighty ($80) dollars per light per year; for standard arc light of two thousand (2,000) candle power, when used all night, not to exceed the sum of one hundred and twenty ($120) dollars per light per year. For arc lights when furnished every night in the year; for a standard arc light of twelve hundred (1,200) candle power, when used until midnight of each night, not to exceed the sum of sixty-five ($65) dollars per light per year; for a standard arc light of twelve hundred (1,200) candle power, when used all night, not to exceed the sum of one hundred ($100) dollars per light per year; for a standard arc light of two thousand (2,000) candle power, when used all night of each night in the year, not to exceed the sum of one hundred and forty ($140) dollars per light per year. For all incandescent lights of sixteen (16) candle power each, not to exceed the sum of fifteen ($15) dollars per light per year, when such incandescent lights are used for only three hundred (300) nights in the year. Provided, that such gas or electric lights shall be furnished at the above rates to said village only upon the condition that the board of trustees of said village shall make a contract with said company to use and pay for the said lights for a period of at least one year.

¶ **12. Successors or assigns.**] § 12. The rights, privileges and franchises hereby granted to the Economic Electric Light and Gas Company shall extend to its successors and assigns upon the conditions herein set forth.

¶ **13. Contents of acceptance.**] § 13. The rights and privileges hereby granted are upon the express condition that by the acceptance of this ordinance said Economic Electric Light and Gas Company, its successors and assigns, agrees to do and perform all the duties, obligations and liabilities, in and by this ordinance imposed and provided to be done and performed by and on the part of said company.

¶ **14. Improvement of streets.**] § 14. The rights and privileges hereby granted are upon the further express condition, that whenever the board of trustees, or their successors, shall order any street improved within the territory north of 63rd street, by paving or macadamizing the same, then and in that case the said company shall within sixty days after receiving notice, so to do, from the proper authorities of said village, or their successors, cause proper pipes to be laid in said street, sufficient and adequate for the supply of gas therein, and conduits for underground wires thereon. Provided, that said company shall not be required to lay such pipes or conduits unless the pipe and conduits so laid will connect with their general system. But said company shall not thereafter have the right to tear up any such street to lay its pipes and conduits therein, except upon special permission from the board of trustees, or their successors. Work shall be commenced within one year, and light furnished, and the works of said company be in operation within eighteen months from the passage of this ordinance, and the said village shall have the right to use said conduits for the laying of wires therein for the use of said village.

¶ **15. Trust or combination.**] § 15. The rights and privileges hereby granted are upon the express condition that in case said Economic Electric Light and Gas Company shall transfer its stock or its management and control to any trust or trust company, or shall sell, convey, lease, or transfer its franchises, rights or privileges, then all rights and privileges hereunder shall at once cease and determine, and shall be deemed and become forfeited and surrendered forthwith by virtue of such transfer.

Note.—See following ordinance.

AN ORDINANCE EXTENDING TIME OF ECONOMIC ELECTRIC LIGHT AND GAS COMPANY. (Passed, approved and filed April 3, 1889. Accepted April 16, 1889.)

Extension of time.] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That the time within which the Economic Electric Light and Gas Company of Hyde Park shall commence work and furnish light, and have the works of said company in operation as provided by the ordinance passed

November 9th, 1887, is hereby extended one (1) year from the time as provided by said ordinance.

And if the said company shall commence work within two (2) years, and have the works of said company in operation and furnish light within thirty (30) months, from the date of the passage of said ordinance, to wit: From November 9th, 1887, then said company shall be entitled to all the rights and privileges, and subject to the limitations and conditions, according to the terms of said ordinance as passed on November 9th, 1887.

ECONOMIC LIGHT AND HEAT GAS COMPANY.

§ 60. Economic Light and Heat Gas Company.

¶ 1. The grant.
¶ 2. Construction of the plant, cost thereof.
¶ 3. Bond of indemnity.
¶ 4. Acceptance and bond.

AN ORDINANCE GRANTING RIGHTS TO THE ECONOMIC LIGHT AND HEAT GAS COMPANY TO MAINTAIN AND OPERATE GAS WORKS IN CERTAIN TERRITORY. (Passed September 13, 1887. Accepted October 7, 1887.)

¶ 1. Grant.] Be it ordained by the board of trustees of the town of Lake: § 1. That the Economic Light and Heat Gas Company of the town of Lake, or its successors and assigns, is hereby authorized and empowered to lay conductors and mains for conducting gas through and under such of the avenues, streets, lanes, alleys, squares, and public places of the town of Lake as the board of trustees of said town may hereafter from time to time, by ordinance or resolution, prescribe; said conductors and mains to be laid under the supervision, and to the satisfaction of the superintendent of public works of the town of Lake, at such time and in such manner as said board may in said ordinance or resolution designate, and said streets, lanes, alleys, squares, and public places shall be restored by said company under the supervision and to the satisfaction of the superintendent of public works of the town of Lake, and without any expense whatever to said town, to as good condition as they were before said work was begun by said company, and said company, by the acceptance of this ordinance agrees to do said work and make said restoration as herein provided and said company, by the acceptance of this ordinance, further agrees to maintain said streets, lanes, alleys, squares and public places for the period of one (1) year after the laying of said conductors, and mains in any of said streets, lanes, alleys, squares, and public places in good repair under the supervision, and to the satisfaction of

the superintendent of public works of said town of Lake, and without expense to said town; and in case the said "Economic Light and Heat Gas Company of the town of Lake" shall refuse or neglect for the period of five (5) days after receiving written notice from the superintendent of public works of said town, to make said restoration or repairs, then said superintendent of public works may cause the same to be done in such manner as he may deem proper, and the expense of such work shall be paid by said company on demand of said town of Lake.

¶ 2. **Construction of plant—price.**] § 2. It is furthermore understood, and by the acceptance of this ordinance agreed by said Economic Light and Heat Gas Company of the town of Lake, its successors and assigns, that within one (1) year after the passage of this ordinance said company shall construct in said town of Lake suitable buildings, erections, and fixtures for the manufacture of gas for consumption and use in said town, at such place in said town as said company may desire, provided such place is acceptable to said board of trustees, and that all the illuminating gas supplied through such conductors and mains shall have the illuminating power of twenty-five (25) candles, and that within sixty (60) days after the laying of said conductors and mains, said company, shall if desired by the board of trustees of said town, supply said town and the inhabitants thereof, with such gas, and shall ever after continue said supply at a rate not exceeding one dollar and fifty cents ($1.50) for each one thousand (1,000) feet of illuminating gas, and one dollar and twenty-five cents ($1.25) for each one thousand (1,000) feet of heating gas, when prompt monthly payments are made, and that all the illuminating gas supplied by said company for any public building or office of the corporation of said town or to public lamps, shall be furnished at a rate not to exceed one dollar and twenty-five cents ($1.25) for each one thousand (1,000) feet and at no time shall the price for said illuminating or heating gas exceed that charged by any other person, company, or corporation having, or which may hereafter have conductors, and mains laid in any of the streets, lanes, alleys, squares, or public places of said town.

¶ 3. **Bond of indemnity.**] § 3. The rights and privileges hereby granted are granted upon the further express condition that the said Economic Light and Heat Gas Company of the town of Lake will first enter into a bond with the town of Lake to be approved by the board of trustees of said town with good and sufficient sureties in the penal sum of fifty thousand ($50,000) dollars, conditioned to indemnify and save harmless said town against and from any and all damages or claims for damages, judgments, decrees, costs, and expenses, of the same which said town may suffer, or which may be recovered or obtained against said town, for or by reason of the granting of the rights and privileges in this ordinance contained, or for or by reason of or growing out of or resulting from the passage of this ordi-

nance, or any resolution or ordinance passed allowing the said company to lay down conductors and mains in the streets of said town or from any act or acts of said company under, or by virtue of the authority herein granted, or the failure or neglect of said company to perform each and every of the said conditions upon which this ordinance is granted, and it is hereby further provided that upon the recovery of any such final judgment or decree against said town, as aforesaid, said company, shall immediately and without prior payment of such judgment or decree, be liable to pay and shall pay the amount or amounts thereof, to said town, and the fact that the said town shall not have paid such judgment or decree shall constitute no defense on the part of said company; and it is hereby further expressly provided that in case of the failure on the part of the said Economic Light and Heat Gas Company of the town of Lake, its successors and assigns, to perform any of the conditions or provisions of this ordinance, the said town of Lake shall not be limited to an action upon the bond of said company but may declare this ordinance and the rights and privileges herein granted, forfeited and may proceed at once against said company in any suit or action at law or equity which it may deem advisable or necessary for the recovery of any money, damages, or costs, which it may have sustained by reason of such breach or failure, and it is hereby further provided that the said Economic Light and Heat Gas Company of the town of Lake shall renew said bond whenever and so often as the said town of Lake may desire or require.

¶ **4. Acceptance—filing of bond.**] § 4. This ordinance shall not be in force until its written acceptance by said Economic Light and Heat Gas Company of the town of Lake, together with the bond herein provided for shall have been filed with the clerk of said town of Lake, and unless said acceptance and said bond hereinbefore provided for shall be executed and filed with the clerk of said town as aforesaid, within thirty (30) days from the date of the passage hereof, this ordinance shall be null and void; and in case of a failure on the part of said Economic Light and Heat Gas Company of the town of Lake, its successors and assigns, to keep and observe each and every of the conditions and provisions of this ordinance, the town of Lake shall have the right to repeal this ordinance and to forfeit all rights acquired hereunder.

EQUITABLE GAS LIGHT AND FUEL COMPANY.

§ 61. Equitable Gas Light and Fuel Company.

¶ 1. Grant.
¶ 2. Pipes—extensions and connections.
¶ 3. Restoration of streets.
¶ 4. Restriction as to opening and incumbering streets.
¶ 5. Indemnity clause.
¶ 6. Subject to ordinances.
¶ 7. Gas supply.
¶ 8. Price on rates.
¶ 9. Construction of the plant.
¶ 10. Acceptance bond—conditions.
¶ 11. Liability not limited by the bond.
¶ 12. In force from and after passage.

AN ORDINANCE GRANTING RIGHTS TO THE EQUITABLE GAS LIGHT AND FUEL COMPANY TO CONSTRUCT, MAINTAIN AND OPERATE GAS WORKS. (Passed August 10, 1885.)

¶ 1. Grant.] Be it ordained by the city council of the city of Chicago: § 1. Subject to the terms and conditions of this ordinance, there is hereby granted to the Equitable Gas Light and Fuel Company, of Chicago, its successors and assigns, the right to construct, maintain and operate gas works within the city of Chicago, together with the right of way along, upon and under all the avenues, streets, alleys and public places in said city, for the purpose of placing, operating, repairing and maintaining one or more lines of gas mains and pipes, and all necessary feeders and service pipes in connection therewith, for lighting and fuel purposes.

¶ 2. Pipes—extensions—connections.] § 2. Such company or corporation shall not lay its main pipes in any such avenue, street, alley or public place of said city, unless it shall at the time lay down all feeders or service pipes necessary to make connections without any subsequent disturbance of the pavement or surface of such avenue, street or public place, with each and all building lots fronting or abutting thereon, and all service pipes or feeders laid by said company shall be coated with Dr. Angus Smith's composition, or some other equally good material, for preserving said service pipes or feeders from decay. Such company or corporation shall not charge any person desiring to make a connection with any service pipe, laid or to be laid by such company or corporation, more than twenty-five cents a foot for such service pipe when laid. Said company shall, when so ordered by a two-thirds vote of all the aldermen elected, extend their main pipes in any block three-quarters of which shall be improved by buildings.

¶ 3. Restoration of streets.] § 3. Such company or corporation shall do no permanent injury to any street, sidewalk, alley, avenue or public place, or shade tree, or in any manner unnecessarily disturb or interfere with any water pipe, sewer or gas pipe now or hereafter laid by said city or any authorized company or corporation;

and when such company shall open ground in the same it shall forthwith restore the street pavement, sidewalk, or ground, or water pipe, sewer or gas pipe, to a condition equally as good as before, at the expense of said company, and if said company shall fail or refuse so to do, the same may be done by said city, and the said company shall be liable for the cost thereof; and said company shall not make any excavation in any street, alley, avenue or public place without first procuring a permit for that purpose from the department of public works of said city. When any excavation shall be made by said company in any street, alley or public place paved with wooden blocks, the foundation boards or planks shall be removed without being cut, unless such cutting shall be specially permitted by the department of public works of said city. The said company shall not use the public fire hydrants of said city, nor any water therefrom, without a license or permit from the department of public works of said city. The said company shall, upon notice from the department of public works of said city, remove or change any gas main pipe, service pipe or feeder, which may be in the way of, or interfere with, the construction or erection of any viaduct, public building or other public structure within said city.

¶ **4. Opening and incumbering streets.**] § 4. Such company or corporation shall not open or incumber more of any street, avenue, alley or public place, at any one time, than may be necessary to enable it to proceed with advantage in the laying of any such main pipes, feeder or service pipe, nor shall said company permit any such street, avenue, alley or public place to remain open or incumbered for a longer period than shall be necessary to execute the work for which the same shall have been opened, or without putting up the necessary barriers and lights, so as to effectually prevent the happening of any accident, in consequence of such opening or incumbering of such street, alley, avenue or public grounds.

¶ **5. Indemnity clause.**] § 5. Such company or corporation shall be liable to and shall compensate the city of Chicago, and pay any private individual, owner or owners, or parties interested in any property adjacent to any street, avenue, alley or public place opened or injured by it, for all damages which may result from leaks of pipe, or by reason of such company having neglectfully opened, incumbered, protected or guarded any such street, avenue, alley or public place in said city.

¶ **6. Subject to ordinances.**] § 6. Such company or corporation shall be subject to all general ordinances of the city of Chicago in regard to gas companies. And the city of Chicago shall have the right, at any time, to provide for the appointment of one or more inspectors of gas, with all the power and authority incident to such position and which the said city may deem necessary to protect the city of Chicago, in its corporate rights, and individual consumers of

gas against oppression or fraud; and, if the said city shall deem it necessary, to require any inspector (or other city official) to certify to the correctness of all gas bills of consumers of gas furnished by such company. All meters used by said company for measuring gas shall be subject to inspection and approval by such person or persons, officer or officers, as may be appointed by said city for that purpose, and said company shall pay all reasonable costs and charges of such inspection, the same to be fixed by the city council of said city.

¶ **7. Gas supply.**] § 7. Such company or corporation shall supply gas light under uniform and sufficient pressure between sunset and sunrise of each day, and the quality of the same shall be as nearly uniform as practicable, averaging for any one month not less than sixteen sperm candles, burning one hundred and twenty grains per hours, to be determined by authorized photometrical tests, a five-foot burner being used.

¶ **8. Price.**] § 8. The rights and privileges hereby granted are upon the express condition that no gas flowing through any main pipe, feeder, or service pipe, made by said company or by its authority, shall be charged for, to general consumers thereof, at the rate exceeding one dollar and seventy-five cents per thousand cubic feet; Provided, to all consumers using one hundred thousand cubic feet and over per annum, a rebate of at least twenty-five cents per thousand feet shall be allowed, and to attempt to collect at a greater rate than that herein specified for gas consumed from any such main pipe, feeder, or service pipe, shall work a forfeiture of the rights and privileges hereby granted.

¶ **9. Construction of plant.**] § 9. In the event that such company or corporation, within three years from the date of the passage of this ordinance, giving it permission to lay its main pipes, etc., shall not have built and completed gas works in said city sufficiently extensive to enable it to manufacture and distribute gas to an amount not less than ten million feet in every thirty days, and located within the limits of the city of Chicago, and shall not have commenced such works and expended thereon at least one hundred thousand dollars within twelve months from the date of the passage of this ordinance, or if such company shall at any time enter into any combination, directly or indirectly, with any gas company or companies, concerning the rates (or price) to be charged for gas either to the city or private consumers, or if such company shall, directly or indirectly, sell, lease or transfer its rights and privileges hereunder to any gas company or corporation now engaged in the manufacture and sale of gas within the city of Chicago, or commence to manufacture gas, shall cease for a period of more than ten consecutive days (unless by reason of unavoidable accident) to furnish gas through its pipes, the rights and privileges hereby granted shall cease and be of no more force or effect; or shall fail or refuse to extend their main pipe as required by section

2 of this ordinance; and it shall not require the judgment or decree of any court of law or equity to determine the said rights and privileges, but the same shall wholly cease and determine, absolutely and at once, upon the happening of any of the matters or things in this section specified.

¶ 10. **Acceptance — bond — conditions.**] § 10. This ordinance shall not be in force as to said company or corporation until it shall have been accepted by such company or corporation, such acceptance to be made by a vote of such company or corporation and notice thereof in writing filed with the city clerk, nor until such company shall have given and filed in the city clerk's office a good and sufficient bond, with two or more good and sufficient sureties, in the penal sum of one hundred thousand dollars, conditioned that such company shall and will, within three years from the date of the passage of this ordinance, build and complete gas works in said city sufficiently extensive to enable it to manufacture and distribute gas to an amount not less than ten million feet in every thirty days, and located within the limits of the city of Chicago, and that the rate to be charged to the consumers of gas which may flow through the pipes laid by such company, or by its authority, shall never exceed the rate named and specified in section 8 of this ordinance, and that such company will not sell, lease or transfere its franchises and privileges to any gas company now engaged in the manufacture and sale of gas within the city of Chicago, and shall and will not enter any combination with any other gas company concerning the rate (or price) to be charged for gas, and to pay all damages which the city of Chicago, or any consumer of the gas furnished by such company, shall suffer by reason of the failure of such company to perform any of the obligations or conditions of this ordinance; such bond and sureties to be approved by the mayor and city comptroller.

¶ 11. **Liability not limited by bond.**] § 11. The liability of such company or corporation to said city or to any person who may be injured by the exercise, by said company, of any of the rights and privileges hereby granted, shall not be limited by the penalty of said bond, nor shall the remedy against said company be confined to the said bond, it being understood that such remedy is merely cumulative, and that said city of Chicago, and any person or persons, shall have the same remedies against said company as it or they would or might have if no such bond were given. In case the duties of the department of public works shall be devolved by said city on any other department or officer, the permits and licenses herein mentioned shall be applied for to such department or officer.

¶ 12. **When in force.**] § 12. This ordinance shall take effect and be in force from and after its passage.

HYDE PARK GAS COMPANY.

§ 62. Hyde Park Gas Company.

¶ 1. Grant—conditional and provisional.
¶ 2. Right to purchase reserved.
¶ 3. When in force—acceptance.
¶ 4. Repeal of section two *supra*.

AN ORDINANCE GRANTING RIGHTS TO THE HYDE PARK GAS COMPANY TO CONSTRUCT AND OPERATE GAS WORKS IN CERTAIN TERRITORY. (Passed and approved June 24, 1871.)

¶ 1. Grant—conditions.] Be it ordained by the board of trustees of the town of Hyde Park: § 1. That permission and authority irrevocable be, and the same are hereby granted to the Hyde Park Gas Company, of the town of Hyde Park, and state of Illinois, to lay their gas mains, pipes, feeders and service pipes in any and all of the streets, alleys, avenues, highways, parks, squares and public grounds throughout said town, north of the center line of Sixty-seventh (67) street, upon the following conditions:

1st. Said company, when they shall open the ground to lay any pipe or for any purpose whatever, shall restore the grounds, streets, pavements and sidewalks to a condition as good as before they opened them, and satisfactory to the superintendent of public works, or such other person as the board of trustees may appoint, with all convenient dispatch.

2d. This permission shall be exclusive north of the south line of Sixtieth (60) street, for the period of fifteen years from this date: Provided, the works of said company, of sufficient capacity to supply said exclusive territory with gas, shall be erected and gas furnished within eighteen months from this date, and the works shall be kept in operation, and gas supplied, and that no more than three dollars and fifty cents per thousand cubic feet shall be charged for gas to consumers.

3d. That no transfer of the privileges hereby granted shall ever be made to any other company or corporation, or to any individuals, except as hereinafter provided, and the general office of said gas company shall be forever kept in said territory over which said exclusive jurisdiction is hereby given.

¶ 2. Right to purchase.] § 2. Whenever within the period of fifteen years from this date, in the opinion of the board of trustees of the town of Hyde Park, it shall appear to be for the benefit and interest of the said town that the works, gas mains, pipes, machinery fixtures and all other property, real, personal and mixed, belonging to said Hyde Park Gas Company and necessary and convenient for the purpose of manufacturing and supplying the said town and the citizens thereof with gas, should be owned and operated and controlled by the public authorities of said town, the said Hyde Park Gas Company shall surrender ownership, possession and full control to the said board of trustees of said town of Hyde Park for the use and bene-

fit of said town, all of said property, real, personal and mixed, together with all works, machinery fixtures, gas mains, pipes, feeders and materials used in the manufacture of gas, then on hand, upon the payment to said Hyde Park Gas Company of the actual cost thereof, adding thereto the sum of ten per cent per annum interest, from the time of such expenditure until such payment is made, deducting therefrom such sums as may have been realized by said company as net revenue from said work; such cost, interest and net revenue to be ascertained by three sworn commissioners, one to be appointed by said board of trustees, one by said Hyde Park Gas Company, and a third by a judge of the circuit court of the county of Cook, state of Illinois: Provided, that the board of trustees shall have no power to accept of this option and make such purchase except for the sole use of the town, and that the works shall be exclusively owned and operated by said town.

¶ 3. **When in force — acceptance.**] § 3. The privileges, grants and franchises contained herein are hereby declared null and void unless the said Hyde Park Gas Company shall, before the expiration of thirty days from this date, file with the clerk of this board their written acceptance and assent to the conditions set forth in this ordinance.

Note.—See following ordinances.

Passed and approved November 25, 1871.

¶ 4. **Repeal of section two of above ordinance.**] § 6. Be it ordained by the board of trustees of the town of Hyde Park: That section 2 of the ordinance relating to the Hyde Park Gas Company, adopted by this board on the 24th day of June, A. D. 1871, be, and the same is, hereby repealed.

§ 62a. Hyde Park Gas Company.

¶ 7. Extension of grant—restoration of streets—damages.

AN ORDINANCE GRANTING FURTHER RIGHTS TO THE HYDE PARK GAS COMPANY. (Passed and approved March 15, 1875.)

¶ 7. **Extension of grant—restoration of streets.**] § 7. Be it ordained by the president and board of trustees of the village of Hyde Park: That permission and authority be, and the same are hereby granted to the Hyde Park Gas Company, of the village of Hyde Park, to lay their gas mains, pipes, feeders and service pipes in any and all of the streets, alleys, avenues, highways, parks, squares and public grounds throughout said village, south of the center line of Sixty-seventh street, upon the following conditions, to-wit:

1st. Said company, when they shall open the ground to lay any pipe, or for any other purpose whatever, shall restore the grounds, streets, pavement and sidewalks to a condition as good in all respects as before they opened them, and satisfactory to the superintendent of public works, or such other person as the president and board of trustees of said village shall from time to time appoint. Such restoration

to be made without unreasonable delay, and all excavations to be made in such manner that the public shall not be unnecessarily inconvenienced thereby.

2d. Said gas company to be responsible for any and all damages which may be occasioned by or result from the exercise of the permission or authority of this ordinance, conferred to or upon said company.

HYDE PARK LIGHT AND FUEL COMPANY.

§ 63. Hyde Park Light and Fuel Company.

¶ 1. Grant.
¶ 2. Restoration of streets.
¶ 3. Construction of the plant—price of gas.
¶ 4. Subject to ordinances.
¶ 5. Acceptance.
¶ 6. Rights when forfeited.
¶ 7. Supply and quality of gas.
¶ 8. Improvement of streets—extension of the system.
¶ 9. When in force.

AN ORDINANCE GRANTING RIGHTS TO THE HYDE PARK LIGHT AND FUEL COMPANY IN CERTAIN TERRITORY. (Passed, approved and filed November 9, 1887. Accepted November 21, 1887.)

¶ 1. **Grant.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission and authority be and the same is hereby granted to the Hyde Park Light and Fuel Company, a corporation of the state of Illinois, in process of organization, to lay its pipes, gas mains, feeder and service pipes, for light, heat or power, in any and all of the streets, alleys, avenues, highways, parks, squares and public grounds throughout the village of Hyde Park, north of the center line of eighty-third (83rd) street.

¶ 2. **Restoration of streets.**] § 2. Said Hyde Park Light and Fuel Company, when it shall open the ground to lay any pipes (or for any purpose whatever), shall without delay, restore the ground, streets, pavements and sidewalks to a condition as good as before they opened them, and satisfactory to the superintendent of public works, or such other persons as the board of trustees may appoint.

¶ 3. **Construction of plant — price of gas.**] § 3. The Hyde Park Light and Fuel Company's works shall be of sufficient capacity to supply said territory, and shall be commenced within six months and gas furnished, and the works of said company be in full operation within eighteen months from the passage of this ordinance, and no more than one dollar and twenty-five cents ($1.25) per thousand cubic feet shall be charged to consumers of gas.

Provided, however, that in case payment shall be made by such consumer on or before the twelfth (12th) day next after the month in which the gas shall be consumed, a rebate of twenty-five cents (25) per thousand cubic feet shall be allowed to such consumers.

¶ **4. Subject to ordinances.]** § 4. The said Hyde Park Light and Fuel Company, its successors and assigns, shall be subject to all the general ordinances of the village of Hyde Park in relation to gas companies, now in force, or which shall hereafter be in force, in relation to the government of gas companies, and acceptance of this ordinance shall be deemed as an agreement and consent of and by said company, to save and keep harmless the said village of Hyde Park from any and all claims for damage of every nature and kind, growing out of any act on the part of said company, its successors or assigns, or their agents or servants.

¶ **5. Acceptance.]** § 5. The rights and privileges hereby granted are upon the express condition that the said company shall, before the expiration of thirty days from the date of the passage hereof, file with the village clerk, their acceptance in writing of the terms and conditions of this ordinance.

¶ **6. Rights forfeited, when.]** § 6. The rights and privileges hereby granted are upon the express condition that in case said Hyde Park Light and Fuel Company shall transfer its stock or its management and control to any trust or trust company or shall sell, convey, lease or transfer its franchises, rights or privileges, then all rights and privileges hereunder shall at once cease and determine, and shall be deemed and become forfeited and surrendered forthwith, by virtue of such transfer.

¶ **7. Quality of gas.]** § 7. The rights and privileges hereby granted are upon the express condition that the light furnished by said company to consumers within the village of Hyde Park, shall be as nearly uniform in quality and volume as practicable, averaging for any one month not less than fifteen sperm candles burning one hundred and twenty grains per hour, from a burner using four feet of gas per hour.

¶ **8. Improvement of streets — extension of system.]** § 8. The rights and privileges hereby granted are upon the further express condition that whenever the board of trustees, or their successors, shall order any street improved, within the territory north of 63rd street by paving or macadamizing the same, then and in that case the said Hyde Park Light and Fuel Company shall, within sixty days after receiving notice so to do, from the proper authorities of said village, or their successors, cause proper pipes to be laid in said street sufficient and adequate for the supply of gas thereon. Provided, that said company shall not be compelled to lay pipes upon any such street, unless the pipe so laid will connect with their general

system; but said company shall not thereafter have the right to tear up such street to lay its pipes therein, except upon special permission from the board of trustees.

¶ 9. **When in force.**] § 9. This ordinance shall be in force from and after its passage, and a failure to comply with the terms and conditions of this ordinance shall work a forfeiture of the rights and privileges hereby granted.

METROPOLITAN GAS COMPANY OF HYDE PARK.

§ 64. Metropolitan Gas Company of Hyde Park.
¶ 1. Grant.
¶ 2. Restoration of streets.
¶ 3. Construction of works.
¶ 4. Authority to borrow money.

AN ORDINANCE GRANTING RIGHTS TO THE METROPOLITAN GAS COMPANY OF HYDE PARK TO CONSTRUCT, OPERATE AND MAINTAIN GAS WORKS IN CERTAIN TERRITORY. (Passed and approved June 26, 1882.)

¶ 1. **Grant.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That exclusive permission and authority irrevocable be, and the same are hereby granted to the Metropolitan Gas Company of Hyde Park, Cook county, and state of Illinois, to lay their gas mains, pipe feeders and service pipes in any and all of the streets, alleys, avenues, highways, parks, squares and public grounds throughout said village of Hyde Park; Provided, that no permanent injury be done to any street, lane or highway in said village.

¶ 2. **Restoration of streets.**] § 2. Said company, when they shall open the ground to lay any pipe, or for any other purpose whatever, shall restore the grounds, streets, pavements and sidewalks to a condition as good as before they opened them, with all convenient dispatch. All excavations shall be made in such manner that the public shall not be unnecessarily inconvenienced thereby.

¶ 3. **Construction of works.**] § 3. The works of said company, of a capacity to manufacture and deliver at least three hundred thousand feet of gas per day, shall be commenced within five years from this date, and the price of gas to consumers shall not exceed two dollars and fifty cents per thousand cubic feet.

¶ 4. **Authority to borrow money.**] § 4. The said company is hereby authorized to borrow money, and to mortgage or lease any of its property or franchises.

¶ 5. **Franchise limited as to territory.**] § 5. Nothing herein contained shall extend to the lands within the village of Hyde Park south of Ninety-fifth street, and west of Stoney Island avenue and Lake Calumet.

Note.—The above ordinance repealed May 12, 1883.

§ *64. Metropolitan Gas Company of Hyde Park.

¶ 1. Grant.
¶ 2. Restoration of streets.
¶ 3. Construction of the plant—price of gas.

§ †64. Metropolitan Gas Company of Hyde Park.

AN ORDINANCE GRANTING RIGHTS TO THE METROPOLITAN GAS COMPANY OF HYDE PARK TO CONSTRUCT, OPERATE AND MAINTAIN GAS WORKS IN CERTAIN TERRITORY. (Passed and approved August 7, 1882.)

AN ORDINANCE REPEALING THE ORDINANCE OF THE METROPOLITAN GAS COMPANY OF HYDE PARK PASSED JUNE 26, 1882, AND AUGUST 7, 1883. (Passed and approved May 12, 1883.)

¶ 1. **Grant.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission and authority irrevocable be, and the same are hereby granted to the Metropolitan Gas Company of Hyde Park, Cook county, and state of Illinois, to lay their gas mains, pipes, feeders and service pipes in any and all of the streets, alleys, avenues, highways, parks and public grounds throughout said village of Hyde Park, and to maintain, use and repair the same; Provided, that no permanent injury or damage shall be done to any street, alley, park or highway in said village of Hyde Park.

¶ 2. **Restoration of streets.**] § 2. Said company, when they shall open the ground to lay any pipes, or for any other purpose whatsoever, shall restore the grounds, streets, alleys, pavements and sidewalks to a condition as good as before they opened them, with all convenient dispatch. All excavations shall be made in such manner that the public shall not be unnecessarily inconvenienced thereby.

¶ 3. **Construction of plant — price of gas.**] § 3. The works of said company, of a capacity to manufacture and deliver at least three hundred thousand cubic feet of gas per day, shall be commenced within five years from this date, and the price of gas to consumers shall not exceed three dollars per thousand feet, with a rebate to such consumers of fifty cents per thousand cubic feet, in case of payment on or before twelve days next after the expiration of the month in which the gas is used by such consumers: Provided, this rebate shall not apply to street lamps and public buildings, the supply therefor to be subject to special agreement.

Note.—Above ordinance repealed. See following ordinance.

Be it ordained by the president and board of trustees of the village of Hyde Park. That the ordinance passed and approved June 26, 1882, entitled "An ordinance concerning the Metropolitan Gas Company of

Hyde Park," and the ordinance passed and approved August 7, 1882, entitled "Ordinance for the Metropolitan Gas Company of Hyde Park," be and the same are hereby repealed.

Approved and filed May 12, 1883.

MUTUAL FUEL GAS COMPANY.

(Successors to Hank & McClary.)

§ 65. Mutual Fuel Gas Company.

¶ 1. Grant.
¶ 2. Restoration of streets.
¶ 3. Barriers and signal lights.
¶ 4. Indemnity clause.
¶ 5. Subject to ordinances.
¶ 6. Reservation of rights.
¶ 7. Improvement of streets—extension of system.
¶ 8. Construction of the plant—forfeiture.
¶ 9. Oil pipes, character of prescribed, with escape system.
¶ 10. Liquidated damages—bond.
¶ 11. Quality and price of gas.
¶ 12. Rights forfeited, when.
¶ 13. When in force—acceptance and bond.

AN ORDINANCE GRANTING RIGHTS TO HANK & MCCLARY TO CONSTRUCT, OPERATE AND MAINTAIN GAS WORKS AND TO PIPE OIL IN CERTAIN TERRITORY. (Passed, approved, accepted and filed March 21, 1889.)

¶ 1. Grant.] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission and authority be and are hereby granted to Charles D. Hank and Nelson A. McClary, subject to the provisions hereinafter contained, to construct, maintain and operate a system of works within the village of Hyde Park to enable said Hank and McClary or their assigns, to receive, produce and furnish for sale natural and other gas and petroleum oil, or either of them; and to enable said Hank and McClary and their assigns, to deliver such gas and oil to their customers, the right of way is hereby granted to them along, upon and under all avenues, streets, alleys and public places, rivers and canals in said village for the purpose of laying, operating, maintaining and repairing pipes, tubes, feeders and service pipes in connection with the said business of said Hank and McClary, and their assigns; Provided, that this ordinance shall not grant authority to pipe oil north of 67th street in said village.

¶ 2. Restoration of streets.] § 2. Said Hank and McClary, or their assigns, shall do no permanent injury to any street, sidewalk, alley, avenue or public place, or in any manner unnecessarily disturb or interfere with any water pipes, sewer or gas pipe, telegraph

or electric wires, cables or pipes now laid, or hereafter to be laid, by, or by authority of said village; that in laying their said pipes no greater distance than one quarter of a mile shall be opened at any one time, and the work shall be done continuously and speedily prosecuted to completion under the direction of the superintendent of public works, or other proper officer of said village; that any streets, lanes, roads or alleys open for the purpose aforesaid shall be immediately restored to a condition equally as good as before opened by or for the benefit of said Hank and McClary and their assigns, by the superintendent of public works or other proper officer of said village, and the said superintendent of public works, or other proper officer of said village shall make an estimate of the cost of restoring each section not exceeding one-quarter of a mile, as aforesaid, to a condition equally as good as before; and payment of the amount of the said estimate shall be made by said Hank and McClary or their assigns, to the comptroller of the said village before such street, lane, road or alley shall be opened, and in no case shall the village be held liable for any loss or damage that may occur in the restoring of such street, lane, road or alley as aforesaid; Provided, however, that if the said Hank and McClary and their assigns shall restore each section, as aforesaid, of said street, lane or alley to a condition satisfactory to the superintendent of public works, or other proper officer of said village, within fifteen (15) days after the same shall have been opened, by or for said Hank and McClary, or their assigns, then the amount of deposit as aforesaid shall be returned to said Hank and McClary or their assigns, upon the order of the said superintendent of public works or other proper officer.

¶ 3. **Barriers and signal lights.**] § 3. Said Hank and McClary, or their assigns, shall put up all necessary barriers, lights and signals to prevent the happening of any accident in consequence of any opening or incumbrance of any street, alley, lane, avenues or public ground in said village.

¶ 4. **Indemnity clause.**] § 4. Said Hank and McClary, or their assigns, shall be liable to and by the acceptance of this ordinance, agree to pay and compensate the village of Hyde Park, or any private individual, owner or parties interested in any property adjacent to any street, avenue, alley or public ground opened or injured by them, for all damages such party may suffer caused by or resulting from negligence or want of proper care and skill in the construction of their works or lines of pipes, or in opening, incumbering, refilling or guarding any opening or obstruction of any street, alley or public place in said village, or growing out of the escape of any oil or gas contained in or conducted through such pipes or tubes of said company.

¶ 5. **Subject to ordinances.**] § 5. Said Hank and McClary, or their assigns, shall be subjected to all general ordinances of the village of Hyde Park in regard to gas company or companies of a

similar character or business or relating to the supply of petroleum oil, now in force or which may be hereafter passed.

¶ 6. **Reservation of rights.**] § 6. The village of Hyde Park, for itself and citizens, reserves the right to put in sewerage, water and other pipes, and any and all improvements which it may deem necessary or proper, at any and all times, in its streets, alleys, or public grounds without any liability to said Hank & McClary or their assigns, for so doing, and on reasonable notice said Hank and McClary, or their assigns, shall take proper care of their own pipes and property in such streets, alleys or public grounds.

¶ 7. **Improvement of streets — extension of system.**] § 7. Whenever the board of trustees or their successors shall provide for the improvement of any street by paving or macadamizing the same, the said Hank and McClary, or their assigns, shall, within sixty (60) days after receiving notice from the department of public works, or other proper authority, cause pipes suitable for the supply of gas upon said street to be laid therein, including such main or service pipes, feeders and house connections to the curb lines of said street, and connecting with the building lots thereon, as may be necessary or proper. Provided, however, that said Hank and McClary, or their assigns, shall not be required to lay pipe in any such street unless ordered so to do by the board of trustees, unless the pipe so laid shall connect with the general system of said Hank and McClary, or their assigns; and provided further, that in case of the failure of said Hank and McClary, or their assigns, after such notice to lay such pipe and connections prior to such improvements, said Hank and McClary and their assigns shall not thereafter have the right to tear up said street nor any part thereof, except upon permission of the board of trustees or their successors, first specially had and obtained.

¶ 8. **Construction of plant — forfeiture.**] § 8. Said Hank and McClary or their assigns, shall, unless prevented by due process of law, commence the erection of gas works within six months from the date of passage of this ordinance, and shall complete said works and furnish gas for fuel, power, light or heat within eighteen (18) months from said date, said works to be commenced and completed in good faith, to be of a permanent character and to have a capacity of not less than two hundred and fifty thousand (250,000) cubic feet of gas per day, and to be intended to produce and supply to consumers regularly not less than said two hundred and fifty thousand cubic feet of gas per day. If said Hank and McClary or their assigns, shall fail to so commence said works and complete the same, and furnish gas within said periods of six (6) and eighteen (18) months or having commenced to supply gas, they shall, unless for causes beyond the control of said Hank and McClary, or their assigns, cease to supply gas for fuel, power, light or heat for a period of more than thirty (30) days,

then the rights and privileges hereby granted shall cease and be of no more force and effect. Provided, however, that if said Hank and McClary, or their assigns, shall be delayed by any ordinance or resolution of the village of Hyde Park, then the period of any and all such delays shall be added to said periods of six (6) and eighteen (18) months.

¶ **9. Oil pipes, character of—escape system.**] § 9. The pipes for oil and for high pressure natural gas, that is having a pressure exceeding ten (10) pounds to the square inch, shall be of wrought iron of the best material and with joints of the best known character for securing natural gas or oil. Said pipes shall be placed at least three (3) feet below the surface of the ground, and it is hereby made the duty of said Hank and McClary, or their assigns, to provide an escape system to carry off superfluous natural gas or oil to relieve undue pressure and prevent explosion.

¶ **10. Liquidated damages — bond.**] § 10. Said Hank and McClary shall forfeit and pay to the said village of Hyde Park the sum of twenty thousand ($20,000) dollars, as liquidated damages in case they, or their assigns shall fail to commence the erection of gas works within six (6) months from the date of the passage of this ordinance, or in case they shall fail to complete said works and furnish gas within eighteen (18) months from said date, as provided by section 8, hereof; and said Hank and McClary shall, within sixty (60) days from and after the date of the passage of this ordinance, execute and file with the president of the village of Hyde Park a good and sufficient bond in the penal sum of fifty thousand ($50,000) dollars, to be approved by the board of trustees, conditioned that said Hank and McClary and their assigns, shall at all times save said village harmless from and on account of all injury to persons or property that may be caused by the acts of the said Hank and McClary, or their assigns, or their employes, or by the escape of their gas or oil, and to make good and pay for all injury and damage to the property of the said village of Hyde Park that may be in any wise caused by the operations of the said Hank and McClary, or their assigns, hereunder, and further conditioned to pay the said village of Hyde Park said sum of twenty thousand ($20,000) dollars, liquidated damages provided for in this section.

¶ **11. Price of gas — quality.**] § 11. Said Hank and McClary, or their assigns, shall not charge nor collect more than one dollar and twenty-five cents ($1.25) per thousand cubic feet for gas for illuminating purposes, not more than ninety cents ($.90) per thousand cubic feet for gas for heating purposes, with a rebate of twenty per cent (20 per cent) on said above prices in case of payment on or before the twelfth (12th) day of the month next succeeding that in which such gas is used by consumers thereof. When said Hank and McClary, or their assigns, shall furnish illuminating gas, then said Hank and McClary or their assigns, shall supply gas light under uniform and sufficient pressure between sunset and sunrise of each day,

and the quality of the same shall be as nearly uniform as practicable, averaging for any one month not less than sixteen (16) sperm candles, burning one hundred and twenty (120) grains per hour; to be determined by authorized photometrical tests, a five (5) foot burner being used, and provided, the rights and privileges hereby granted are upon the express condition that said Hank and McClary, or their assigns, shall not charge the village of Hyde Park more than ninety cents ($.90) per thousand cubic feet for illuminating gas, and not more than sixty-five cents ($.65) per thousand cubic feet for heating gas.

¶ 12. **Rights forfeited, when.**] § 12. No transfer of the privileges hereby granted shall ever be made except by said Hank and McClary, but no transfer shall be made by their assigns, and should Hank and McClary, or their assigns become a party to any trust or combination respecting the quantity or quality or price of gas or oil, any such transfer, combination or transaction shall work a forfeiture of the rights and privileges hereby granted.

¶ 13. **When in force—acceptance and bond.**] § 13. This ordinance shall take effect and be in force when and as soon as said Hank and McClary or their assigns, shall file with the clerk of the village of Hyde Park their acceptance in writing thereof, together with their bond, as hereinbefore provided, and in case said Hank and McClary, or their assigns, shall not file said acceptance in writing, and said bond, within sixty (60) days after the passage and approval of this ordinance, then this ordinance shall be and become void and without force and effect.

NORTH WESTERN GAS WORKS COMPANY.

§ 66. North Western Gas Works.

¶ 1. Grant.
¶ 2. Erection of the plant.
¶ 3. Public lamps.
¶ 4. Style of lamps.
¶ 5. Town to pay cost of placing.
¶ 6. Price of gas.
¶ 7. Exclusive privileges.
¶ 8. Mains, when and how to be laid.
¶ 9. Number of public lamps, specified.
¶ 10. Public lamps, how to be paid for.
¶ 11. Lighting isolated streets.
¶ 12. When in force—acceptance.

AN ORDINANCE GRANTING RIGHTS TO THE NORTH WESTERN GAS WORKS COMPANY IN CERTAIN TERRITORY. (Passed July 5, 1881.)

¶ 1. **Grant.**] Be it ordained and enacted by the board of trustees of the town of Lake, and it is hereby enacted by authority of the

same: § 1. That exclusive and irrevocable privilege and authority is hereby granted to the said North Western Gas Works Company, a corporation, existing by virtue of the laws of New York, its assigns and representatives, to furnish illuminating gas for the period of twenty-five years, and to open such streets, alleys, avenues, highways and public grounds in the said town of Lake as may be necessary to enable said gas works company to lay down, operate, maintain and extend its street mains and service pipes. The privileges and authority hereby granted are upon the following express conditions:

First. That the said gas works company, its successors and assigns, shall and will forever indemnify and save harmless the said town of Lake against all and from any and all damages, judgments, decrees, costs and expenses of the same which it may suffer, or which may be recovered or obtained against said town of Lake, for or by reason of the granting of such privileges and authority, or for or by reason of, or growing out of, or resulting from the passage of this ordinance, or any other matter or thing connected therewith, or with the exercise by said company, its grantees or assigns, under, or by virtue of the provisions of this ordinance.

Second. That the said gas company, its successors and assigns, shall place all such streets, avenues, highways and public grounds in as good condition as they were before said work was begun.

Third. That the main supply pipes of said gas company shall be laid on a line parallel to and ten (10) feet west of the center line of all streets running north and south, and on a line parallel to and ten (10) feet south of the center line of all streets running east and west, unless otherwise ordered by the board of trustees, and in such a manner as to not interfere with any improvements said board may deem proper to make upon such streets, alleys, avenues, highways and public grounds, or have made heretofore.

¶ 2. **Erection of plant.**] § 2. That for and in consideration of the foregoing exclusive privilege and authority, it shall be obligatory upon such gas works company, its successors, representatives and assigns, to construct in said town of Lake suitable buildings, erections and fixtures for the manufacture of gas for consumption and use in said town, at such place in said town as said company may desire, provided, such place is acceptable to said board of trustees, and to lay mains along such streets, alleys, avenues, highways and public grounds as the exigencies of business and private demands of the inhabitants of said town may require, and where the consumption of gas will justify the laying of mains and service pipes; and to furnish and supply gas to such public lamps along the line of such main pipes as may be laid, as specially provided by this ordinance, and as shall also be ordered from time to time by the board of trustees of said town; such public lamps to have burners which will furnish an equivalent in illuminating value to that produced by a burner consuming four (4)

cubic feet of good coal gas per hour, including the lighting, extinguishing, cleansing and repairing of said street and public lamps, the price therefor to be paid by said town, thirty-two 50-100 dollars per lamp per annum, and when the number of lamps shall reach two hundred and fifty, then at the price of thirty dollars per lamp per annum, and when the number of lamps shall reach five hundred or upward, then at the price of twenty-seven 50-100 dollars per lamp per annum for the first ten years of the life of this ordinance, and for the balance of the term or life of this ordinance at such price as may be mutually agreed upon, not to be less than twenty ($20) dollars per lamp per annum, to be paid monthly in all cases except as to the first year hereof, and for gas consumed and services in connection with said lamps for such first year payment shall be made by a warrant upon the treasurer of said town, to be paid out of a fund collected by special assessments on property deemed benefited, to be levied during the year 1881, and if the same can not, for any reason, be so paid, then out of the general fund of said town.

¶ **3. Public lamps.**] § 3. That said lamps are to be lighted and extinguished in accordance with what is known as the Philadelphia scale or standard of time.

¶ **4. Style of lamps.**] § 4. That the style of the first one hundred twenty-five (125) lamps to be used shall be what is known as the Stewart improvement, and the style of the lamp post to be used shall be like that now used in the city of Chicago.

¶ **5. Town to pay cost of placing public lamps.**] § 5. That said town of Lake shall pay for putting in all pipes, posts and fixtures for its own use and benefit from the main pipes, where the connection is made; said pipes and fixtures to be put in under the supervision of said company or their representatives.

¶ **6. Price of gas.**] § 6. That said company shall furnish gas to citizens, residents and manufacturers of said town, for their private consumption, at a price not to exceed two (2) dollars and fifty (50) cents for the equivalent in illuminating power or value of one thousand (1000) cubic feet of good coal gas of fourteen (14) candle power, said citizens, residents or manufacturers to pay for putting in the necessary pipes and fixtures to connect the point of consumption with the main pipes—such connection to be put in under the supervision of said gas works company or their representatives.

¶ **7. Exclusive privilege.**] § 7. That the said town of Lake further agrees that the right to light its streets, highways, public grounds or buildings shall not be granted to any other corporation, corporations, person or persons whatsoever during the term of this ordinance, and to purchase from said company or its representatives so much gas as may be required to properly illuminate such principal streets and public grounds of said town during the term of this or-

dinance, as its board of trustees may from time to time order to be supplied with gas and lighted as aforesaid.

¶ 8. **Laying mains.**] § 8. Said gas works company to commence work within thirty (30) days from the acceptance of this ordinance, and carry the same steadily forward until mains are laid in the following-named streets, to-wit: Halsted street from Thirty-ninth street to Forty-third street, in Forty-third street from Halsted street to Wentworth avenue, in Wentworth avenue from Thirty-ninth street to Sixty-seventh street, in Forty-seventh street from Wentworth avenue to State street, in Fifty-first street from School street to the tracks of the Chicago, Rock Island and Pacific Railroad Company, in Thirty-ninth street from Wentworth avenue to State street, and in State street from Thirty-ninth street to Fortieth street. The laying of said pipes in said streets to be completed during the year eighteen hundred and eighty-one (1881), unavoidable delays excepted, and in case such delays occur, to be completed as soon thereafter as practicable, due diligence to be exercised in the prosecution of the work by said gas works company.

¶ 9. **Number of public lamps.**] § 9. That at least one hundred and twenty-five public lamps shall be erected on the line of said main pipes as soon as said gas works company are prepared to furnish gas for the same. That said gas works company, by acceptance of this ordinance, agree to furnish said one hundred and twenty-five (125) lamp posts and lanterns of the style above mentioned in the ordinance, together with lamp posts, cocks and burners of the style and pattern generally used in the principal cities of the country, at sixteen (16) dollars and forty (40) cents each; and for service pipes, excavations and labor necessary to put the same in order for lighting, three (3) dollars and sixty (60) cents each additional for each lamp post.

¶ 10. **Public lamps, how paid for.**] § 10. That the one hundred and twenty-five (125) lamps, lamp posts, burners and cocks above mentioned shall be paid for by warrant drawn on the treasurer of said town, to be paid out of a fund when collected, to be collected by special assessment on the property deemed benefited by the erection of said lamps and lamp posts, to be levied during the year eighteen hundred and eighty-one (1881).

¶ 11. **Lighting isolated streets.**] § 11. That in case the board of trustees shall deem it necessary to light streets in isolated localities, where the consumption of gas will not warrant the laying of pipes, said company shall light the same with oil or gasoline lamps, at a price to be mutually agreed upon by said board of trustees and said company, at a price as low as any responsible parties will agree to light the same.

¶ 12. **When in force—acceptance.**] § 12. This ordinance shall take effect and be in force from and after its passage and accept-

ance, and to be void unless the said gas works company shall file its written acceptance of the same with the town clerk of said town of Lake, within twenty (20) days after its passage.

OGDEN GAS COMPANY.

§ 67. Ogden Gas Company.

¶ 1. Grant.
¶ 2. Service pipes.
¶ 3. Restoration of streets.
¶ 4. Opening and incumbering streets.
¶ 5. Indemnity clause.
¶ 6. Subject to ordinances.
¶ 7. Quality and supply of gas.
¶ 8. Price of gas.
¶ 9. Compensation to the city.
¶ 10. Construction of the plant.
¶ 11. Acceptance—bond.
¶ 12. Liability not limited by the bond.
¶ 13. Rights when forfeited.
¶ 14. Term of grant 50 years.
¶ 15. In force from and after passage.

AN ORDINANCE GRANTING THE RIGHT TO THE OGDEN GAS COMPANY TO CONSTRUCT, MAINTAIN AND OPERATE GAS WORKS WITHIN THE CITY OF CHICAGO. (Passed February 25, 1895. Accepted March 4, 1895.)

¶ 1. Grant.] Be it ordained by the city council of the city of Chicago: § 1. Subject to the terms and conditions of this ordinance, there is hereby granted to the Ogden Gas Company, a corporation created and existing under and by virtue of the laws of the state of Illinois, the right to construct, repair, maintain and operate gas works within the city of Chicago, together with right of way along, upon and under all the avenues, streets, alleys and public places in said city, and under the Chicago river and its branches, for the purpose of placing, operating, repairing and maintaining one or more lines of gas mains and pipes, and all necessary feeders and service pipes in connection therewith, for lighting and fuel purposes.

¶ 2. Service pipes.] § 2. Said Ogden Gas Company shall not charge any person desiring to make connection with any service pipe laid or to be laid by said company, but all service pipes shall be laid by said company at its own expense.

¶ 3. Restoration of streets.] § 3. Said Ogden Gas Company shall not do any permanent injury to any street, sidewalk, alley, avenue or public place, or shade tree, or in any manner unnecessarily disturb or interfere with any water pipes, sewer or gas pipe now or

hereafter laid by said city, or any authorized company or corporation, and when said company shall open ground in the same, it shall forthwith restore the street pavement, sidewalk or ground, or water pipes, sewer or gas pipes, to a condition equally as good as before, at its own expense, and if said company shall fail or refuse to do so, the same may be done by the said city, and the said company shall be liable for the cost thereof. Said Ogden Gas Company shall not make any excavation in any street, alley, avenue or public place, without first securing a permit for that purpose from the department of public works of the said city, and whenever said company shall make application in writing to such department for such permit or permits, and shall have complied with all the terms and conditions of this section of this ordinance, it shall be the duty of such department to forthwith issue such permit or permits. When any excavation shall be made by said company in any street, alley or public place paved with wooden blocks, the foundation boards or planks shall be removed without being cut, unless such cutting shall be especially permitted by the department of public works of said city. The said company shall not use the public fire hydrants of said city, or any water therefrom, without a license or permit of the department of public works of said city, which license shall be granted by said department upon said Ogden Gas Company paying or agreeing to pay the fee for water, as the same is fixed by the ordinances of the said city. The said company shall, upon notice from the department of public works of said city, remove or change, at its own expense, any gas main, pipe, service pipe or feeder which may be in the way of or interfere with, the construction or erection of any viaduct, public building or any other public structure within said city.

When said company shall first apply to the department of public works of said city of Chicago for a permit, as herein provided, the said company shall deposit with said department the sum of twenty thousand ($20,000) dollars, as a guaranty that said company shall restore the streets, pavements, sidewalks, grounds, water pipes, sewer or gas pipes, to a condition equally as good as before, and if said company shall fail or refuse to so restore said streets, pavements, sidewalks, grounds, water pipes, sewer or gas pipe, to a condition equally as good as before, within a reasonable time after notice served upon said company so to do, then said deposit, or so much thereof as may be necessary, may be used by said department for such purposes. The balance of such deposit, if any there be, shall be returned to said company; or, in case said company shall so restore such streets, pavements, sidewalks, grounds, water pipes, sewer or gas pipes, to a condition equally as good as before, then such deposit shall be returned to said company.

¶ **4. Opening and incumbering streets.**] § 4. Said Ogden Gas Company shall not open and encumber more of any street,

avenue, alley or public place, at any one time, than may be necessary to enable it to proceed with advantage in the laying of any such main pipes, feeders or service pipes, nor shall said company permit any such street, avenue, alley or public place, to remain open or encumbered for a longer period than shall be necessary to execute the work for which the same shall have been opened, or without putting up the necessary barrier and lights, so as to effectually prevent the happening of any accident in consequence of such opening or encumbering of such street, alley, avenue or public grounds. In the district bounded by 12th street on the south, the Chicago river on the west and north, and Lake Michigan on the east, no excavation of the street shall be permitted except between the hours of 10 p. m. and 6 a. m., and then only upon condition that the street shall be restored to a passable condition for traffic purposes during the hours from 6 a. m. to 10 p. m.

¶ 5. **Indemnity clause.**] § 5. Said Ogden Gas Company shall be liable to and shall compensate the city of Chicago and pay any private individual, owner or owners, or parties interested in any property adjacent to any street, avenue, alley or public place, opened or injured by it, for all damages which may result by reason of said company having negligently opened, encumbered, protected or guarded any such street, alley, avenue or public place in said city.

¶ 6. **Subject to ordinances.**] § 6. Said Ogden Gas Company shall be subject to all general ordinances of the city of Chicago now in force, in regard to gas companies, and the city of Chicago shall have the right, at any time, to provide for the appointment of an inspector of gas, with the power and authority incident to such position, and which the said city of Chicago may deem necessary to protect the city of Chicago in its corporate rights, and individual consumers of gas, against oppression or fraud. All meters used by said company for measuring gas shall be subject to inspection and approval by such person or officer as may be appointed by the said city for that purpose, and said company shall pay all such reasonable costs and charges of such inspection as may be fixed by the city council of said city.

¶ 7. **Quality of gas.**] § 7. Said Ogden Gas Company shall supply illuminating gas, the quality of which shall be as nearly uniform as practicable, averaging for any one month not less than twenty-two (22) sperm candles, burning one hundred and twenty (120) grains per hour, to be determined by authorized photometrical test, a five-foot burner being used.

¶ 8. **Price of gas.**] § 8. The maximum price to be charged by said company for gas to be furnished by it to consumers, other than the city of Chicago, is hereby fixed at 90 cents per one thousand cubic feet; Provided, that said company shall have the right to charge and collect an additional ten (10) cents per thousand cubic feet if bills are

not paid by a certain date in each calendar month, to be fixed by said company and stated in said bills. Said company shall furnish illuminating gas to the city of Chicago at the rate of not exceeding seventy-five (75) cents per one thousand cubic feet, for all public buildings or street lamps.

The city of Chicago reserves the right to require the said company, in addition to furnishing gas for its street lamps, to light and extinguish the same; and in such case the said company agrees to furnish gas for street lighting, including the labor of lighting and extinguishing, at not exceeding sixteen dollars ($16.00) per annum for each street lamp consuming four (4) cubic feet of gas per hour.

¶ **9. Compensation.**] § 9. The rights and privileges hereby granted are upon the express condition that the Ogden Gas Company shall pay annually to said city of Chicago, for and in consideration of the rights and privileges hereby granted, an amount equal to three and one-half (3½) per centum per annum of the gross revenue and receipts of said company from the sale of gas. Such payments shall be made in the manner following, at the expiration of one year from the time said company shall commence to distribute gas in the said city of Chicago: The president or other chief officer of the said company shall file with the comptroller of said city of Chicago a statement, under oath, showing the amount of gross annual revenue or receipts of said company for the preceding year, and shall at the same time pay to said comptroller the said amount of 3½ per centum on the annual gross revenue or receipts from the sale of gas, said respective payments to be made, as herein described, annually. Such statement, however, shall not be final or binding upon the city, and the comptroller of the city of Chicago, or his authorized agent, shall at all times, upon such statement being made as herein contemplated, have the right to examine the books of the said company, showing the gross receipts of the said company, to verify such statement.

¶ **10. Construction of plant.**] § 10. The rights and privileges hereby granted are upon the express condition that the said Ogden Gas Company shall, within three (3) years from the date of the acceptance of this ordinance, have built and completed, or otherwise acquired, gas works in said city sufficiently extensive to enable it to manufacture and distribute gas to an amount not less than five million cubic feet in every thirty days, and shall have expended on such gas works at least $100,000.00 within twenty-four months from the date of the acceptance of this ordinance, but the time during which any legal proceeding shall be pending, whereby the said company shall be prevented from or delayed in building and completing or acquiring such gas works, or in expending such sum of money, shall be excluded from the time herein prescribed for building, completing or acquiring of such gas works and the expending of said one hundred thousand ($100,000) dollars.

¶ **11. Acceptance — bond.**] § 11. This ordinance shall not be in force as to said Ogden Gas Company until it shall have been accepted by said company, such acceptance to be made, and notice thereof in writing filed with the city clerk, within ninety (90) days from the passage of the same, nor until said company shall have given and filed in the city clerk's office a good and sufficient bond, with two or more good and sufficient sureties, in the penal sum of $100,000.00, conditioned that the said company shall and will, within three (3) years from the date of acceptance of this ordinance by said company, build and complete, or otherwise acquire, gas works in said city sufficiently extensive to enable it to manufacture and distribute gas to an amount not less than five million cubic feet in every thirty days, and located within the limits of the city of Chicago, and that the rate to be charged for gas furnished by it to consumers shall never exceed the rate named and specified in section 8 of this ordinance, and to pay all damages which the city of Chicago, or any individual consumer of gas manufactured by said Ogden Gas Company, shall suffer by reason of the failure by said company to perform any obligations or conditions of this ordinance, such bond and sureties to be approved by the mayor.

¶ **12. Liability not limited by bond.**] § 12. The liability of said Ogden Gas Company to said city, or any person who may be injured by the exercise by the said company of any of the rights and privileges hereby granted, shall not be limited by the penalty of said bond, nor shall the remedy against said company be confined to said bond, it being understood that such remedy is merely accumulative, and that said city of Chicago, and any person or persons, shall have the same remedy against said company as it or they would or might have if no such bond were given. In case the duties of the department of public works shall be devolved by said city on any other department or officer, the permits and licenses herein mentioned shall be applied for to and issued by such department or officer.

¶ **13. Rights forfeited, when.**] § 13. The rights and privileges hereby granted are upon the express condition that said company shall not at any time, directly or indirectly, sell, lease or transfer its plant, property, rights or privileges herein authorized, to any other gas company, trust or corporation, now or hereafter engaged in the manufacturing and sale of gas in the city of Chicago, and if the said company shall, directly or indirectly, sell, lease or transfer its plant, property, rights or privileges herein authorized to any other gas company, trust or corporation, now or hereafter engaged in the manufacture of gas in said city, or if said company, having commenced to manufacture gas, shall cease for the period of more than ten (10) consecutive days, unless by reason of unavoidable accident or injunction, to furnish gas through its pipes, as required by this ordinance, then the rights and privileges hereby granted shall cease, and be of no more force and effect, and the entire gas plant of said company, to-

gether with all its machinery, tools, appliances, mains, pipes and other property of every name, nature and description, shall be forfeited to said city of Chicago, as and for agreed and liquidated damages for the failure of said company to comply with the requirements and conditions of this section of this ordinance.

¶ **14. Term of grant.**] § 14. The rights and privileges hereby granted by this ordinance are granted for the term of fifty (50) years from and after the acceptance of this ordinance, and the rights and privileges hereby granted are upon the further express condition that at the end of said term of fifty years from and after the acceptance of this ordinance, the said city of Chicago shall have the right to purchase the entire plant of the said company, and all its property and effects of every kind and description within said city of Chicago, at an appraised value which shall be ascertained and determined by three competent and disinterested appraisers, who shall have full access to all books, papers and other documents bearing on or appertaining to the subject, and such appraisers shall be selected in the following manner, to-wit: One of said appraisers shall be appointed by the said city of Chicago, one by said company, and the two so selected shall choose a third, and if said two appraisers cannot agree upon a third, then such third appraiser shall be selected by the chief justice of the circuit court of Cook county, Illinois, and the said three appraisers so chosen shall, within six (6) months after the appointment of the last appraiser, make report in writing of the value of said property to said city of Chicago and to the said company, and the said city of Chicago shall have the option, at any time within six (6) months after the receipt of said report, to purchase said plant and property, together with all its appurtenances and equipments, at the appraised value so fixed by said appraisers; Provided, however, that if said city shall so elect to so purchase said gas plant, then said company shall have the right to operate the said plant and receive the profit therefrom during the time such arbitration is in progress, and until the same shall be completed and the purchase price as fixed by the arbitration, has been paid.

¶ **15. When in force.**] § 15. This ordinance shall take effect and be in force from and after its passage.

Note.—See following repealing ordinance.

§ *67. Ogden Gas Company.

¶ 1. Ordinance § 67 repealed.
¶ 2. In force from and after passage.

An Ordinance Repealing an Ordinance Passed February 25, 1895, Granting Certain Rights to the Ogden Gas Company.

Preamble. Whereas, The record of the council proceedings shows that an ordinance purports to have been passed on February 25th, 1895, by the city council of the city of Chicago, granting certain rights and privileges to the Ogden Gas Company; and,

Whereas, the passage of such ordinance was improper and illegal; therefore,

¶ 1. **Repeal.**] Be it ordained by the city council of the city of Chicago: § 1. That the ordinance granting certain rights and privileges to the Ogden Gas Company, passed on February 25th, 1895, by the city council of the city of Chicago, be, and the same is hereby, repealed.

¶ 2. **When in force.**] § 2. This ordinance shall be in force and effect from and after its passage.

PEOPLES GAS LIGHT AND COKE COMPANY.

§ 68. Peoples Gas Light and Coke Company.
¶ 1. Grant.

AN ORDINANCE CONCERNING THE PEOPLES GAS LIGHT AND COKE COMPANY.
(Passed August 30, 1858.)

¶ 1. **Authority to lay mains, etc.—limitation of power.**] Be it ordained by the common council of the city of Chicago: § 1. That permission and authority be and the same are hereby granted to the Peoples Gas Light and Coke Company, of the city of Chicago and state of Illinois, to lay their gas mains, pipes, feeders and service pipes in any of the streets, alleys, avenues, highways, public parks or squares throughout said city, subject at all times, however, to the resolutions and ordinances of the common council of said city; Provided, that said company when they shall open the ground to lay any pipe, or for any other purposes whatever, they shall restore the streets, pavements and sidewalks to a condition satisfactory to the city superintendent, with all convenient dispatch, and no more of any street or alley shall be opened or encumbered at any one time or in any one place, nor shall any street or alley be suffered to remain open or encumbered for a longer period than shall be strictly necessary to enable said company to proceed with their work; and said company shall be liable for all damages which may result from or by reason of opening or encumbering any street, alley or sidewalk in said city of Chicago; and provided further, that whenever said company shall desire to lay their pipe or do other work in any of the principal streets of said city, before they commence doing so they shall consult the mayor or city superintendent of public works and unless the mayor or superintendent consent to such work being done at the particular time, they shall not proceed with such work on any such principal street, without the express permission of the common council of said city of Chicago; and Provided,

further that nothing herein contained shall be construed to conflict with any rights or privileges heretofore given by the common council to the Chicago Gas Light & Coke Company or in conflict with the provisions contained in the act of incorporation of the People's Gas Light & Coke Company, to first obtain the consent of the Chicago Gas Light & Coke Company, if pipes are laid previous to February 12th, A. D. 1859.

§ *68. Peoples Gas Light and Coke Company.

¶ 1. Grant.
¶ 2. Notice of opening streets.
¶ 3. Restoration of streets.
¶ 4. Quality and price of gas.
¶ 5. Extension of mains.
¶ 6. Acceptance.
¶ 7. Subject to ordinances.

AN ORDINANCE GRANTING TO THE PEOPLES GAS LIGHT AND COKE COMPANY, OF THE CITY OF CHICAGO, COUNTY OF COOK AND STATE OF ILLINOIS, THE RIGHT TO LAY MAINS AND SELL GAS WITHIN CERTAIN TERRITORY. (Passed and approved January 10, 1885.)

¶ 1. Grant.] Be it ordained by the president and board of trustees of the village of Jefferson: § 1. That permission and authority be and the same are hereby granted to the Peoples Gas Light and Coke Company to supply and sell gas made from substances generally used in the manufacture of the same, to be used for heating and illuminating purposes, within the village of Jefferson, and to lay and maintain gas mains and service pipes for distributing said gas in any of the public streets, alleys, avenues, highways or grounds within the limits of said village.

¶ 2. Notice of opening streets.] § 2. That before said company shall open any street, alley, highway or other public place for the purpose of introducing its mains or service pipes it shall cause notice of its intention so to do, to be given to the corporate authorities of said village, specifying in such notice the streets or parts of street, alley or other public place in which it is proposed to introduce such pipes.

¶ 3. Restoration of streets.] § 3. In all cases where said company shall open any street, alley or other public place within said village, for the purpose of laying its pipes therein, it shall restore the same to its former condition as nearly as practicable, with as little delay as possible, and no more of any street, alley or other public place shall be disturbed or incumbered in the laying of said pipes, nor shall the same remain open or incumbered for a longer time than shall be necessary to enable said company to complete its work as above provided; and said company shall be liable for any and all damages, resulting from its negligent conduct in the prosecution of said work and from its failure and neglect to properly guard and protect the excavations made by it in the progress thereof.

¶ 4. Quality and price of gas.] § 4. The said company shall furnish gas for consumption within said village of an illuminating power of not less than sixteen (16)candles and to the corporate authorities of said village for the lighting of the streets, public buildings and public places within said village, at the same price as in the city of Chicago, to be measured in such manner as may be agreed upon between said company and the corporate authorities of said village, and the price of gas to private consumers within said village shall be the same and upon the same terms as to the citizens of the city of Chicago. And all street lamps that shall be erected by said village along the public streets in which the gas mains of said company shall be laid, shall be connected with said mains and shall immediately and continually thereafter, at all proper hours of the night be furnished with the gas of, and by the said company, for the lighting of said streets, and said village shall pay for the gas so consumed at and after the price and rate aforesaid. Settlements and payments to be made quarter-yearly. The schedule of the time for lighting and extinguishing said street lamps and the size of burners therein to be the same now in use in the city of Chicago.

¶ 5. Extension of mains.] § 5. The said company shall within six (6) months of the date of the passage of this ordinance, lay in the streets or alleys of said village of Jefferson, at least three (3) miles of street mains with proper service pipes connected therewith, for the supply of gas to actual consumers, and shall thereafter extend said mains and service pipes as rapidly as the increased demand for gas shall justify such extension. Provided, the frost in the ground shall not prevent the prosecution of the work during the six months above mentioned.

¶ 6. Acceptance.] § 6. Unless the said The Peoples Gas Light and Coke Company shall within twenty days from and after the passage of this ordinance accept the same and the terms and the provisions thereof, and notify the board of trustees of the village of Jefferson of such acceptance, all the rights and privileges hereby granted to said company shall be absolutely forfeited.

¶ 7. Subject to ordinances.] § 7. The permission and authority hereby granted are upon the express condition that the said Peoples Gas Light and Coke Company shall faithfully keep and perform all obligations and duties which are now, or may hereafter be imposed by any ordinance or ordinances of the said village of Jefferson, pertaining to the management, regulation or control of gas companies.

§ †68. Peoples Gas Light and Coke Company.

¶ 1. Grant from town of Jefferson.
¶ 2. Notice of opening streets.
¶ 3. Restoration of streets.
¶ 4. Quality and price of gas.
¶ 5. Extension of mains.
¶ 6. Acceptance.
¶ 7. Subject to ordinances.

AN ORDINANCE GRANTING THE RIGHT TO THE PEOPLES GAS LIGHT AND COKE COMPANY OF THE CITY OF CHICAGO, COUNTY OF COOK AND STATE OF ILLINOIS TO LAY GAS MAINS AND SELL GAS WITHIN CERTAIN TERRITORY. (Passed and approved October 21, 1885.)

¶ **1. Grant.**] Be it ordained by the president and board of trustees of the village of Jefferson: § 1. That permission and authority be and the same are hereby granted to the Peoples Gas Light and Coke Company to supply and sell gas made from substances generally used in the manufacture of the same, to be used for heating and illuminating purposes, within the village of Jefferson, and to lay and maintain gas mains and service pipes for distributing said gas, in any of the public streets, alleys, avenues, highways or grounds within the limits of said village.

¶ **2. Notice of opening streets.**] § 2. That before said company shall open any street, alley, highway or other public place for the purpose of introducing its mains or service pipes, it shall cause notice of its intention so to do, to be given to the corporate authorities of said village, specifying in such notice the streets or parts of street, alley or other public place in which it is proposed to introduce such pipes.

¶ **3. Restoration of streets.**] § 3. In all cases where said company shall open any street, alley or other public place within said village, for the purpose of laying its pipes therein, it shall restore the same to its former condition as nearly as practicable with as little delay as possible; and no more of any street, alley or other public place shall be disturbed, or incumbered, in the laying of said pipes, nor shall the same remain opened or incumbered for a longer time than shall be necessary to enable said company to complete its work as above provided; and said company shall be liable for any and all damages resulting from its negligent conduct in the prosecution of said work, and from its failure and neglect to properly guard and protect the excavations made by it in the progress thereof.

¶ **4. Quality and price of gas.**] § 4. The said company shall when ordered by the board of trustees of said village of Jefferson furnish gas for consumption within said village of an illuminating power of not less than sixteen (16) candles, and to the corporate authorities of said village, for the lighting of the streets, public buildings and public places within said village at such price as shall not exceed the price paid in and by the city of Chicago, and on such terms as shall hereafter be agreed upon between said company and the corporate authorities of said village; and all street lamps that may be erected by said village along the public streets in which the gas mains of said company shall be laid, shall be connected with said mains, and shall immediately and thereafter at all proper hours of the night, be furnished with the gas of and by said company for the lighting of said streets, and said village shall pay for the gas so consumed at and after the price and rate to be hereafter determined on as aforesaid. The

schedule of the time for lighting and extinguishing said street lamps and the size of the burners thereon, also to be hereafter determined, as aforesaid. Settlements and payments to be made quarter-yearly.

¶ 5. **Extension of mains.**] § 5. The said company shall within six (6) months of the date of the passage of this ordinance lay in the streets or alleys of said village of Jefferson, at least three (3) miles of street mains, with proper service pipes connected therewith, for the supply of gas to actual consumers, and shall thereafter extend said mains and service pipes as rapidly as the increased demand for gas shall justify such extension. Provided, the frost in the ground shall not prevent the prosecution of the work during the six months above mentioned.

¶ 6. **Acceptance.**] § 6. Unless the said The Peoples Gas Light and Coke Company shall within twenty days from and after the passage of this ordinance, accept the same and the terms and the provisions thereof, and notify the board of trustees of the village of Jefferson of such acceptance, all the rights and privileges hereby granted to said company shall be absolutely forfeited.

SUBURBAN GAS COMPANY.

§ 69. Suburban Gas Company.

¶ 1. Grant.
¶ 2. Laying pipes—notice to be given.
¶ 3. Restoration of streets—damages.
¶ 4. Improved streets—permit—restoration.
¶ 5. Pipes to be laid, when.
¶ 6. Gas—quality—price—street lamps.
¶ 7. Time for construction—extension of service.
¶ 8. Acceptance.

AN ORDINANCE GRANTING RIGHTS TO THE SUBURBAN GAS COMPANY IN THE TOWN OF LAKE VIEW. (Passed and approved October 29, 1884. Accepted November 17, 1884.)

¶ 1. **Grant.**] Be it ordained by the board of trustees of the town of Lake View: § 1. That permission and authority be and the same are hereby granted to the Suburban Gas Company to supply and sell gas, made from coal or other substances, to be used for heating and illuminating purposes, within the town of Lake View, and to lay and maintain gas mains and service pipes, for distributing said gas, in any of the public streets, alleys, avenues, highways or grounds within the limits of said town.

¶ 2. **Laying pipes — notice to be given.**] § 2. That before said company shall open any street, alley, highway or other public

place for the purpose of introducing its mains or service pipes, it shall cause notice of its intention so to do, to be given to the corporate authorities of said town, specifying in such notice the streets or parts of street, alley or other public place in which it is proposed to introduce such pipes.

¶ 3. **Restoration of streets—damages.**] § 3. In all cases where said company shall open any street, alley or other public place within said town, for the purpose of laying its pipes therein, it shall restore the same to its former condition as nearly as practicable with as little delay as possible; and no more of any street, alley or other public place shall be disturbed or incumbered in the laying of said pipe, nor shall the same remain open or incumbered for a longer time than shall be necessary to enable said company to complete its work as above provided. And said company shall be liable for any and all damages, resulting from its negligent conduct in the prosecution of said work, and from its failure or neglect to properly guard and protect the excavations made by it in the progress thereof.

¶ 4. **Improved streets — permit — restoration.**] § 4. That whenever said company shall desire to open any improved street it shall first procure a permit from said town so to do, and when any such improved street shall have been opened said company shall restore the improvement to as good a condition as the same was before such opening, and upon its neglect or refusal to restore the same in such condition, then said town may properly restore the same and said company shall be liable to the town for any costs incurred thereby.

¶ 5. **Pipes to be laid, when.**] § 5. That whenever said town shall by ordinance order the permanent improvement of any street it may by further order direct said company to lay in such street its necessary pipes and house connections to all buildings along the line of such improvements.

¶ 6. **Gas — quality — price — street lamps.**] § 6. The said company shall furnish gas for consumption within said town of an illuminating power of not less than sixteen (16) candles, and to the corporate authorities of said town, for the lighting of the streets, public buildings and public places within said town at a price not exceeding one dollar and fifty cents ($1.50) per thousand cubic feet, to be measured by automatic regulator burners attached to the lamps, or otherwise as may be agreed between said company and the corporate authorities of said town; and the price of gas to private consumers within said town shall not exceed two dollars ($2.00) per thousand cubic feet, with a discount therefrom of fifty cents (50c.) per thousand cubic feet in case the bills therefor for each month shall be paid within the first ten (10) days of the next succeeding month. And that the town of Lake View shall cause street lamps to be erected at suitable distances along the public streets in which the gas mains of said company shall be laid, to be connected with said mains, and shall immediately and for

the period of five years thereafter, at all proper hours of the night, take and consume the gas of the said company for the lighting of said streets, and pay for the gas so consumed at and after the price and rate aforesaid. Settlements and payments to be made quarterly-yearly. The schedule of the time for lighting and extinguishing said street lamps, and the size of burners thereon, to be the same in use in the north division of the city of Chicago.

¶ 7. **Time for construction — extension of service.**] § 7. The said company shall within six (6) months of the date of the passage of this ordinance, lay in the street or alleys of said town of Lake View, at least three (3) miles of street mains with proper service pipes connected therewith, for the supplying of gas to actual consumers, and shall within two years extend its mains to Ravenswood, and shall thereafter extend said mains and service pipes as rapidly as the increased demand for gas shall justify such extension.

¶ 8. **Acceptance.**] § 8. Unless the said "Suburban Gas Company" shall within ten (10) days from and after the passage of this ordinance, accept the same and the terms and provisions thereof, and notify the board of trustees of the town of Lake View of such acceptance, all the rights and privileges hereby granted to said company shall be absolutely forfeited.

UNIVERSAL GAS COMPANY.

§ 70. Universal Gas Company.

¶ 1. Grant.
¶ 2. Feeder and service pipes.
¶ 3. Restoration of streets.
¶ 4. Opening and incumbering streets.
¶ 5. Indemnity clause.
¶ 6. Subject to ordinances.
¶ 7. Quality of gas.
¶ 8. Price of gas.
¶ 9. Erection of pipes—cash deposit—liquidated damages.
¶ 10. Acceptance—bond.
¶ 11. Liability not limited by bond.
¶ 12. Condition of the grant.
¶ 13. Term of grant—right of purchase.
¶ 14. When in force.

AN ORDINANCE GRANTING THE RIGHT TO THE UNIVERSAL GAS COMPANY TO CONSTRUCT, MAINTAIN AND OPERATE GAS WORKS WITHIN THE CITY OF CHICAGO. (Passed July 23, 1894. Accepted August 22, 1894.)

¶ 1. **Grant.**] Be it ordained by the city council of the city of Chicago: § 1. Subject to the terms and conditions of this ordinance,

there is hereby granted to the Universal Gas Company, a corporation created and existing under and by virtue of the laws of the state of Illinois, the right to construct, maintain and operate gas works within the city of Chicago, together with the right of way along, upon and under all the avenues, streets, alleys and public places in said city, for the purpose of placing, operating, repairing and maintaining one or more lines of gas mains and pipes, and all necessary feeders and service pipes in connection therewith, for lighting and fuel purposes.

¶ 2. **Feeder and service pipes.**] § 2. Said Universal Gas Company shall not lay main pipes in any such avenue, street, alley or public place of said city, unless it shall at the time lay down all feeders or service pipes necessary to make connection, without any subsequent disturbance of the pavement or surface of such avenue, street or public place, with each and all building lots fronting and abutting thereon. Said Universal Gas Company shall not charge any person desiring to make a connection with any service pipe, laid or to be laid by it, but all service pipes shall be laid by said company at its own expense.

¶ 3. **Restoration of streets.**] § 3. Said Universal Gas Company shall do no permanent injury to any street, sidewalk, alley, avenue or public place, or shade tree, or in any manner unnecessarily disturb or interfere with any water pipe, sewer or gas pipe, now or hereafter laid by said city or any authorized company or corporation; and, when said company shall open ground in the same, it shall forthwith restore the street, pavement, sidewalk or ground, or water pipes, sewer or gas pipes, to a condition equally as good as before, at the expense of said company, and, if said company shall fail or refuse to do so, the same may be done by said city, and the said company shall be liable for the cost thereof; and said company shall not make any excavations in any street, alley, avenue or public place, without first procuring a permit for that purpose from the department of public works of said city. And whenever said company shall make application in writing to such department for such permit or permits, and shall have complied with all the terms and conditions of this section of this ordinance, it shall be the duty of such department to forthwith issue such permit or permits. When any excavation shall be made by said company in any street, alley or public place paved with wooden blocks, the foundation boards or planks shall be removed without being cut, unless such cutting shall be especially permitted by the department of public works of such city. The said company shall not use the public fire hydrant of said city, nor any water therefrom, without a license or permit from the department of public works of said city. The said company shall, upon notice from the department of public works of said city, remove or change any gas main pipe, service pipe or feeder, which may be in the way or interfere with the construction or erection of any viaduct, public building or other public structure within the said city. When the said company shall first apply to the department

of public works of said city of Chicago for a permit, as herein provided, the said company shall deposit with said department the sum of twenty thousand ($20,000) dollars, as a guaranty that said company shall restore the streets, pavements, sidewalks, grounds, water pipes, sewer or gas pipes, to a condition satisfactory to the said department of public works, and if said company shall fail or refuse to so restore such streets, pavements, sidewalks, grounds, water pipes, sewer or gas pipes, to the satisfaction of said department of public works, within a reasonable time after notice served upon said company so to do, then said deposit, or so much thereof as may be necessary, may be used by said department for such purposes. The balance of such deposit, if any there be, shall be returned to said company, or in case said company shall so restore such streets, pavements, sidewalks, grounds, water pipes, sewer or gas pipes, to a condition satisfactory to said department, as herein provided, then such deposit shall be returned to said company.

¶ 4. **Opening and incumbering streets.**] § 4. Said Universal Gas Company shall not open and incumber more of any street, avenue, alley or public place at any one time than may be necessary to enable them to proceed with advantage in the laying of any such main pipes, feeders or service pipes, nor shall said company permit any such street, avenue, alley or public place to remain open or incumbered for a longer period than shall be necessary to execute the work for which the same shall have been opened, or without putting up the usual barrier and lights for preventing the happening of any accident, in consequence of such opening or incumbering of such street, alley, avenue or public grounds.

¶ 5. **Indemnity clause.**] § 5. Said Universal Gas Company shall be liable to and shall compensate the city of Chicago, and pay any private individual, owner or owners, or parties interested in any property adjacent to any street, avenue, alley or public place opened or injured by it, for all damages which may result by reason of said company having neglectfully opened, incumbered, protected or guarded any such street, alley, avenue or public place in said city.

¶ 6. **Subject to ordinances.**] § 6. Said Universal Gas Company shall be subject to all general ordinances of the city of Chicago in regard to gas companies, and the city of Chicago shall have the right, at any time, to provide for the appointment of one or more inspectors of gas, with all the power and authority incident to such positions, and which the said city may deem necessary to protect the city of Chicago, in its corporate rights, and individual consumers of gas, against oppression or fraud; and, if the said city shall deem it necessary, to require any inspectors (or other city officials) to certify to the correctness of gas bills of consumers of gas furnished by said company. All meters used by said company for measuring gas shall be subject to inspection and approval by such person or persons, officer

or officers, as may be appointed by said city for that purpose, and said company shall pay all reasonable costs and charges of such inspection, the same to be fixed by the city council of said city.

¶ 7. **Quality of gas.**] § 7. Said Universal Gas Company shall supply illuminating gas, the quality of which shall be as nearly uniform as practicable, averaging for one month not less than twenty-two (22) sperm candles, burning one hundred and twenty grains per hour, to be determined by authorized photometrical test, a five-foot burner being used.

¶ 8. **Price of gas.**] § 8. The rights and privileges hereby granted are upon the express condition that no gas flowing through any main pipes, feeders or service pipes, laid by said Universal Gas Company, or by its authority, shall be charged for, to general consumers thereof, at the rate exceeding $1.00 per thousand cubic feet, upon any bills for gas which shall be paid on or before such date or dates, in each calendar month, as said Universal Gas Company may fix and establish and state in such bills.

If, and so long as, said Universal Gas Company shall charge general consumers of its gas $1.00 per thousand cubic feet, said gas company shall pay to the city of Chicago 10 per cent of the gross amount which said gas company shall collect from such general consumers; but whenever said gas company shall have reduced its price for gas to its general consumers to 90 cents per thousand cubic feet, or less, said gas company shall be, and hereby is, released and discharged from any and all liability or obligation to pay to the city of Chicago any percentage whatever.

It is provided, however, that for all gas furnished to the city of Chicago (which shall be deemed a special consumer), there shall only be paid the sum of seventy-five cents per thousand cubic feet for all public buildings and for gas furnished for street lighting, including lighting and extinguishing, the sum of $16 per annum for each street lamp burning four cubic feet of gas per hour.

Or said city may, at its option, do its own lighting and extinguishing street lamps, and said company shall, at the option of said city, furnish gas for such street lamps at the rate of seventy-five cents (75 cents) per thousand cubic feet of gas consumed.

If any consumer or consumers of gas shall make default in the payment for any gas furnished by said gas company, on or before such date or dates in each calendar month as said Universal Gas Company shall fix and establish and state in its bills, said gas company may charge and recover from such delinquent consumer or consumers, in the nature of a penalty for such delinquency, such an additional amount upon all such defaulted bills as it may see fit and shall state in its bills, such additional charge not to exceed, however, 10 cents per thousand cubic feet.

¶ 9. Erection of plant—cash deposit—liquidated damages. § 9. The rights and privileges hereby granted are upon the express condition that the said Universal Gas Company shall, within three years from the date of the acceptance of this ordinance, have built and completed, or otherwise acquired, gas works in said city sufficiently extensive to enable it to manufacture and distribute gas to an amount not less than ten million cubic feet in every thirty days, and shall have expended on such gas works at least $100,000 within twelve months from the date of the acceptance of this ordinance.

And in addition to the bond to be executed to the city of Chicago by said company, as is provided by section 10 of this ordinance, the said company shall, within sixty days from and after the filing of its formal acceptance of this ordinance, and before it shall exercise any of the rights or privileges conferred by this ordinance, deposit with the city treasurer of the city of Chicago the sum of $100,000 in cash, or, at the option of said company, in bonds of any duly authorized issue of Chicago city bonds, United States government bonds, or other bonds to be approved by the comptroller of said city of Chicago, at their face value, as security for the faithful performance and observance of the provisions and conditions of this section of this ordinance; provided, that the said sum of $100,000 in cash or bonds shall be returned or surrendered to said company if and when said company shall, and within three years from the date of the acceptance of this ordinance, have built and completed, or otherwise acquired, gas works in said city sufficiently extensive to enable it to manufacture and distribute gas to an amount not less than ten million feet in every thirty days, and shall have expended upon such gas plant at least $100,000 within twelve months from the date of the acceptance of this ordinance; and if said company shall not, within three years from the date of the acceptance of this ordinance, have built and completed, or otherwise acquired gas works in said city of Chicago sufficiently extensive to enable it to manufacture and distribute gas to an amount not less than 10,000,000 cubic feet in every thirty days, and shall not within twelve months from the date of the acceptance of this ordinance have expended on its said plant at least $100,000, then the entire said amount of $100,000, in cash or bonds, shall be and become the property of the said city of Chicago, as agreed and liquidated damages for and on account of such failure. But the time during which any legal proceedings shall be pending, whereby the said company shall be prevented from or delayed in building and completing or acquiring such gas works, or in expending such sum of money, shall be excluded from the time herein prescribed for the building, completing or acquiring of such gas works and expending of said $100,000.

And the said Universal Gas Company does hereby specifically agree to the appropriation by the city of Chicago of said sum of $100,000, in cash or bonds, as agreed and liquidate damages as aforesaid in case of such failure as aforesaid.

Whenever, and as soon as, said company shall show to the commissioner of public works of said city that it has complied with the terms and provisions of this section of this ordinance concerning the building or acquiring of such gas plant and the expenditure of said sum of $100,000, then said commissioner shall issue his certificate to said company certifying that said company has, within three years from the date of the acceptance of this ordinance, built and completed, or otherwise acquired, gas works in said city sufficiently extensive to enable it to manufacture and distribute gas to an amount not less than 10,000,000 cubic feet in every thirty days, and that said company has within twelve (12) months from the date of acceptance of this ordinance expended on its said plant at least $100,000, and upon presentation of such certificate the mayor and comptroller shall issue a warrant or order to the said company, upon the city treasury, for the amount of $100,000, so deposited in cash, or for said bonds so deposited, together with the coupons attached to said bonds at the time of deposit thereof.

Unless said deposit of $100,000 is made at the time and in the manner as herein provided, then this ordinance shall be absolutely null and void and of no effect.

¶ **10. Acceptance — bond.**] § 10. This ordinance shall not be in force as to said Universal Gas Company until it shall have been accepted by said company, such acceptance to be made and notice thereof in writing filed with the city clerk, nor until said company shall have given, and filed in the city clerk's office, a good and sufficient bond, with two or more good and sufficient sureties, in the penal sum of $100,000, conditioned that the said company shall and will, within three years from the date of the passage of this ordinance, build and complete, or otherwise acquire, gas works in said city sufficiently extensive to enable it to manufacture and distribute gas to an amount not less than 10,000,000 cubic feet in every thirty days, and located within the limits of the city of Chicago, and that the rate to be charged to the consumers of gas which may flow through the pipes laid by said Universal Gas Company shall never exceed the rate named and specified in section 8 of this ordinance, and shall and will not enter into any combination with any other gas company concerning the rate (or price) to be paid for gas, and to pay all damages which the city of Chicago, or any consumers of the gas furnished by said Universal Gas Company, shall suffer by reason of the failure of said company to perform any of the obligations or conditions of this ordinance; such bonds and sureties to be approved by the mayor.

¶ **11. Liability not limited by bond.**] § 11. The liability of said Universal Gas Company to said city, or to any person who may be injured by the exercise by said company of any of the rights and privileges hereby granted, shall not be limited by the penalty of said bond, nor shall the remedy against said company be confined to the

said bond, it being understood that such remedy is merely cumulative, and that said city of Chicago, and any person or persons, shall have the same remedy aginst said company as it or they would or might have if no such bond were given. In case the duties of the department of public works shall be devolved by said city on any other department or officer, the permit and licenses and certificates herein mentioned shall be applied for to, and issued by, such other department or officer.

¶ **12. Condition of the grant.**] § 12. The rights and privileges hereby granted are upon the express condition that said company shall not, at any time, enter into any combination, directly or indirectly, with any gas company or companies concerning the rates or price to be charged for gas, and that said company shall not at any time, directly or indirectly, sell, lease or transfer its plant, property, rights or privileges herein authorized, to any other gas company, trust or corporation, now or hereafter engaged in the manufacture and sale of gas in the city of Chicago, and if said company shall at any time enter into any combination, directly or indirectly, with any gas company or companies concerning the rates or price to be charged for gas, or if said company shall, directly or indirectly, sell, lease or transfer its plant, property, rights or privileges herein authorized, to any other gas company, trust or corporation, now or hereafter engaged in the manufacture of gas in said city, or if said company, having commenced to manufacture gas, shall cease for the period of more than ten consecutive days, unless by reason of unavoidable accident or injunction, to furnish gas through its pipes as required by this ordinance, then the rights and privileges hereby granted shall cease and be of no more force and effect, and the entire gas plant of said company, together with all its machinery, tools, appliances, mains, pipes and other property of every name, nature and description, shall be forfeited to the said city of Chicago, as and for agreed and liquidated damages for the failure of said company to comply with the requirements and conditions of this section of this ordinance.

And, in case of such failure to comply with the requirements and conditions of this section of this ordinance, the said Universal Gas Company does hereby specifically agree to the appropriation, by said city of Chicago, of its said plant, machinery, tools, appliances, mains, pipes and other property of every name, nature and description, and consents that the said city of Chicago may immediately, with or without process of law, take possession of such gas plant, machinery, tools, appliances, mains, pipes and other property, of every name, nature and description, and appropriate the same to its own use, and said company, its officers, stockholders, agents, servants and attorneys and all persons claiming by, through or under it or them, shall be forever barred and foreclosed of any right, title, claim or interest in or to said gas plant and property or any part or portion thereof.

¶ 13. **Term of grant — right of purchase.**] § 13. The rights and privileges hereby granted by this ordinance are granted for the term of fifty (50) years from and after the acceptance of this ordinance, and all rights herein shall cease at the expiration of said term of fifty years.

And the rights and privileges hereby granted are upon the further express condition that at the end of said term of fifty years, from and after the acceptance of this ordinance, the said city of Chicago shall have the right to purchase the entire plant of said company and all of its property and effects of every kind and description, within said city of Chicago at an appraised value, which value shall be ascertained and determined by three competent disinterested appraisers, who shall have free access to all the books, papers and other documents bearing on or pertaining to the subject, and such appraisers shall be selected in the following manner, to wit: One of said appraisers shall be appointed by the said city of Chicago, one by said company, and the two so selected shall choose a third, and if said two appraisers cannot agree upon a third, then such third apppraiser shall be selected by the chief justice of the circuit court of Cook county, Illinois, and the said three appraisers so chosen shall, within six months after the appointment of the last appraiser, make a report in writing of the value of said property to said city of Chicago, and to said company, and the said city of Chicago shall have the option, at any time within six months after the receipt of said report, to purchase said plant and property, together with all its appurtenances and equipments, at the appraised value so fixed by said appraisers; provided, however, that if said city shall so elect to purchase said gas plant, then said company shall have the right to operate said plant and receive the profit therefrom during the time such arbitration is in progress and until the same shall be completed and the purchase price, as fixed by the arbitration, has been paid.

¶ 14. **When in force.**] § 14. This ordinance shall not take effect until accepted by the Universal Gas Company and until said company shall file the bond, as provided in section 10 hereof, said acceptance to be filed within thirty (30) days from the passage of this ordinance; and unless said acceptance and bond are filed within the time required then this ordinance shall be null and void.

CHAPTER IV.—PARKS, BOULEVARDS AND DRIVEWAYS.

(1.) NORTH.

§ 71. Water for drinking in the several parks.
§ 72. Dearborn avenue.
§ 73. Diversey avenue, east line of Clark street to Lake Michigan.
§ 73a. Diversey avenue (amendment).
§ 73b. Diversey avenue, east line of Clark street to north branch.
§ 73c. Diversey avenue (additional).
§ 73d. Diversey avenue (repeal).
§ 74. Fullerton avenue, North Park avenue to North Clark street.
§ 74*. Fullerton avenue, North Clark street to Orchard street.
§ 75. Granville avenue.
§ 76. Lake View avenue (in part).
§ 76a. Lake View avenue (more).
§ 77. North avenue.
§ 78. North Park avenue, first ordinance.
§ 78a. North Park avenue, second ordinance.
§ 79. Pine street, from Pearson to Oak street.
§ 79a. Pine street, from north line Chicago avenue to south line Ohio street.
§ 80. Ridge avenue.
§ 81. Sheridan road to North Fifty-ninth street.
§ 81a. Sheridan road to North Fifty-ninth street.
§ 82. Triangular plat—north of Park front at intersection of North Clark street and North Wells street.
§ 83. Triangular plat—at Eugenia and La Salle streets.
§ 84. Union square.

PARKS, BOULEVARDS AND DRIVEWAYS.

§ 71. Water for the use of the several parks.

¶ 1. Water for drinking purposes for man and beast to be supplied free within the various parks and along the boulevards.
¶ 2. Use limited and to be free to all.
¶ 3. How furnished—points of supply—how designated.
¶ 4. Violation of ordinance—penalty.
¶ 5. Ordinance may be revoked.
¶ 6. When in force.

AN ORDINANCE GRANTING PERMISSION TO THE SEVERAL PARK BOARDS TO HAVE FROM THE PUBLIC WATER SUPPLY, FREE OF CHARGE, SUFFICIENT WATER FOR DRINKING PURPOSES IN ALL PARKS AND ALONG ALL BOULEVARDS. (Passed July 27, 1896.)

¶ 1. City to furnish drinking water free.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and are hereby given to the several park boards, to wit:

The Lincoln park commissioners, the South park commissioners and the West park commissioners, to have and receive from the public water supply of the city of Chicago, free of charge, all such quantities of water as shall be necessary to furnish a good and sufficient supply of water for drinking purposes for man and beast within the various parks and along the boulevards within the corporate limits of the city of Chicago.

¶ 2. **Limitation of use—charge prohibited.**] § 2. The water so to be supplied may be drawn from the water mains of the city of Chicago, as hereinafter in section 3 of this ordinance provided, and the water so supplied shall be used for the purpose of furnishing drinking water to man and beast within such parks and boulevards and for no other use or purpose whatsoever. Such water shall be furnished freely to all persons who visit such parks and no charge shall be made therefor by the said park commissioners.

¶ 3. **Water, how furnished.**] § 3. Such water may be furnished through pipes to be laid in said parks and boulevards at the sole cost and expense of such respective park boards, and such pipes shall tap the water mains of the city of Chicago at such points, and only such points, as may be designated by the commissioner of public works of said city, and upon written permit from him.

¶ 4. **Violation of ordinance—penalty.**] § 4. If the water so supplied shall be used for any other purpose than that above designated the commissioner of public works shall have the right, and it shall be his duty, to disconnect such mains upon giving to said park commissioners five (5) days' notice of his intention so to do, unless such prohibited use shall at once cease, after giving such notice, and not thereafter be renewed.

¶ 5. **Revocation of ordinance, when.**] § 5. The rights and privileges by this ordinance secured to the several park boards is to be construed merely as a license at the will of the city of Chicago, and may be revoked at any time by order or ordinance of the city of Chicago, but no such ordinance shall take effect until the lapse of at least thirty (30) days after its passage.

¶ 6. **When in force.**] § 6. This ordinance shall be in force and effect from and after its passage and due publication.

DEARBORN AVENUE.

§ 72. Dearbon avenue.

¶ 1. Dearborn avenue from north line of Burton place to south line of it. Avenue granted to park board.
¶ 2. Limitations of grant.
¶ 3. Reservation of rights.
¶ 4. Acceptance.
¶ 5. When in force.

AN ORDINANCE AUTHORIZING THE BOARD OF LINCOLN PARK COMMISSIONERS TO TAKE, REGULATE, CONTROL AND IMPROVE DEARBORN AVENUE FROM BURTON PLACE TO NORTH AVENUE. (Passed July 8, 1895. Accepted October 4, 1895.)

¶ 1. **Part of Dearborn avenue granted to park board.**] Be it ordained by the city council of the city of Chicago: § 1. The board of Lincoln park commissioners are about selecting and taking, for the uses and purposes mentioned in the act of the general assembly of the state of Illinois, approved April 9, 1879, entitled "An Act to enable park commissioners and corporate authorities to take, regulate, control and improve public streets leading to public parks, to pay for the improvements thereof, and in that behalf to make and collect a special assessment or special tax on contiguous property," and the acts amendatory thereof, all that portion or part of Dearborn avenue lying between the north line of Burton place and the south line of North avenue, in the city of Chicago, and the consent of the owners of a majority of the frontage of the lots abutting on said street so far as taken, or proposed to be taken, having been obtained, therefore consent is hereby given and granted to the said board of Lincoln park commissioners to take, regulate, control and improve that described part of Dearborn avenue, in manner and for uses provided in the said act of the general assembly, as a park driveway, and for park purposes only, and full power and authority is hereby granted to said board to control, improve and maintain the part of said avenue so to be taken as aforesaid, for the purpose of carrying out the provisions of said act of the general assembly and the amendments thereof.

¶ 2. **Limitations of grant.**] § 2. The permission hereby given is granted only upon the express conditions that the said board of Lincoln park commissioners shall never at any time hereafter grant, permit or give, to any person or persons or corporations now in existence, or that may hereafter be organized, any permission or right of way to construct on said boulevard any horse, cable, steam, electric or other railway of any character or description whatever, whether such railway is proposed to be placed beneath, on, or above the surface of said boulevard.

¶ 3. **Reservation of rights.**] § 3. The city of Chicago hereby expressly reserves the right to lay, under the surface of said street, water, gas or other pipes, and to build and repair sewers in said Dearborn avenue, to lay electric or other wires, and make other underground improvements, in the same manner and to the same extent that the city of Chicago might heretofore have done.

¶ 4. **Acceptance of grant.**] § 4. Unless said board of Lincoln park commissioners shall, within ninety days after the passage of this ordinance, by the vote of said board, select and take the said parts of said avenue for the purposes aforesaid, this ordinance

shall cease to be of any force and effect, and the consent given by section one (1) shall be deemed to be withdrawn.

¶ 5. **When in force.**] § 5. This ordinance shall be in force and effect from and after its passage.

DIVERSEY AVENUE.

§ 73. Diversey avenue, east line Clark street to Lake Michigan.

¶ 1. Preamble and provisional grant.
¶ 2. Acceptance.
¶ 3. In force from and after passage.

§ 73a. Amendment.

AN ORDINANCE AUTHORIZING THE BOARD OF LINCOLN PARK COMMISSIONERS TO TAKE, REGULATE, IMPROVE AND CONTROL THAT PART OF DIVERSEY STREET LYING BETWEEN THE EAST LINE OF CLARK STREET AND LAKE MICHIGAN IN THE TOWN OF LAKE VIEW. (Passed December 20, 1886.)

¶ 1. **Preamble.** Whereas, A majority of the owners of the frontage of the lots and lands abutting on that part Diversey street lying between the east line of Clark street and Lake Michigan, in the town of Lake View, have presented their consent and petition to the board of trustees of the town of Lake View, in the words and figures following, to wit:

We, the undersigned owners of a majority of the frontage of the lots and lands abutting on that part of Diversey street lying between the east line of Clark street and Lake Michigan, in the town of Lake View, the said street now lying within the limits or district of property which is taxable for the maintenance of Lincoln park, wishing to change said portion of Diversey street into a boulevard, and to add the same to Lincoln park upon the terms and conditions hereinafter mentioned, hereby consent that the board of Lincoln park commissioners may take, regulate, control and improve the before described part of Diversey street and add the same to Lincoln park, upon condition that said board of Lincoln park commissioners shall improve the street so to be added to said park so as to make a boulevard of the same, and shall forever maintain the said street as such boulevard for the benefit of said park, and all persons owning property fronting on said street, and their assigns, and upon the further condition that the said boulevard shall be maintained and controlled for the mutual benefit of said park and said property owners and their assigns in such manner as not to be detrimental to said property owners; and the consent is granted upon the further condition that one-half of the cost of all improvement and repairs and maintenance of said boulevard shall be paid

by the owners of property abutting thereon, to be assessed and collected on said abutting property last mentioned in the manner provided by law.

Such consent is granted by the undersigned upon condition and the express reservation of the use of said boulevard, for the transportation and deposit of building material for improvements to be made on lots abutting thereon, and for the conveyance of family supplies to the same, and the right to lay water, gas and other pipes, and to build and repair sewers in said Diversey street, to lay electric or other wires, and other means of communication with said lots respectively, in the same manner and to the same extent that the town of Lake View now authorize, or may hereafter authorize, communication from streets to lots abutting on the same. It is understood and agreed, and this consent is granted upon the condition that the said board, or its successors, shall never at any time grant or give to any person or corporation, in existence, or that may hereafter be organized, any permission or right of way to construct on said boulevard, any horse, cable, steam, electric or other railway of any description whatever, whether such railway is proposed to be placed beneath, or above the surface of the said boulevard.

And the consent hereby given is upon the further condition, and it is expressly understood and agreed by and on the part of the said board of Lincoln park commissioners, in accepting such street for the purposes of a boulevard as before mentioned, that they will not at any time grant, permit, give or consent to any such right of way or permission as herein stated.

And we hereby petition the board of trustees of the town of Lake View to pass an ordinance granting the consent of the town to the board of Lincoln park commissioners, to take, regulate, control, improve and maintain and add to Lincoln park that portion of Diversey street lying between the east line of North Clark street and Lake Michigan, in the town of Lake View, upon the terms and conditions herein stated.

And, Whereas, The general assembly of the state of Illinois has passed an act which was fully approved June 26, A. D. 1886, entitled "An Act to amend sections 1 and 2 of an act entitled 'An Act to enable park commissioners and corporate authorities to take, regulate, control and improve public streets leading to public parks, to pay for the improvements thereof, and in that behalf to make and collect a special assessment or special tax on contiguous property,'" approved April 9, A. D. 1879.

And, Whereas, It is represented to this board that the board of Lincoln park commissioners are desirous of selecting and taking for the uses and purposes in said act mentioned, that part of Diversey street above described, in the town of Lake View.

And, Whereas, It is deemed desirable that the prayer of said

petition should be granted; therefore be it ordained by the board of trustees of the town of Lake View:

Part of Diversey street granted to park board.] § 1. That consent is hereby given and granted to the said board of Lincoln park commissioners to take, regulate, control and improve the before described part of Diversey street as above described, in the town of Lake View, Ill., in manner and form provided in the said act of the general assembly, for the purpose of adding to said Lincoln park said part of Diversey street above described, upon the terms and conditions, and subject to the requirements in said petition mentioned; provided, however, that nothing in this ordinance contained shall be construed as a waiver or relinquishment on the part of the said town, of any of its rights or powers in relation to the laying of water pipes, and the building and repairing of sewers, and the regulating of openings for the same; provided, also, that all powers which the town now has in relation to water and gas pipes and sewers, and their connections, and the regulating of the same, and the opening of the same, in the streets and alleys of said town, are hereby expressly reserved as to said Diversey street, in as complete a manner as if the aforesaid consent was not given.

¶ 2. **Acceptance of grant.**] § 2. Unless the said board of Lincoln park commissioners shall, within six months from the approval hereof, select, take and add the said part of Diversey street to Lincoln park, for the purpose aforesaid, and upon the terms and conditions aforesaid, this ordinance shall cease to be of any force or effect, and the consent hereby given shall be deemed to be withdrawn.

¶ 3. **When in force.**] § 3. This ordinance shall be in force from and after its passage.

Note.—See following amendatory ordinance.

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE AUTHORIZING THE BOARD OF LINCOLN PARK COMMISSIONERS TO TAKE, REGULATE, IMPROVE AND CONTROL THAT PART OF DIVERSEY STREET LYING BETWEEN THE EAST LINE OF CLARK STREET AND LAKE MICHIGAN IN THE TOWN OF LAKE VIEW." (Passed and Approved December 20, 1886. Passed May 2, 1887.)

1. Preamble.] Whereas, The owners of a majority of the frontage of the lots and lands abutting on that part of Diversey street lying between the east line of Clark street and Lake Michigan, in the city of Lake View, have presented their further petition substantially similar to the petition set forth in the ordinance to which this is an amendment, except that in the petition now presented, the said owners agree that the cost of all improvements and repairs and maintenance of said boulevard shall be paid by the owners of property abutting thereon, to be assessed and collected on said abutting property in the manner provided by law;

And, Whereas, it is deemed desirable that the prayer of said last mentioned petition shall be granted.

¶ 2. **Amendment.**] Therefore be it ordained by the board of trustees acting as city council of the city of Lake View: § 1. An ordinance authorizing the board of Lincoln park commissioners to take, regulate, improve and control that part of Diversey street lying between the east line of Clark street and Lake Michigan in the town of Lake View, passed December 20, 1886, is hereby amended so that the consent therein given and granted shall be upon the further condition that the cost of all improvement and repairs and maintenance of the boulevard mentioned in said ordinance, shall be paid by the owners of property abutting thereon, to be assessed and collected on said abutting property in the manner provided by law.

§ 73b. Diversey avenue, east line Clark street to north branch.

¶ 1. Preamble—grant.
¶ 2. Limitations and conditions.
¶ 3. Rights reserved.
¶ 4. Cross streets reserved.
¶ 5. Taxes limited.
¶ 6. Acceptance.
¶ 7. In force from and after passage.

AN ORDINANCE AUTHORIZING THE BOARD OF LINCOLN PARK COMMISSIONERS TO TAKE, REGULATE, CONTROL AND IMPROVE DIVERSEY AVENUE FROM CLARK STREET TO THE CHICAGO RIVER. (Passed September 21, 1891. Accepted October 21, 1891.)

¶ 1. **Part of Diversey avenue granted to park board.**] Be it ordained by the city council of the city of Chicago: § 1. Whereas, the board of Lincoln park commissioners are about selecting and taking, for the uses and purposes mentioned in an act of the general assembly of the state of Illinois, approved April 9, A. D. 1879, entitled, "An Act to enable park commissioners and corporate authorities to take, regulate, control and improve public streets leading to public parks, to pay for the improvements thereof, and in that behalf to make and collect a special assessment or special tax on contiguous property," and the acts amendatory thereof, all that part or portion of Diversey avenue between the east line of Clark street and the north branch of the Chicago river, in the city of Chicago; and the consent of the owners of a majority of the frontage of the lots abutting on said street, so far as taken or proposed to be taken, having been obtained, therefore, consent is hereby given and granted to the said board of Lincoln park commissioners to take, regulate, control and improve that described part of Diversey avenue, in manner and for uses provided in the said act of the general assembly, as a park driveway and for park purposes only. And full power and authority are hereby granted to said board to control, improve and maintain the part of said avenue, so to be taken as aforesaid, for the purpose of carrying

out the provisions of said act of the general assembly and the amendments thereto.

¶ 2. **Limitations of grant.**] § 2. The permission hereby given is granted only upon the express condition that said board of Lincoln park commissioners shall never, at any time hereafter, grant, permit or give to any person, persons or corporation, now in existence or that may hereafter be organized, any permission or right of way to construct on said boulevard any horse, cable, steam, electric or other railway of any character or description whatever, whether such railway is proposed to be placed beneath, on or above the surface of said boulevard.

¶ 3. **Reservation of rights.**] § 3. The city of Chicago hereby expressly reserves the right to lay, under the surface of said street, water, gas or other pipes, and to build and repair sewers in said Diversey avenue, to lay electric or other wires and make other underground improvements in the same manner and to the same extent that said city of Chicago might heretofore have done.

¶ 4. **Cross streets—rights reserved.**] § 4. This ordinance shall not be held nor construed to in any way surrender or abridge the right of the city of Chicago to control, for any purpose not inconsistent with such use as a boulevard, such portions of cross streets as constitute, in common, a portion of such cross streets and said Diversey avenue.

¶ 5. **Limitation of taxation.**] § 5. The owners of property fronting on said Diversey avenue shall never be taxed or assessed, for the purpose of maintaining said proposed boulevard, more than twenty-five cents per front foot per annum.

¶ 6. **Acceptance of grant.**] § 6. Unless said board of Lincoln park commissioners shall, within thirty days after the passage of this ordinance, by the vote of said board, select and take the said parts of said avenue for the purposes aforesaid, this ordinance shall cease to be of any force and effect, and the consent given, by section one, aforesaid, shall be deemed to be withdrawn.

¶ 7. **In force after passage.**] § 7. This ordinance shall be in force from and after its passage.

§ 73c. Diversey avenue, east line Clark street and north branch.

¶ 1. Grant.
¶ 2. Limitation of the grant.
¶ 3. Reservation of rights.
¶ 4. Cross streets reserved.
¶ 5. Acceptance of the grant.
¶ 6. In force from and after passage.

§ 73d. Repeal.

AN ORDINANCE AUTHORIZING THE BOARD OF LINCOLN PARK COMMISSIONERS TO TAKE, REGULATE, CONTROL AND IMPROVE DIVERSEY AVENUE FROM CLARK STREET TO THE NORTH BRANCH OF THE CHICAGO RIVER. (Passed January 14, 1895. Accepted April 12, 1895.)

¶ 1. **Portion of Diversey avenue granted to park board.**] Be it ordained by the city council of the city of Chicago: § 1. Whereas, The board of Lincoln park commissioners are about selecting and taking, for the uses and purposes mentioned in an act of the general assembly of the state of Illinois, approved April 9, A. D. 1879, entitled "An Act to enable park commissioners and corporate authorities to take, regulate, control and improve public streets leading to public parks, to pay for the improvements thereof, and in that behalf to make and collect a special assessment or special tax on contiguous property," and the acts amendatory thereof, all that part or portion of Diversey avenue between the east line of Clark street and the north branch of the Chicago river, in the city of Chicago, and the consent of the owners of a majority of the frontage of the lots abutting on said street, so far as taken or proposed to be taken, having been obtained, therefore, consent is hereby given and granted to the said board of Lincoln park commissioners to take, regulate, control and improve that described part of Diversey avenue, in manner and for uses provided in the said act of the general assembly, as a park driveway, and for park purposes only. And full power and authority are hereby granted to said board to control, improve and maintain the part of said avenue, so to be taken as aforesaid, for the purpose of carrying out the provisions of said act of the general assembly and the amendments thereto.

¶ 2. **Limitations of grant.**] § 2. The permission hereby given is granted only upon the express condition that said board of Lincoln park commissioners shall never, at any time hereafter, grant, permit or give, to any person, persons or corporation, now in existence or that may hereafter be organized, any permission or right of way to construct on said boulevard any horse, cable, steam, electric or other railway of any character or description whatever, whether such railway is proposed to be placed beneath, on or above the surface of said boulevard.

¶ 3. **Reservation of rights.**] § 3. The city of Chicago hereby expressly reserves the rights to lay, under the surface of said street, water, gas, or other pipes, and to build and repair sewers in said Diversey avenue, to lay electric or other wires, and make other underground improvements, in the same manner and to the same extent that said city of Chicago might heretofore have done.

¶ 4. **Cross streets—rights reserved.**] § 4. This ordinance shall not be held nor construed to in any way surrender the right of the city of Chicago to control, for any purpose not inconsistent with such use as a boulevard, such portions of cross streets as constitute in common, a portion of such cross streets, and said Diversey avenue.

¶ 5. **Acceptance of grant.**] § 5. Unless this board of Lincoln

park commissioners shall, within ninety days after the passage of this ordinance, by the vote of said board, select and take the said parts of said avenue for the purposes aforesaid, this ordinance shall cease to be of any force and effect, and the consent given by section one, aforesaid, shall be deemed to be withdrawn.

¶ 6. **When in force.**] § 6. This ordinance shall be in force from and after its passage.

Note.—See following ordinance.

AN ORDINANCE REPEALING A PART OF THE ORDINANCE PASSED JANUARY 14, 1895, AUTHORIZING THE BOARD OF LINCOLN PARK COMMISSIONERS TO TAKE, REGULATE, CONTROL AND IMPROVE DIVERSEY AVENUE FROM CLARK STREET TO THE NORTH BRANCH OF THE CHICAGO RIVER. (Passed April 2, 1896.)

Part of Diversey avenue ordinance repealed.] Be it ordained by the city council of the city of Chicago: § 1. That an ordinance passed on the 14th day of January, A. D. 1895, surrendering to the Lincoln park commissioners, for boulevard purposes, that part of Diversey street lying between the east line of Clark street and the north branch of the Chicago river, subject to certain reservations, be and said ordinance is hereby repealed, in so far as it undertook or purported to surrender to said Lincoln park commissioners that part of said Diversey street between the north branch of the Chicago river on the west and the easterly line of Clybourn avenue on the east, such portion of said Diversey avenue being necessary for general traffic in order that the bridge across the north branch may be properly utilized. But it is understood that this ordinance in no way affects or repeals the said ordinance of January 14, 1895, as to the portion of said Diversey street east of Clybourn avenue.

When in force.] § 2. This ordinance shall be in full force and effect from and after its passage.

FULLERTON AVENUE.

§ 74. Fullerton avenue, North Park avenue to North Clark street.

¶ 1. Grant.
¶ 2. Limitation and conditions.
¶ 3. Rights reserved.
¶ 4. Acceptance.
¶ 5. In force from and after passage.

AN ORDINANCE AUTHORIZING THE BOARD OF LINCOLN PARK COMMISSIONERS TO TAKE, REGULATE, CONTROL AND IMPROVE FULLERTON AVENUE FROM NORTH PARK AVENUE TO NORTH CLARK STREET. (Passed July 6, 1891. Accepted July 16, 1891.)

¶ 1. **Grant—part of Fullerton avenue granted to park board.**] Be it ordained by the city council of the city of Chicago: § 1. Whereas, The board of Lincoln park commissioners are about selecting and taking, for the uses and purposes mentioned in an act of the general assembly of the state of Illinois, approved April 9, A. D. 1879, entitled "An Act to enable park commissioners and corporate authorities to take, regulate, control and improve public streets leading to public parks, to pay for the improvements thereof, and in that behalf to make and collect a special assessment or special tax on contiguous property," and the acts amendatory thereof, all that part or portion of Fullerton avenue lying between North Park avenue and North Clark street in the city of Chicago, and the consent of the owners of a majority of the frontage of the lots abutting on said street, so far as taken or proposed to be taken, having been obtained, therefore, consent is hereby given and granted to the said board of Lincoln park commissioners to take, regulate, control and improve that described part of Fullerton avenue, in manner and for uses provided in the said act of the general assembly, as a park driveway and for park purposes only. And full power and authority are hereby granted to said board to control, improve and maintain the part of said avenue so to be taken as aforesaid, for the purpose of carrying out the provisions of said act of the general assembly and the amendments thereto.

¶ 2. **Limitations of grant.**] § 2. The permission hereby given is granted only upon the express condition that said board of Lincoln park commissioners shall never, at any time hereafter, grant, permit or give, to any person, persons or corporation, now in existence or that may hereafter be organized, any permission or right of way to construct on said boulevard any horse, cable, steam, electric or other railway of any character or description whatever, whether such railway is proposed to be placed beneath, on or above the surface of said boulevard.

¶ 3. **Reservation of rights.**] § 3. The city of Chicago hereby expressly reserves the rights to lay, under the surface of said street, water, gas or other pipes, and to build and repair sewers in said Fullerton avenue, to lay electric or other wires and make other underground improvements in the same manner and to the same extent that said city of Chicago might heretofore have done.

¶ 4. **Acceptance of grant.**] § 4. Unless said board of Lincoln park commissioners shall, within thirty days after the passage of this ordinance, by the vote of said board, select and take the said parts of said avenue for the purposes aforesaid, this ordinance shall cease to be of any force and effect, and the consent given by section 1, aforesaid, shall be deemed to be withdrawn.

¶ 5. **When in force.**] § 5. This ordinance shall be in force from and after its passage.

FULLERTON AVENUE.

§ 74*. Fullerton avenue, North Clark street to Orchard street.

¶ 1. Grant.
¶ 2. Limitation and conditions.
¶ 3. Rights reserved.
¶ 4. Acceptance.
¶ 5. In force from and after passage.

AN ORDINANCE AUTHORIZING THE BOARD OF LINCOLN PARK COMMISSIONERS TO TAKE, REGULATE, CONTROL AND IMPROVE FULLERTON AVENUE FROM NORTH CLARK STREET TO ORCHARD STREET. (Passed February 20, 1893. Accepted April 5, 1893.)

¶ 1. Grant—part of Fullerton avenue granted to park board.] Be it ordained by the city council of the city of Chicago: § 1. Whereas, The board of Lincoln park commissioners are about selecting and taking, for the uses and purposes mentioned in the act of the general assembly of the state of Illinois, approved April 9, 1879, entitled "An Act to enable park commissioners and corporate authorities to take, regulate, control and improve public streets leading to public parks, to pay for the improvements thereof, and in that behalf to make and collect a special assessment or special tax on contiguous property," and the acts amendatory thereof, all that portion or part of Fullerton avenue lying between the east line of North Clark street and the west line of Orchard street, in the city of Chicago, and the consent of the owners of a majority of the frontage of the lots abutting on said street, so far as taken or proposed to be taken, having been obtained, therefore consent is hereby given and granted to the said board of Lincoln park commissioners to take, regulate, control and improve that described part of Fullerton avenue, in manner and for uses provided in the said act of the general assembly, as a park driveway, and for park purposes only, and full power and authority is hereby granted to said board to control, improve and maintain the part of said avenue so to be taken as aforesaid, for the purpose of carrying out the provisions of said act of the general assembly and the amendments thereto.

¶ 2. Limitations of grant.] § 2. The permission hereby given is granted only upon the express condition that the said board of Lincoln park commissioners shall never, at any time hereafter, grant, permit or give, to any person, persons or corporation now in existence or that may hereafter be organized, any permission or right of way to construct on said boulevard any horse, cable, steam, electric or other railway of any character or description whatever, whether such railway is proposed to be placed beneath, on or above the surface of said boulevard.

¶ 3. Reservation of rights.] § 3. The city of Chicago hereby expressly reserves the rights to lay, under the surface of said street, water, gas or other pipes, and to build and repair sewers in said

Fullerton avenue, to lay electric or other wires, and make other underground improvements, in the same manner and to the same extent that the city of Chicago might heretofore have done.

¶ 4. **Acceptance of grant.**] § 4. Unless said board of Lincoln park commissioners shall, within ninety days after the passage of this ordinance, by the vote of said board, select and take the said parts of said avenue for the purposes aforesaid, this ordinance shall cease to be of any force and effect, and the consent given by section 1 shall be deemed to be withdrawn.

¶ 5. **When in force.**] § 5. This ordinance shall be in force from and after its passage.

GRANVILLE AVENUE.

§ 75. Granville avenue—names of streets changed.

¶ 1. Preamble and grant.
¶ 2. Limitations and conditions.
¶ 3. Reservation of rights.
¶ 4. As to cross streets.
¶ 5. Acceptance.
¶ 6. In force from and after passage.

AN ORDINANCE AUTHORIZING THE BOARD OF LINCOLN PARK COMMISSIONERS TO TAKE, REGULATE, CONTROL AND IMPROVE GRANVILLE AVENUE FROM SHEFFIELD AVENUE TO RIDGE AVENUE AND RIDGE AVENUE FROM GRANVILLE AVENUE TO HOMAN AVENUE. (Passed November 16, 1896.)

¶ 1. **Part of Granville avenue and Ridge avenue granted to park board.**] Be it ordained by the city council of the city of Chicago: § 1. Whereas, The board of Lincoln park commissioners are about selecting and taking, for the uses and purposes mentioned in an act of the general assembly of the state of Illinois, approved April 9, A. D. 1879, entitled "An Act to enable park commissioners and corporate authorities to take, regulate, control and improve, public streets leading to public parks, to pay for the improvements thereof and, in that behalf, to make and collect a special assessment or special tax on contiguous property," and the acts amendatory thereof; all that part or portion of Granville avenue (formerly Grand avenue), between the east line of Sheffield avenue (or the Sheridan road) and the west line of Ridge avenue, and all that portion of Ridge avenue between the south line of Granville avenue and the center line of Homan avenue in the township of Lake View in the city of Chicago; and the consent of the owners of a majority of the frontage of the lots abutting on said street, so far as taken or proposed to be taken, having been obtained, therefore consent is hereby given and granted to the said board of Lincoln park commissioners to take, regulate, control and improve

that described part of said Granville and Ridge avenues, in manner and for uses provided in the said act of the general assembly, as a park driveway and for park purposes only. And full power and authority are hereby granted to said board, to control, improve and maintain the part of said avenues, so to be taken as aforesaid, for the purpose of carrying out the provisions of said act of the general assembly and the amendments thereto.

¶ 2. **Limitations of grant.**] § 2. The permission hereby given is granted only upon the express condition that said board of Lincoln park commissioners shall never, at any time hereafter, grant, permit or give to any person, persons or corporation now in existence, or that may hereafter be organized, any permission or right of way to construct on said boulevard any horse, cable, steam, electric or other railway of any character or description whatever, whether such railway is proposed to be placed beneath, on or above the surface of said boulevard.

¶ 3. **Reservation of rights.**] § 3. The city of Chicago hereby expressly reserves the rights to lay under the surface of said streets, water, gas or other pipes, and to build and repair sewers in said Granville and Ridge avenues, to lay electric or other wires and make other underground improvements in the same manner and to the same extent that said city of Chicago might heretofore have done.

¶ 4. **Cross streets—rights reserved.**] § 4. This ordinance shall not be held nor construed to in any way surrender the right of the city of Chicago to control for any purpose not inconsistent with such use as a boulevard such portions of cross streets as constitute, in common, a portion of such cross streets and said Granville and Ridge avenues.

¶ 5. **Acceptance of grant.**] § 5. Unless this board of Lincoln park commissioners shall, within ninety days after the passage of this ordinance, by the vote of said board, select and take the said parts of said avenues for the purposes aforesaid, this ordinance shall cease to be of any force and effect, and the consent given by section 1, aforesaid, shall be deemed to be withdrawn.

¶ 6. **In force from and after passage.**] § 6. This ordinance shall be in force from and after its passage.

LAKE VIEW AVENUE.

§ 76. Lake View avenue—part granted.

¶ 1. Grant of part running north from Lincoln park—personal and conditional.

AN ORDINANCE AUTHORIZING THE LINCOLN PARK COMMISSIONERS TO TAKE AND CONTROL A PART OF LAKE VIEW AVENUE. (Passed February 20, 1882. Accepted special May 7, 1882.)

¶ 1. Preamble.] Whereas, The owners of a majority of the lots and lands abutting upon Lake View avenue, a public street in the town of Lake View in the county of Cook and state of Illinois, running from Lincoln park north to the south line of the north ten acres of the east half of the northwest quarter of section 28 in the said town, connecting Lincoln park and its driveways with a part of said town of Lake View and lying within the territory, the property of which is taxable for the maintenance of Lincoln park, have presented their petition in writing to the board of trustees of the said town of Lake View praying that the said board of trustees consent that said street may be selected and taken by the commissioners of Lincoln park as a connecting street leading to said park, and that the power and control over the street may be transferred to said park commissioners, said petitioners and property represented by them being as follows:

L. D. Hoard—Lots one (1) and two (2) in the resubdivision of block one (1) of Le Moyne's subdivision of south part of east half of northwest quarter of section twenty-eight (28).

Swain Nelson & Olof Benson—Lot three (3) in same resubdivision.

Margaret E. Young—Lots five (5), six (6) and seven (7) and undivided one-half of lot four (4) in same resubdivision.

W. W. Thompson, Emma E. Chase, Susan J. Pitkin, Mary D. Thompson, Charles D. Thompson and John G. Shortall—Sub-lot seven (7) in assessor's subdivision of lots one (1) and two (2) in the city of Chicago's subdivision of the east fractional half of section twenty-eight (28).

E. W. Thompson—Sub-lot six (6) in assessor's subdivision aforesaid.

John G. Shortall—South one hundred twenty-one and two-tenths feet ($121\frac{2}{10}$ feet) of sub-lot five (5) in assessor's subdivision aforesaid.

P. F. Pettibone—Sub-lots two (2) and four (4) in county clerk's division of lots two (2), three (3), four (4) and part of one (1) of assessor's subdivision aforesaid.

Ruth A. McCoy—Sub-lot three (3) in county clerk's division aforesaid.

James Watts—Sub-lot five (5) in county clerk's division aforesaid.

Edmund Gale—Sub-lot six (6) in county clerk's division aforesaid.

A. S. Walker—Sub-lot seven (7) in county clerk's division aforesaid.

James M. Allen and C. L. Knapp—Sub-lot nine (9) in county clerk's division aforesaid.

Augustus Kountze—Blocks one (1) and three (3) in Lake front addition, and lots twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24) and twenty-five (25) in Culver's addition.

Conrad Gehrke—Block one (1) and lots ten (10), eleven (11) and twelve (12), in block two (2), in Brauckman & Gehrke's subdivision in said section 28.

Lawrence Proudfoot—Lots eight (8), nine (9), ten (10) and eleven (11) in Baker's subdivision in said section 28.

Charles E. Culver—Lots twelve (12) and thirteen (13) in same subdivision.

George B. Carpenter & Albert L. Coe, trustees estate of H. P. Hubbard—Lots "A," one (1), two (2) and three (3) in Gilbert Hubbard's Addition to Chicago.

Albert L. Sercomb—Lots "B," twenty-two (22), twenty-three (23) and twenty-four (24) in same subdivision.

Part of Lake View avenue granted to park board.] Be it therefore ordained that the board of trustees of the town of Lake View, the corporate authorities of said town, hereby consent that the board of commissioners of Lincoln park may take the street called "Lake View avenue" running from Lincoln park north to the south line of the north ten acres of the east half of the northwest quarter of section twenty-eight (28) in said town and have the same power & control over the same as are or may be by law vested in them of and concerning Lincoln park & the driveways under their control.

And it is further ordained that the said board of commissioners of Lincoln park be & they are hereby invested with the right to control, improve & maintain the said street called Lake View avenue, for the purpose of carrying out in regard thereto the provisions of the act of the general assembly of the state of Illinois entitled "An Act to enable park commissioners or corporate authorities to take, regulate, control & improve public streets leading to public parks, to pay for the improvement thereof & in that behalf to make and collect a special assessment or special tax on contiguous property." Approved & in force April 9, 1879.

Provided, however, & it is hereby further ordained, that the right to use for ordinary purposes all streets crossing said Lake View avenue &, from time to time, to lay & repair sewers, water pipes & gas pipes along said streets & avenue as the public need may require, be & the same is hereby reserved to the said town of Lake View; provided, always, that in case any sewer, water pipe or gas pipe shall be laid or repaired in said avenue by said town,

the same shall be so laid or repaired with as little disturbance of the improvements of said avenue & with as little interruption of travel thereon, & of the use of said avenue by said park commissioners as possible, & that said town shall, upon completion of the laying or repairing of such sewer, water pipe or gas pipe, as far as can be done, restore the said avenue or driveway to as good a condition as before its disturbance by said town.

§ 76a. Lake View avenue. More granted.

¶ 1. Grant to north line Belmont avenue—conditional and personal.
¶ 2. Rights reserved.
¶ 3. Repeal.
¶ 4. In force from and after passage.

AN ORDINANCE AUTHORIZING THE BOARD OF LINCOLN PARK COMMISSIONERS TO TAKE, REGULATE, CONTROL AND IMPROVE THAT PART OF LAKE VIEW AVENUE FROM THE SOUTH LINE OF THE NORTH TEN ACRES OF THE EAST ONE-HALF OF THE NORTH-WEST QUARTER OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 14, TO THE NORTH LINE OF BELMONT AVENUE. (Passed March 5, 1888.)

Preamble.] Whereas, A majority of the owners of the frontage of the lots and lands abutting on that part of Lake View avenue lying between the south line of the north ten acres of the east one-half of the northwest quarter of section 28, township forty (40) north, range 14, and the north line of Belmont avenue have presented their consent and petition of the city council of Lake View, in the words and figures following, to wit:

Chicago, November 21, 1887.

To the City Council of Lake View, Ill.

The undersigned being all owners of lot A and lots 1 to 6 (both inclusive) in block one (1) of Kimball Young's subdivision of the north ten acres of the east one-half of the northwest quarter of section 28, township 40 north, range 14 east third principal meridian in Cook county, Illinois, respectfully show unto your honorable board that whereas that part of Lake View avenue in said Lake View, south of the south line of the above described property and north of Diversey avenue, has been transferred and turned over to the control of the board of park commissioners of Lincoln park in said county.

Now, therefore, the undersigned hereby consent that the said board of park commissioners may, with your consent, select and take that part of said Lake View avenue lying north of the south line of the property above described for boulevard or driveway in connection with that part of Lake View avenue first above described upon the same terms and conditions as said south portion of Lake View avenue.

TIMOTHY A. YOUNG,
ELLEN A. YOUNG,
FANNIE F. YOUNG,
KIMBALL YOUNG.
} By KIMBALL YOUNG, Agent.

And, Whereas, The said board of Lincoln park commissioners were authorized to take, regulate, control and improve the said south portion of said Lake View avenue upon the basis of an ordinance passed by the board of trustees of the town of Lake, and approved by the president of said board on February 20, 1882.

¶ 1. Part of Lake View avenue granted to park board.] Therefore be it ordained by the city council of the city of Lake

View: § 1. That the consent of the city of Lake View is hereby given and granted to the said board of park commissioners of Lincoln park, to take the street called Lake View avenue from the south line of the north ten acres of the east one-half of the northwest quarter of section 28, town 40 north, range 14, to the north line of Belmont avenue in said city, and to have the same power and control over the same as are or may be by law vested in them, of and concerning Lincoln park and the driveways under their control.

¶ 2. **Grant—rights reserved.**] § 2. It is further ordained that the said board of commissioners of Lincoln park be and they are hereby invested with the right to control, improve and maintain the said street called Lake View avenue, between the points above described, for the purpose of carrying out in regard thereto the provisions of the act of the general assembly of the state of Illinois, entitled "An Act to enable park commissioners or corporate authorities to take, regulate, control and improve public streets leading to public parks, to pay for the improvement thereof, and in that behalf to make and collect a special assessment or special tax on contiguous property," approved and in force April 6, 1879.

Provided, however, and it is hereby further ordained, that the right to use for ordinary purposes all streets crossing said Lake View avenue, and from time to time, to lay and repair sewers, water pipes and gas pipes along said street and avenue as the public need may require, be and the same is hereby reserved to the said city of Lake View.

Provided, always, that in case any sewer, water pipe or gas pipe shall be laid or repaired in said avenue by said city, the same shall be so laid or repaired with as little disturbance of the improvements of said avenue, and with as little interruption of travel thereon and of the use of said avenue by said park commissioners as possible, and that said city shall, upon completion of the laying or repairing of such sewer, water pipe or gas pipes, as far as can be done, restore the said avenue or driveway to as good a condition as before its disturbance by said city.

¶ 3. **Repeal.**] § 3. An ordinance entitled "An ordinance authorizing the board of Lincoln park commissioners to take, regulate, control and improve that part of Lake View avenue from the south line of the north ten acres of the east one-half of the northwest quarter of section 28, township 40 north, range 14, to the north line of Belmont avenue," approved December 23, 1887, is hereby repealed.

¶ 4. **In force from and after passage.**] § 4. This ordinance shall be in force from and after its passage.

NORTH AVENUE.

§ 77. North avenue.

¶ 1. Grant provisional.
¶ 2. Acceptance.
¶ 3. In force from and after passage.

AN ORDINANCE AUTHORIZING THE BOARD OF LINCOLN PARK COMMISSIONERS TO TAKE, REGULATE, CONTROL AND IMPROVE NORTH AVENUE FROM CLARK STREET TO THE LAKE SHORE DRIVE. (Passed December 28, 1885. Accepted January 11, 1886.)

¶ 1. Part of North avenue granted to park board.] Be it ordained by the city Council of the city of Chicago: § 1. Whereas, The board of Lincoln park commissioners are about selecting and taking, for the uses and purposes mentioned in an act of the general assembly of the state of Illinois, approved April 9, A. D. 1879, entitled "An Act to enable park commissioners and corporate authorities to take, regulate, control and improve public streets leading to public parks, to pay for the improvements thereof, and in that behalf to make and collect a special assessment, or special tax, on contiguous property," and an act amendatory thereof, approved June 27, 1885, that part of North avenue situated and lying between the east side of Clark street and the west side of the Lake Shore drive, and the consent of the owners of a majority of the frontage of the lots abutting on said street, so far as taken, or proposed to be taken, having been obtained, therefore consent is hereby given and granted to the said board of Lincoln park commissioners to take, regulate, control and improve the described part of North avenue, in manner and for uses provided in the said act of the general assembly, as a park driveway, and for park purposes only. And full power and authority are hereby granted to said board to control, improve and maintain the part of said avenue so as to be taken as aforesaid, for the purpose of carrying out the provisions of said act of the general assembly and the amendments thereto. Provided, however, that the moneys which shall from time to time be expended for the improvement, repair and maintenance of south half of said avenue so taken shall be raised by special assessment, to be made as provided by law, upon the lots abutting thereon.

¶ 2. Acceptance of grant.] § 2. Unless said board of Lincoln park commissioners shall within sixty days after the passage of this ordinance, by the vote of said board, select and take the said parts of the said avenue for the purposes aforesaid, this ordinance shall cease to be of any force and effect, and the consent given by section 1, aforesaid, shall be deemed to be withdrawn.

¶ 3. When in force.] § 3. This ordinance shall be in force from and after its passage.

NORTH PARK AVENUE.

§ 78. North Park avenue, North Clark street to Fullerton avenue.

¶ 1. Grant—provisional and conditional.
¶ 2. Acceptance.
¶ 3. In force from and after passage.

An Ordinance Authorizing the Board of Lincoln Park Commissioners to Take, Regulate, Control and Improve North Park Avenue from North Clark Street to Fullerton Avenue. (Passed August 10, 1885. Accepted November 9, 1885.)

¶ 1. Part of North Park avenue granted to park board.] Be it ordained by the city council of the city of Chicago: § 1. That, Whereas, the general assembly has passed an act which was duly approved June 26, A. D. 1885, entitled "An Act to amend sections 1 and 2 of an act entitled 'An Act to enable park commissioners and corporate authorities to take, regulate, control and improve public streets leading to public parks, to pay for the improvements thereof, and in that behalf to make and collect a special assessment, or special tax, on contiguous property,'" approved April 9, A. D. 1879; and

Whereas, The board of Lincoln park commissioners are about selecting and taking for the uses and purposes in said act mentioned that part of North Park avenue extending from the intersection of North Clark street and North Park avenue, to the center line of Fullerton avenue, in the city of Chicago, and the consent in writing of a majority of the frontage of the lots and lands abutting on said North Park avenue, so far as taken, or proposed to be taken, by said board, having been obtained.

Now, therefore, consent is hereby given and granted to the said board of Lincoln park commissioners to take, regulate, control and improve the before described part of North Park avenue, between the intersection of North Clark street and North Park avenue and the center line of Fullerton avenue, in the city of Chicago, in manner and form provided in the said acts of the general assembly, for the purpose of adding to said Lnicoln park said part of North Park avenue, adjoining and parallel to the western boundary line of said Lincoln park;

Provided, however, that nothing in this ordinance contained shall be construed as a waiver or relinquishment by or on the part of said city of any of its rights or powers in relation to the laying of water pipes and the building and repairing of sewers in said North Park avenue, and the regulating of openings for the same. All powers which the city now has in relation to water and gas pipes, and sewers and their connections, and the regulation of the same, and the opening for the same in streets and alleys of said city, being hereby expressly reserved as to the said part of North Park avenue in as ample a manner as if the aforesaid consent were not given.

¶ 2. Acceptance of grant.] § 2. Unless the said board of Lincoln park commissioners shall, within six months from the approval hereof, select, take and add the said part of North Park avenue for the purpose aforesaid, this ordinance shall cease to be of any force or effect, and the consent hereby given, by section one, aforesaid, shall be deemed to be withdrawn.

¶ 3. When in force.] § 3. This ordinace shall be in force from and after its passage.

§ 78a. North Park avenue.

¶ 1. Grant, conditional and personal.
¶ 2. Acceptance.
¶ 3. In force from and after passage.

AN ORDINANCE AUTHORIZING THE BOARD OF LINCOLN PARK COMMISSIONERS TO TAKE, REGULATE, CONTROL AND IMPROVE NORTH PARK AVENUE, FROM NORTH CLARK STREET TO FULLERTON AVENUE. (Passed July 15, 1886. Accepted October 18, 1886.)

¶ 1. Part of North Park avenue granted to park board.] Be it ordained by the city council of the city of Chicago: § 1. That, whereas, the general assembly has passed an act, which was duly approved June 26, A. D. 1885, entitled "An Act to amend sections 1 and 2 of an act entitled 'An Act to enable park commissioners and corporate authorities to take, regulate, control and improve public streets leading to public parks, to pay for the improvements thereof, and in that behalf to make and collect a special assessment or special tax on contiguous property,'" approved April 9, A. D. 1879; and, whereas, the board of Lincoln park commissioners are about selecting and taking, for the uses and purposes in said act mentioned, that part of North Park avenue extending from the intersection of North Clark street and North Park avenue to the center line of Fullerton avenue, in the city of Chicago, and the consent, in writing, of a majority of the owners of the frontage of the lots and lands abutting on said North Park avenue, so far as taken or proposed to be taken by said board, has been obtained:

Now, therefore, consent is hereby given and granted to the said board of Lincoln park commissioners to take, regulate, control and improve the before described part of North Park avenue, between the intersection of North Clark street and North Park avenue, and the center line of Fullerton avenue, in the city of Chicago, in manner and form provided in the said act of the general assembly, for the purpose of adding to said Lincoln park said part of North Park avenue adjoining and parallel to the western boundary of said Lincoln park, upon the terms and conditions, and subject to the requirements, in said petition mentioned; provided, however, that nothing in this ordinance contained shall be construed as a waiver or relinquishment on the part of the said city of any of its rights or powers in relation to the laying of water pipes, and the building and repairing of sewers, in the said North Park avenue, and the regulating of openings for the same.

All powers which the city now has in relation to water and gas pipes, and sewers and their connections, and the regulation of the same and the opening of the same, in the streets and alleys of said city, are hereby expressly reserved as to the said part of North Park avenue in as ample a manner as if the aforesaid consent was not given.

¶ 2. **Acceptance of grant.**] § 2. Unless the said board of Lincoln park commissioners shall, within six months from the approval hereof, select, take and add the said part of North Park avenue to Lincoln park, for the purpose aforesaid, and upon the terms and conditions aforesaid, this ordinance shall cease to be of any force or effect, and the consent hereby given shall be deemed to be withdrawn.

¶ 3. **In force from and after passage.**] § 3. This ordinance shall be in force from and after its passage.

PINE STREET.

§ 79. Pine street, from Pearson to Oak.

¶ 1. Grant, conditional and personal.
¶ 2. Acceptance.
¶ 3. In force from and after passage.

AN ORDINANCE AUTHORIZING THE BOARD OF LINCOLN PARK COMMISSIONERS TO TAKE, REGULATE, CONTROL AND IMPROVE PINE STREET, FROM PEARSON STREET TO OAK STREET. (Passed April 21, 1884. Accepted May 17, 1884.)

¶ 1. **Part of Pine street granted to park board.**] Be it ordained by the city council of the city of Chicago: § 1. Whereas, the board of Lincoln park commissioners are about selecting and taking, for the uses and purposes mentioned in an act of the general assembly, approved April 9, A. D. 1879, entitled "An Act to enable park commissioners and corporate authorities to take, regulate, control and improve public streets leading to public parks, to pay for the improvement thereof, and in that behalf to make and collect a special assessment or special tax on contiguous property," that part of Pine street extending from the south line of Pearson street to the north line of Oak street, and the consent, in writing, of the owners of a majority of the frontage of the lots and lands abutting on said Pine street, so far as taken or proposed to be taken by said board, having been obtained, consent is hereby given and granted to the said board of Lincoln park commissioners to take, regulate, control and improve the above described part of Pine street, in manner and form provided in the said act of the general assembly. And full power and authority is hereby

granted to said board of park commissioners to control, improve and maintain the part of said street so to be taken as aforesaid, for the purpose of carrying out the provisions of the said act of the general assembly.

Provided, however, that nothing in this ordinance contained shall be constructed (construed) as a waiver or relinquishment, by or on the part of said city, of any of its rights or powers in relation to the laying of water or gas mains and pipes, or conduits for wires, and the building and repairing of sewers in said streets, and the regulating of openings for the same. All powers which said city now has in relation to water and gas pipes and conduits and sewers and their connections, and the regulation of the same, and the openings for the same in streets and alleys of said city, being hereby expressly reserved, as to the said part of Pine street, in as ample a manner as if the aforesaid consent were not given.

¶ 2. **Acceptance of grant.**] § 2. Unless the said board of park commissioners shall, within thirty days from the approval hereof, select and take the said part of said Pine street for the purposes aforesaid, this ordinance shall cease to be of any force or effect, and the consent given by section one, aforesaid, shall be deemed to be withdrawn.

¶ 3. **When in force.**] § 3. This ordinance shall be in force from and after its passage.

§ 79a. Pine street, from north line Chicago avenue to south line Ohio.

¶ 1. Grant, conditional and provisional.
¶ 2. Limitations and conditions.
¶ 3. Reservation of rights.
¶ 4. In force from and after passage.

AN ORDINANCE AUTHORIZING THE BOARD OF COMMISSIONERS OF LINCOLN PARK TO TAKE, REGULATE, CONTROL AND IMPROVE PINE STREET, FROM THE NORTH LINE OF CHICAGO AVENUE TO THE SOUTH LINE OF OHIO STREET. (Passed January 4, 1897. Accepted March 8, 1897.)

¶ 1. **Part of Pine street granted to park board.**] Be it ordained by the city council of the city of Chicago: § 1. That, whereas, the general assembly of the state of Illinois has passed an act entitled "An Act to enable park commissioners or park authorities to take, regulate, control and improve public streets, and to pay for the improvement thereof," approved June 21, 1895, in force July 1, 1895; and,

Whereas, the board of commissioners of Lincoln park are about selecting and taking, for the uses and purposes in said act mentioned, that part of Pine street extending from the north line of Chicago avenue to the south line of Ohio street, in the town of North Chicago, in the city of Chicago:

Now, therefore, the consent of the corporate authorities having control of said street be and the same is hereby given and granted to the said board of commissioners of Lincoln park to take, regu-

late, control and improve the before described part of Pine street, between the north line of Chicago avenue and the south line of Ohio street, in the town of North Chicago, in the city of Chicago, in manner and form provided in said act of the general assembly.

¶ 2. Limitations of grant.] § 2. It is expressly provided, however, that while the consent and authority of the city is hereby given to the said board of commissioners of Lincoln park to take, regulate, control and improve said street for boulevard purposes, said board of commissioners of Lincoln park shall permit, with reasonable regulations, the use of said street hereinbefore described for traffic teaming on said roadway for the use and benefit of the abutting owners of said property, any rule, regulation or ordinance of said board of Lincoln park commissioners to the contrary notwithstanding.

And provided, further, that this ordinance and the consent hereby given is upon the express condition precedent that the said board of commissioners of Lincoln park, or their successor or successors, shall never grant or permit the construction of any track or tracks of any kind in, along or upon any part of said street hereby granted.

¶ 3. Preservation of rights.] § 3. It is also expressly provided that nothing in this ordinance contained shall be construed as a waiver or relinquishment on the part of said city of any of its rights or powers in relation to the laying of water supply pipes and the building and repairing of sewers, and the regulation of openings for the same, in said Pine street.

All powers which the city now has in relation to water and gas pipe and sewers and their connections, and the regulation of the same, and the openings of the same, in the streets and alleys in said street, are hereby expressly reserved to the city as to that part of Pine street in as ample a manner as if the aforesaid consent were not given.

And provided, further, that nothing in this ordinance contained shall be construed as a waiver or relinquishment on the part of said city of any of its rights in and to any street crossing or intersections which are now or may hereafter be established across said street so ceded to said board of Lincoln park commissioners, and said board of commissioners shall provide and maintain crossings to connect the traffic ways and all other streets crossing said streets ceded as aforesaid.

And it is further expressly provided that nothing in this ordinance contained shall be construed as an authority or consent to permit or authorize the construction, use or occupancy, by any street railroad of any kind whatsoever, upon said part of Pine street hereinabove described.

¶ 4. Acceptance of grant.] § 4. Unless said board of commissioners of Lincoln park shall, within three months from the

approval hereof, select, take and add said part of Pine street aforesaid in manner and form as by law provided, and upon the terms and conditions aforesaid, then this ordinance to be of no force or effect, and the consent hereby given shall be deemed to be withdrawn.

¶ 5. In force from and after passage.] § 5. This ordinance shall be in force from and after its passage.

RIDGE AVENUE.

§ 80. Ridge Avenue—from Homan avenue to North city limits.

¶ 1. Grant.
¶ 2. Limitations and conditions.
¶ 3. Reservations.
¶ 4. As to cross streets.
¶ 5. Acceptance.
¶ 6. In force from and after passage.

AN ORDINANCE AUTHORIZING THE RIDGE AVENUE PARK DISTRICT TO TAKE CHARGE OF, IMPROVE AND MAINTAIN, AS A PLEASURE DRIVEWAY, RIDGE AVENUE FROM HOMAN AVENUE TO THE NORTH CITY LIMITS. (Passed May 18, 1896. Accepted June 9, 1896.)

¶ 1. Part of Ridge avenue granted to park district.] Be it ordained by the city council of the city of Chicago: § 1. Whereas, the Ridge avenue park district is desirous of taking charge of and improving and maintaining as a pleasure drive or boulevard, as provided by the act of the legislature under which said park district was organized, all that part of Ridge avenue located within the limits of said park district, to wit: All that part of Ridge avenue from Homan avenue north to the present city limits; and the consent in writing of the owners of the majority of the frontage of the lots and lands abutting on the same having been obtained; therefore, consent is hereby given and granted to said Ridge avenue park district to take charge of and improve and maintain as a pleasure drive or boulevard that part of Ridge avenue, from Homan avenue north to the north city limits of the city of Chicago, in the manner and for the uses provided in the act of the general assembly of Illinois, entitled, "An Act to provide for the organization of park districts and the transfer of submerged lands to those bordering on navigable bodies of water," approved June 24, 1895, in force July 1, 1895.

¶ 2. Limitations of grant.] § 2. The permission hereby given is granted only upon the express condition that said park district shall never at any time hereafter grant, permit or give to any

person, persons or corporation now in existence, or that may hereafter be organized, any permission or right of way to construct on said boulevard any horse, cable, steam, electric or other railway of any character or description whatever, whether such railway is proposed to be placed beneath, on or above the surface of said boulevard.

¶ 3. **Reservation of rights.**] § 3. The city of Chicago hereby expressly reserves the right to lay under the surface of said street water, gas and other pipes, and to build and repair sewers in said Ridge avenue, to lay electric and other wires and make other underground improvements in the same manner and to the same extent that said city of Chicago might heretofore have done.

¶ 4. **Cross streets—rights reserved.**] § 4. This ordinance shall not be held nor construed to in any way surrender the right of the city of Chicago to control for any purpose not inconsistent with such use as a boulevard, such portion of cross streets as constitute in common a portion of such cross streets and said Ridge avenue.

¶ 5. **Acceptance of ordinance.**] § 5. Unless the said park district shall within ninety days after the passage of this ordinance, by vote of its board of park commissioners, accept this ordinance, this ordinance shall cease to be of any force and effect, and the consent given by section 1 of this ordinance shall be deemed to be withdrawn.

¶ 6. **When in force.**] § 6. This ordinance shall be in force from and after its passage.

SHERIDAN ROAD.

§ 81. Sheridan road, northern terminus L. S. drive to N 59th street.

¶ 1. Established.
¶ 2. Grant.
¶ 3. Limitations and conditions.
¶ 4. Reservations.
¶ 5. Acceptance.
¶ 6. In force from and after passage.

AN ORDINANCE CHANGING THE NAME OF BYRON STREET FROM SHEFFIELD AVENUE TO THE LAKE SHORE DRIVE, AND OF SHEFFIELD AVENUE FROM BYRON STREET TO NORTH FIFTY-NINTH STREET TO THAT OF SHERIDAN ROAD, AND AUTHORIZING THE BOARD OF LINCOLN PARK COMMISSIONERS TO TAKE, REGULATE AND CONTROL THE SAME. (Passed January 11, 1892.)

¶ 1. **Sheridan road established.**] Be it ordained by the city council of the city of Chicago: § 1. That the respective names of that portion of Byron street lying and situated between the western line of Sheffield avenue and the conjunction of said Byron street with

the Lake Shore drive, at or near the shore line of Lake Michigan, and also that part or portion of Sheffield avenue extending from the south line of Byron street to the south line of north 59th street, be and the same are hereby changed from Byron street and Sheffield avenue, respectively, to that of Sheridan road, and said piece of roadway from the said Lake Shore drive to said north 59th street shall hereafter constitute a part of and be known and designated as Sheridan road.

¶ 2. **Granted to park board.**] § 2. Whereas, the board of Lincoln park commissioners are about selecting and taking, for the uses and purposes mentioned in an act of the general assembly of the state of Illinois, approved April 9, 1879, entitled, "An Act to enable park commissioners and corporate authorities to take, regulate, control and improve public streets leading to public parks, to pay for the improvement thereof, and in that behalf to make and collect a special assessment or special tax on contiguous property," and the acts mandatory thereof, all that part or portion of Byron street lying and situate between its conjunction with the Lake Shore drive, at or near the shore of Lake Michigan and the western line of Sheffield avenue; also all of Sheffield avenue lying and situate between the south line of Byron street and the south line of north 59th street, in the city of Chicago; and the consent of the owners of a majority of the frontage of the lots abutting on said streets, so far as proposed to be taken, having been obtained; therefore, consent is hereby given and granted to the said board of Lincoln park commissioners to take, regulate, control and improve those described parts of Byron street and of Sheffield avenue, in manner and for uses provided in the said act of the general assembly, as a park driveway and for park purposes only. And full power and authority are hereby granted to said board to control, improve and maintain the parts of said avenue and street, so to be taken as aforesaid, for the purpose of carrying out the provisions of said act of the general assembly and the amendments thereto.

¶ 3. **Limitations of grant.**] § 3. The permission hereby given is granted only upon the express condition that said Board of Lincoln Park Commissioners shall never, at any time hereafter, grant, permit or give to any person, persons or corporation, now in existence or that may hereafter be organized, any permission or right of way to construct on said boulevard any horse, cable, steam, electric or other railway of any character or description whatever, whether such railway is proposed to be placed beneath, on or above the surface of said boulevard.

¶ 4. **Reservation of rights.**] § 4. The city of Chicago hereby expressly reserves the rights to lay under the surface of said streets water, gas or other pipes, and to build and repair sewers in said Byron street and Sheffield avenue, to lay electric or other wires and

make other underground improvements, in the same manner and to the same extent that said city of Chicago might heretofore have done.

¶ 5. Acceptance of grant.] § 5. Unless said Board of Lincoln Park Commissioners shall, within sixty (60) days after the passage of this ordinance, by the vote of said board, select and take the said parts of said street and avenue for the purposes aforesaid, this ordinance shall cease to be of any force and effect, and the consent given by section 1, aforesaid, shall be deemed to be withdrawn.

¶ 6. In force from and after passage.] § 6. This ordinance shall be in force from and after its passage.

§ *81. Sheridan road. Changing names of streets, etc.
¶ 1. Grant.
¶ 2. Limitations.
¶ 3. Reservations.
¶ 4. Acceptance.
¶ 5. In force from and after passage.

AN ORDINANCE AUTHORIZING THE BOARD OF LINCOLN PARK COMMISSIONERS TO TAKE, REGULATE, CONTROL AND IMPROVE SHERIDAN ROAD FROM THE NORTHERN TERMINUS OF THE LAKE SHORE DRIVE TO NORTH 59TH STREET. (Passed May 8, 1893. Accepted July 26, 1893.)

¶ 1. Sheridan road granted to park board.] Be it ordained by the city council of the city of Chicago: § 1. Whereas, the Board of Lincoln Park Commissioners are about selecting and taking, for the uses and purposes mentioned in the act of the general assembly of the state of Illinois, approved April 9th, 1879, entitled, "An Act to enable park commissioners and corporate authorities to take, regulate, control and improve public streets leading to public parks, to pay for the improvement thereof, and in that behalf to make and collect a special assessment or special tax on contiguous property," and the acts amendatory thereof, all of the Sheridan road from the northern terminus of the Lake Shore drive to the north line of north 59th street, in the city of Chicago, and the consent of the owners of a majority of the frontage of the lots abutting on said street, so far as taken, or proposed to be taken, having been obtained therefor, consent is hereby given and granted to the said board of Lincoln park commissioners to take, regulate, control and improve Sheridan road, in manner and for uses provided in said act of the general assembly, as a park driveway, and for park purposes only, and full power and authority is hereby granted to said board to control, improve and maintain the part of said road so to be taken as aforesaid, for the purpose of carrying out the provisions of said act of the general assembly and the amendments thereto.

¶ 2. Limitations of grant.] § 2. The permission hereby given is granted only upon the express conditions that the Board of Lincoln Park Commissioners shall never, at any time hereafter, grant, permit or give, to any person, persons or corporations, now in existence or that may hereafter be organized, any permission or right of

way to construct on said boulevard any horse, cable, steam, electric or other railway of any character or description whatever, whether such railway is proposed to be placed beneath, on or above the surface of said boulevard.

¶ 3. **Reservation of rights.**] § 3. The city of Chicago hereby expressly reserves the rights to lay, under the surface of said street, water, gas or other pipes, and to build and repair sewers in said Sheridan road, to lay electric or other wires, and make other underground improvements, in the same manner and to the same extent that the city of Chicago might heretofore have done.

¶ 4. **Acceptance of grant.**] § 4. Unless said Board of Lincoln Park Commissioners shall, within ninety days after the passage of this ordinance, by the vote of said board, select and take the said road for the purposes aforesaid, this ordinance shall cease to be of any force and effect, and the consent given by section one (1) shall be deemed to be withdrawn.

¶ 5. **In force from and after passage.**] § 5. This ordinance shall be in force from and after its passage.

TRIANGULAR PLATS.

§ 82. Triangular plat north of Park front and at intersection of North Clark street with North Wells street.

§ 83. **Triangular Plats—At Eugenie and La Salle.**

AN ORDINANCE AUTHORIZING THE LINCOLN PARK COMMISSIONERS TO TAKE AND IMPROVE THE TRIANGULAR PIECE OF LAND LYING NORTH OF PARK FRONT AND BETWEEN THE INTERSECTION OF NORTH CLARK STREET AND NORTH WELLS STREET. (Passed June 30, 1887.)

¶ 1. **Preamble.**] Be it ordained by the city council of the city of Chicago: § 1. Whereas, the Lincoln park commissioners are desirous of taking charge of and improving the small triangular piece of land lying north of Park front and between the intersection of North Clark street and North Wells street, at their own charge and expense, and without charge or expense to the city of Chicago:

¶ 2. **Clark and Wells street triangle granted to park board.**] § 2. Therefore, for the purpose aforesaid, authority is hereby given to the said Lincoln park commissioners to take charge of and improve said piece of land described in section one (1) hereof, under such plans and in such manner as shall be approved by them; and to that end the management and control of said land is hereby surrendered to the said Lincoln park commissioners.

¶ 3. **Limitations of grant.**] § 3. Nothing herein contained shall authorize said Lincoln park commissioners, or any person, to alter, change or use said piece of land herein described for any other or different purpose than that for which said piece of land was dedicated.

¶ 4. **Acceptance of ordinance.**] § 4. The said Lincoln park commissioners shall accept this ordinance within thirty days from its passage, otherwise this ordinance shall be null and void.

§ 83. Triangular plat at intersection of Eugenie street and La Salle avenue.

An Ordinance Authorizing the Lincoln Park Commissioners to Take and Improve the Triangular Piece of Land Bounded by Eugenie Street, Clark Street and La Salle Avenue. (Passed June 30, 1887.)

¶ 1. **Preamble.**] Be it ordained by the city council of the city of Chicago: § 1. Whereas, the Lincoln park commissioners are desirous of taking charge of and improving the triangular piece of land bounded by Eugenie street, Clark street and LaSalle avenue, at their own charge and expense, and without charge or expense to the city of Chicago:

¶ 2. **Clark and La Salle street triangle granted to park board.**] § 2. Therefore, for the purpose aforesaid, authority is hereby given to the said Lincoln park commissioners to take charge of and improve said piece of land described in section one (1) hereof, under such plans and in such manner as shall be approved by them, and to that end the management and control of said land is hereby surrendered to the said Lincoln park commissioners.

¶ 3. **Limitations of grant.**] § 3. Nothing herein contained shall authorize said Lincoln park commissioners, or any person, to alter, change or use said piece of land herein described for any other or different purpose than that for which said piece of land was dedicated.

¶ 4. **Acceptance of ordinance.**] § 4. The said Lincoln park commissioners shall accept this ordinance within thirty days from its passage, otherwise this ordinance shall be null and void.

UNION SQUARE.

§ 84. Union square.

An Ordinance Authorizing the Board of Lincoln Park Commissioners to Take, Improve and Maintain Union Square. (Passed November 23, 1891.)

¶ 1. **Grant of Union square to park board.**] Be it ordained by the city council of the city of Chicago: § 1. Whereas, the

Board of Lincoln Park Commissioners are desirous of taking charge of and improving Union square, at their own charge and expense, and without cost, charge or expense to the city of Chicago:

Therefore, for the purpose aforesaid, authority is hereby given to the said Board of Lincoln Park Commissioners to take charge of, improve and maintain said Union square, under such plans and in such manner as shall be approved by them, and to that end the management and control of said Union square is hereby surrendered to the said board of Lincoln park commissioners; Provided, the said park commissioners shall improve, maintain and keep in good repair said Union square, otherwise the control of said Union square shall revert to the city of Chicago.

¶ 2. **Limitations of grant.**] § 2. Nothing herein contained shall authorize said Board of Lincoln Park Commissioners, or any person, to alter, change or use said Union square for any other or different purpose than that for which said Union square was dedicated.

¶ 3. **Acceptance of grant.**] § 3. The said Board of Lincoln Park Commissioners shall accept the provisions hereof within thirty days from the date of the passage of this ordinance, otherwise this ordinance shall be null and void.

PARKS, ETC., SOUTH.

§ 85. Art Institute.
§ 86. East Jackson street.
§ 87. East Jackson street.
§ 88. Water.
§ 89. Agreement of South park commissioners as to free water.
§ 90. Fernwood park.
§ 91. Fifty-first street.
§ 92. Lake front park.
§ 93. Grants to South park commissioners.
§ 94. Control of Lake front park.
§ 95. Lakewood park.
§ 96. Michigan avenue.
§ 97. Michigan avenue.
§ 98. Michigan avenue.
§ 99. South Park avenue and Thirty-second street.
§ 100. South Park avenue and Thirty-ninth street.
§ 101. Statue of Christopher Columbus.
§ 102. Washington avenue.
§ 103. Washington avenue in Washington Heights.

§ 85. Art Institute.

¶ 1. Preamble.
¶ 2. Title—use—conditions—repairs—trustees.
¶ 3. Contract with.

AN ORDINANCE VESTING THE TITLE AND OWNERSHIP OF THE ART BUILDING ON THE LAKE FRONT IN THE ART INSTITUTE AND REGULATING THE USE THEREOF. (Passed March 30, 1891.)

¶ 1. **Preamble.**] Whereas, the use of that part of the lake front, in the city of Chicago, lying between the center of Monroe street projected, on the north, and Park row projected, on the south, was granted to the directors of the World's Columbian Exposition by an ordinance passed by the city council of the city of Chicago on the 15th day of September, 1890, subject to the restrictions and provisions therein contained; and, whereas, the said World's Columbian Exposition is desirous of erecting an art building on that part of the lake front which lies between the center of Monroe street extended, on the north, and Park row extended, on the south; and, whereas, the art institute of Chicago, and many of the citizens of Chicago, are desirous that the art building so erected by the World's Columbian Exposition shall become a permanent building, the use whereof shall be given to the said art institute of Chicago after the World's Columbian Exposition shall have been held, and have offered to contribute a large sum of money towards the expense of such building to the end that the same may be suitable for the permanent accommodation of the said art institute and accrue to the benefit of the citizens of Chicago; and, whereas, to secure the erection of said permanent building for the purposes aforesaid, it is necessary that some action should be taken granting the right to use said building to the said art institute; now, therefore,

¶ 2. **Title—use—conditions—repairs—trustees.**] Be it ordained by the city council of the city of Chicago: § 1. That from and after the time above limited for the use thereof by said World's Columbian Exposition, the title and ownership of said building, and all the appurtenances thereto, shall be vested in the city of Chicago, without any compensation being paid or allowed therefor to the said World's Columbian Exposition or any other person or corporation, but the right to the use and occupation of said building, and of the grounds appurtenant thereto and necessary for the reasonable enjoyment thereof, shall be vested in the art institute of Chicago, a corporation organized under the laws of the state of Illinois for the objects for which said art institute is incorporated, so long as said art institute shall faithfully keep, perform and observe the provisions and conditions of this ordinance hereinafter contained, or until the said building and premises shall be voluntarily surrendered by the said art institute to the city of Chicago under the conditions aforesaid, the said use of the said buildings being granted to the said art institute upon the following conditions, viz.:

1st. That as soon as practicable after the surrender of the possession of said building by the World's Columbian Exposition the said art institute shall transfer to and place and arrange in said building

its museum, library and collections, or such portion thereof as can be properly displayed to the public therein.

2d. That the exhibition halls of said building shall, from 9 o'clock till 5 o'clock on Wednesday and Saturday of each week and on all legal and public holidays and from 1 o'clock till 5 o'clock on each Sunday, be kept open and accessible to the public, free of charge, under such rules and regulations as the said art institute shall, from time to time, prescribe. Except as above provided, the same shall be open for exhibition to such persons and upon such terms as the said art institute shall, from time to time, direct. But all professors and teachers of the public schools of the city of Chicago or other institutions of learning in said city in which instruction is given free of charge shall be admitted to all the advantages afforded by the said art institute through its museum, library, apparatus and collections or otherwise, for study, research and investigation, free of any charge therefor and to the same extent and on the same terms and conditions as any other persons are admitted to such advantages as aforesaid.

3d. The said art institute shall, on or before the first day of July in each year during its occupancy of said buildings, submit to the city of Chicago a detailed printed report of the operations and transactions and of its receipts and payments for the year ending with the first Tuesday of June next preceding.

4th. That the said art institute, if it shall, at any time, desire to surrender possession of said building, shall give the city not less than three months' notice of its intention to do so and, upon the giving of said notice, the said art institute shall have the right to remove all of its property situated in or about said building, and deliver up the said building to the city of Chicago. Said art institute shall keep said building in good repair and condition at its own expense so long as it shall occupy the same.

5th. The said art institute shall so amend its by-laws that the mayor and comptroller of the city of Chicago shall be ex-officio members of its board of trustees during such time as the said institute shall occupy said building under the provisions of this ordinance.

6th. The said permanent building shall not have a frontage of over four hundred feet on Michigan avenue.

¶ 3. **Contract with art institute.**] § 2. The mayor and comptroller of the city of Chicago be and they are hereby authorized to execute, on behalf of the city of Chicago and under its corporate seal, a contract with the art institute of the city of Chicago, granting and securing to the said art institute the use and occupation of the building to be erected as hereinbefore provided, for the time and upon the terms and conditions hereinbefore specified.

EAST JACKSON STREET.

§ 86. East Jackson street.

¶ 1. Part of East Jackson street granted to park board.
¶ 2. Limitations of grant.
¶ 3. Reservation of rights.
¶ 4. Acceptance of grant.
¶ 5. When in force.

AN ORDINANCE TO ENABLE THE SOUTH PARK COMMISSIONERS TO TAKE, REGULATE, CONTROL AND IMPROVE EAST JACKSON STREET, FROM THE EAST LINE OF THE CHICAGO RIVER TO THE WEST LINE OF MICHIGAN AVENUE, IN THE TOWN OF SOUTH CHICAGO, IN THE CITY OF CHICAGO AND STATE OF ILLINOIS. (Passed May 18, 1896. Accepted November 23, 1896.)

¶ 1. Part of east Jackson street granted to park board.] Be it ordained by the city council of the city of Chicago: § 1. That, whereas, the general assembly of the state of Illinois has passed an act entitled "An act to enable park commissioners or park authorities to take, regulate, control and improve public streets and to pay for the improvement thereof," approved June 21, 1895, in force July 1, 1895; and

Whereas, the board of South park commissioners are about selecting and taking for the uses and purposes in said act mentioned, that part of East Jackson street extending from the east line of the Chicago river to the west line of Michigan avenue, in the town of South Chicago, in the city of Chicago;

Now, therefore, the consent of the corporate authorities having control of said street be, and the same is, hereby given and granted to the said South park commissioners to take, regulate, control and improve the before described part of East Jackson street, between the east line of the Chicago river and the west line of Michigan avenue, in the town of South Chicago, in the city of Chicago, in manner and form provided in said act of the General Assembly, for the purpose of forming a boulevard connection between the park system in said town of South Chicago and the park system in the town of West Chicago, both of said park systems being in the city of Chicago.

¶ 2. Limitations of grant.] § 2. It is expressly provided, however, that while the consent and authority of the city is hereby given to said South park commissioners to take, regulate, control and improve said street for boulevard purposes, said South park commissioners shall permit, with reasonable regulation, the use of said street hereinbefore described for traffic teaming on said roadway for the use and benefit of the abutting owners of said property, any rule, regulation or ordinance of said South park commissioners to the contrary notwithstanding; and, provided further, that this ordinance, and the consent hereby given, is upon the express condition precedent that said South park commissioners, or their successor or successors, shall never grant or permit the construction of any railroad track or tracks of any kind in, along or upon any part of said street hereby granted.

¶ 3. **Reservation of rights.**] § 3. It is also expressly provided that nothing in this ordinance contained shall be construed as a waiver or relinquishment on the part of said city of any of its rights or powers in relation to the laying of water supply pipes and the building and repairing of sewers and the regulation of openings for the same in said east Jackson street.

All powers which the city now has in relation to water and gas pipes and sewers and their connections, and the regulation of the same and the openings of the same in the streets and alleys in said street, are hereby expressly reserved to the city as to that part of East Jackson street, in as ample a manner as if the aforesaid consent were not given.

And, provided further, that nothing in this ordinance contained shall be construed as a waiver or relinquishment on the part of said city of any of its rights in and to any of the underground pipes now in said street.

¶ 4. **Acceptance of grant.**] § 4. Unless said board of South park commissioners shall, within six (6) months from the approval hereof, select, take and accept said East Jackson street in manner and form as by law provided and upon the terms and conditions aforesaid, then this ordinance be of no force or effect, and the consent hereby given shall be deemed to be withdrawn.

¶ 5. **When in force.**] § 5. This ordinance shall be in force from and after its passage.

Note.—See following amendatory and supplemental ordinances.

§ 87. East Jackson street.

¶ 1. Amendatory clause.
¶ 2. Part of East Jackson street granted to park board.
¶ 2. When in force.

AN ORDINANCE TO AMEND SECTION 1 OF AN ORDINANCE ENTITLED "AN ORDINANCE TO ENABLE THE SOUTH PARK COMMISSIONERS TO TAKE, REGULATE, CONTROL AND IMPROVE EAST JACKSON STREET, FROM THE EAST LINE OF THE CHICAGO RIVER TO THE WEST LINE OF MICHIGAN AVENUE, IN THE TOWN OF SOUTH CHICAGO, IN THE CITY OF CHICAGO AND STATE OF ILLINOIS," PASSED MAY 18, 1896. (Passed October 19, 1896. Accepted November 23, 1896.)

¶ 1. **Amendatory clause.**] Be it ordained by the city council of the city of Chicago: § 1. That section one (1) of an ordinance entitled "An ordinance to enable the South park commissioners to take, regulate, control and improve East Jackson street, from the east line of the Chicago river to the west line of Michigan avenue, in the town of South Chicago, in the city of Chicago and state of Illinois," passed May 18, 1896, be amended so as to read as follows, to wit:

¶ 2. **Part of East Jackson street granted to park board.**] § 1. That, whereas, the General Assembly of the state of Illinois has passed an act entitled "An Act to enable park commissioners or park

authorities to take, regulate, control and improve public streets and to pay for the improvement thereof," approved June 21, 1895, in force July 1, 1895; and

Whereas, the board of South park commissioners are about selecting and taking for the uses and purposes in said act mentioned, that part of East Jackson street extending from the east line of the Chicago river to the east line of Michigan avenue, in the town of South Chicago, in the city of Chicago;

Now, therefore, the consent of the corporate authorities having control of said street be and the same is hereby given and granted to said South park commissioners to take, regulate, control and improve the before described part of East Jackson street, between the east line of the Chicago river and the east line of Michigan avenue, in the town of South Chicago, in the city of Chicago, in manner and form provided in said act of the general assembly for the purpose of forming a boulevard connection between the park system in the town of South Chicago and the park system in the town of West Chicago, both of said park systems being in the city of Chicago.

¶ 3. **When in force.**] § 2. This ordinance shall be in force from and after its passage.

WATER.

§ 88. Water to be furnished by the city.

¶ 1. City to furnish water free.
¶ 2. When in force.

AN ORDINANCE GRANTING FREE WATER TO THE SOUTH PARK COMMISSIONERS. (Passed November 16, 1896. Approved November 18, 1896.)

¶ 1. **City to furnish water free.**] Be it ordained by the city council of the city of Chicago: § 1. That, whereas, by ordinance passed on the 18th day of May, 1896, as amended by ordinance passed on the 19th day of October, 1896, the consent of the city of Chicago was granted that the South park commissioners might select and take Jackson street, from the east line of the Chicago river to the east line of Michigan avenue;

And, whereas, the taking of said part of said Jackson street by the South park commissioners will add a large burden of expense for maintenance to the expenses of the South park commissioners, and relieve the city of Chicago of a large burden of expense;

And, whereas, the city of Chicago desires to offer a reasonable inducement to the South park commissioners to select and take said street as aforesaid;

Now, therefore, it is hereby understood and agreed that in case the said South park commissioners shall select and take that part of said Jackson street as aforesaid, in accordance with the terms of the ordinances heretofore passed by this council, the city of Chicago will fur-

nish to the South park commissioners the water needed to be used in connection with the parks and boulevards under the control of the South park commissioners free of expense, but subject to such reasonable regulations and rules concerning the use thereof, as may be provided from time to time by the commissioner of public works of the city of Chicago.

¶ 2. **When in force.]** § 2. This ordinance shall be in force from and after its passage.

Note.—See following agreement.

§ 89. Agreement of South park commissioners as to water.

¶ 1. To expend twenty thousand dollars annually.

Agreement of South park commissioners submitted to and approved by the city council November 23, 1896.

¶ 1. **Agreement to expend twenty thousand dollars annually.]** In consideration of the approval by the mayor of the city of Chicago, concurrently with the execution and delivery of this agreement, of an ordinance passed by the city council of said city at its meeting on the 16th day of November, making qualified provision for a free supply of water to the South park commissioners by said city, it is hereby agreed by said South park commissioners that they will expend not less than twenty thousand dollars ($20,000) hereafter in each year from the date hereof for the maintenance and improvement of that portion of Jackson street in said ordinance mentioned; that at any time hereafter, when requested so to do by the comptroller of said city, they will make and submit to said comptroller statements showing their expenditures from time to time on account of said portion of said Jackson street; that said ordinance shall be considered binding and effectual against said city (notwithstanding the taking of said Jackson street by said South park commissioners) only so long as said South park commissioners shall fully comply with the terms of this agreement, and that upon failure of said South park commissioners to carry out this agreement said city shall be considered free to repeal or rescind said ordinance and to discontinue the free supply of water to said South park commissioners, and in such event said South park commissioners will not in any way resist such action upon the part of said city.

This agreement shall be delivered to the mayor of said city concurrently with his approval of said ordinance, and shall be fully binding and effectual against said South park commissioners upon such approval.

Executed this 18th day of November, 1896.

SOUTH PARK COMMISSIONERS,
By JAMES W. ELLSWORTH,
President.

(Seal)

By E. G. SHUMWAY,
Secretary.

FERNWOOD PARK.

§ 90. Fernwood park.

¶ 1. Park established—boundaries.
¶ 2. Cost paid by special assessment.
¶ 3. Condemnation proceedings.
¶ 4. Compromise with owners.

AN ORDINANCE FOR LAYING OUT AND ESTABLISHING FERNWOOD PARK. (Passed March 16, 1887.)

¶ 1. Park established — boundaries.] Be it ordained by the president and board of trustees of the village of Fernwood: § 1. That a public park, to be named "Fernwood Park," be, and the same is, hereby laid out and established along and upon the following described lands and premises, to wit: Seventy-five feet in width from east to west, and extending from the north line of One Hundred and Third street, otherwise known as Tracy avenue, north to the south line of Ninety-ninth street, in the village of Fernwood, and lying west of and adjoining Stewart avenue, as located through the south half of section nine, in township thirty-seven north, range fourteen east of the third principal meridian; and that the piece or parcel of land above described be taken for public use, to wit: for the purpose of a public park as aforesaid.

¶ 2. Cost paid by special assessment.] § 2. That said improvement shall be made, and the cost thereof be paid, by special assessment of property specially benefited thereby, to the extent of such special benefits; and the balance of the cost thereof, if any, shall be paid by general taxation.

¶ 3. Condemnation proceedings.] § 3. That George Scoville, Esq., be, and he is hereby, employed as attorney for the village of Fernwood, for the purpose of instituting and conducting the necessary legal proceedings to ascertain the just compensation to be made for the property taken and damaged for the improvement aforesaid: and for the assessment of benefits upon other property, to raise money to pay such compensation, according to article 9 of an Act of the General Assembly of the state of Illinois entitled "An Act to provide for the incorporation of cities and villages," approved the tenth day of April, A. D. 1872; and he is hereby directed to file a petition and supplemental petition in the superior court of Cook county, state of Illinois, for the purpose aforesaid.

¶ 4. Compromise with owners.] § 4. That said attorney is hereby authorized, empowered and directed, if practicable, to arrange with the owners of property so taken, or any or either of them, to relieve them from all claims for benefits upon their contiguous property on account of said improvement, provided they will waive all claims to compensation for their property so taken for said improvement; and further to stipulate and agree with such owners, so waiving compensa-

tion as aforesaid, on behalf of the village of Fernwood, that, in consideration thereof, said village will suitably improve those portions of said park as to which compensation for taking shall be so waived, within a reasonable time, by general taxation.

FIFTY-FIRST STREET.

§ 91. Fifty-First Street.
¶ 1. Part of Fifty-first Street created a pleasure driveway.
¶ 2. When in force.

AN ORDINANCE SETTING APART AND DESIGNATING THAT PART OF FIFTY-FIRST STREET LYING BETWEEN THE EAST LINE OF EAST END AVENUE AND THE EAST LINE OF DREXEL BOULEVARD AS A PLEASURE DRIVEWAY. (Passed April 28, 1890.)

¶ 1. Part of Fifty-first street created a pleasure driveway.] Be it ordained by the city council of the city of Chicago: § 1. Whereas, the General Assembly has passed an Act which was duly approved March 27th, 1889, and which is in the words and figures following: "An Act to provide for pleasure driveways in incorporated cities, villages, and towns.

"§ 1. Be it enacted by the people of the state of Illinois, represented in General Assembly, that the city council in cities, and the president and board of trustees in villages, or the board of trustees in incorporated towns, whether incorporated under the general law or special charter, shall have the power to designate by ordinance the whole or any part of not to exceed two streets, roads, avenues, boulevards, or highways under their jurisdiction as a public driveway, to be used for pleasure driving only, and to improve and maintain the same and, also, to lay out, establish, open, widen, extend, grade, pave, or otherwise improve and maintain not more than two roads, streets, or avenues, and designate the same as pleasure driveways to be used for pleasure driving only; Provided, the said powers shall only be exercised when said corporate authorities are petitioned thereto by the owners of two-thirds of the frontage of land fronting on such supposed pleasure drives.

"§ 2. Said pleasure driveways may be laid out, extended and improved under the provisions of article 9 of an act to provide for the incorporation of cities and villages, approved April 10th, 1872, in force July 1st, 1872, and any and all amendments thereto.

"§ 3. Said corporate authorities may by ordinance regulate, restrain and control the speed of travel upon such pleasure drives, and prescribe the kind of vehicles that shall be allowed upon the same, and,

in all things, may regulate, restrain and control the use of said pleasure driveways by the public or individuals, and may exclude therefrom funeral processions, hearses, and traffic teams and vehicles, so as to free the same from any and all business traffic and objectionable travel and make the same a pleasure driveway for pleasure driving only; and may prescribe in such ordinance such fines and penalties for the violation thereof as they are by law to prescribe for the violation of other ordinances.

"§ 4. Whereas, certain municipalities are about establishing such pleasure driveways, and doubt existed as to their power so to do, therefore, an emergency exists for the passage of this act and the same shall take effect and be in force from and after its passage."

And, whereas, the owners of more than two-thrids of the frontage of the lots and lands abutting on that part of Fifty-first street and lying between the east line of East End avenue and the east line of Drexel boulevard have petitioned that this council, by an ordinance, set apart and designate said portion of said street as a public driveway, to be used for pleasure driving only. And, whereas, it is deemed desirable that the prayer of such petition be granted; now, therefore,

It is hereby ordained that Fifty-first street, lying between the east line of East End avenue and the east line of Drexel boulevard, be and the same is declared to be a pleasure driveway in manner and form as provided in and by said act of the General Assembly; Provided, that the estimated cost of the first improvement shall include a sum sufficient to lay a pavement of the best quality, stone curbing and permanent sidewalk of uniform width, and such shade trees, shrubbery, additional lamp posts, and such other additions as may be deemed necessary to make the same in every respect a thoroughly finished boulevard.

¶ 2. **When in force.**] § 2. This ordinance shall be in force from and after its passage.

LAKE FRONT PARK.

§ 92. Lake front park.
¶ 1. Lake park established—boundaries.
¶ 2. When in force.

AN ORDINANCE ESTABLISHING LAKE PARK. (Passed June 27, 1895.)

¶ 1. **Lake park established—boundaries.**] Be it ordained by the city council of the city of Chicago: § 1. That there is hereby established a public park for the city of Chicago, to be known as Lake park, and to comprise all those public lands now existing, or which may

be hereafter reclaimed, bounded on the north by the south line of Randolph street, and the same extended east, on the west by the east line of Michigan avenue from the south line of Randolph street to the north line of Park row, thence on the south by the north line of Park row from Michigan avenue to the east line of lot 6, block 23, in fractional section fifteen (15), addition to Chicago, thence on the west by the east line of said lot 6 from the north line of Park row to the south line of section fifteen (15), township thirty-nine (39) north, range fourteen (14) east of the third (3rd) principal meridian, and thence on the south by the south line of said section fifteen (15) and the same extended east, and on the east by the line now established or by any line which may hereafter be established by the government of the United States as a harbor or dock line; and, for the purpose of reclamation and grading, authority and permission is hereby given to dump or place therein any proper filling material, under the supervision of the commissioner of public works of said city.

¶ 2. **When in force.**] § 2. This ordinance shall take effect and be in force from and after its passage.

§ 93. Grants to South park commissioners.

¶ 1. Part of Lake front park granted to park board.
¶ 2. Limitations of grant.
¶ 3. Reservation of rights.
¶ 4. Grant to Field Columbian Museum.
¶ 5. Failure to accept—grant to museum made perpetual.
¶ 6. Grant to museum to revert, when.
¶ 7. Grant to Illinois National Guard.
¶ 8. Acceptance of ordinance.
¶ 9. When in force.

AN ORDINANCE GRANTING CONSENT TO THE SOUTH PARK COMMISSIONERS TO TAKE, REGULATE, CONTROL AND GOVERN ALL THAT PART OF THE LAKE FRONT PARK LYING SOUTH OF THE NORTH LINE OF JACKSON STREET, EXTENDED EAST. (Passed July 27, 1896. Accepted November 9, 1896.)

¶ 1. **Part of Lake front park granted to park board.**] Be it ordained by the city council of the city of Chicago: § 1. That consent be, and the same is hereby given to the South park commissioners to take, regulate, control and govern, in the same manner as it may govern other parks or boulevards under its control, all that certain public park situated in the town of South Chicago, in the city of Chicago, and known as the Lake Front park, or Lake park, except, however, that portion lying north of the north line of Jackson street, extended on a straight line east from Michigan avenue to the Illinois Central Railroad Company's right of way, and west of the right of way of the Illinois Central Railroad Company, including in the consent hereby given all land which may be hereafter reclaimed adjoining said park, and all right and control in and over any reclaimed land, and any water rights in connection with the said park which now exist, or which may be hereafter provided under any ordinance or contract now in ex-

istence. And the said South park commissioners shall have the right to control, improve and maintain so much of the said park as it is hereby authorized to take.

¶ 2. **Limitations of grant.**] § 2. This ordinance is passed subject to the provision that all the rights acquired by the Illinois Central Railroad Company under the ordinance passed by the city council on the 21st day of October, 1895, and under the contract entered into between the city of Chicago and the Illinois Central Railroad Company, dated the 20th day of November, 1895, shall be respected by the said South park commissioners, and all contracts entered into by the said Illinois Central Railroad Company in prosecution of the work to be done by it, and in accordance with the said above described agreement and ordinance prior to the acceptance of this ordinance by the South park commissioners shall be respected by said South park commissioners. And the South park commissioners shall receive and enjoy all rights and benefits secured by said agreement and ordinance to the city of Chicago so far as the same apply to those parts of said park thus taken by said South park commissioners.

¶ 3. **Reservation of rights.**] § 3. The city of Chicago hereby reserves the right to lay and repair any water main, sewer or electric light conduit in the same manner and to the same extent as it now has authority to do so.

¶ 4. **Grant to Field Columbian museum.**] § 4. This ordinance is passed and the grants therein contained are subject to the further provision and condition, to-wit:

That the Field Columbian museum, a corporation organized and incorporated under the laws of the state of Illinois shall have the right and privilege, and such right and privilege are hereby granted, to locate, construct and maintain its permanent buildings and structures for the use and occupancy of said museum upon the said public park hereinbefore described under section 1 of this ordinance; and the following described piece, part or parcel of said park is hereby designated and set apart for such use and purpose of said Field Columbian museum, to-wit: A certain piece or parcel of land 1300 feet in length by 900 feet in width, more particularly described and located as follows: The west line thereof to be 225 feet east of the present right of way and property of the Illinois Central Railroad.

It is further herein provided that the said Field Columbian museum may enter into possession of said piece or parcel of land at any time whenever it desires to commence the construction of its said buildings or other improvements upon said premises, and from that date shall have the exclusive control and right of occupancy of said premises, together with all structures and other improvements thereon; and it is further provided that the public shall at all times have free and reasonable access to said museum grounds over and through

said park, hereinbefore described and by the terms of this ordinance transferred to said South park commission.

¶ 5. **Failure to accept—grant to museum made perpetual.**] § 5. And be it further ordained that in the event said South park commission shall decline to accept said transfer of said park as herein provided, then the grant to said Field Columbian museum, with all privileges contained in section 4 of this ordinance, shall be and hereby is made perpetual, and it is hereby declared that said piece or parcel of land described in said section 4, is hereby dedicated to the uses and privileges of said Field Columbian museum as in this ordinance expressed and contained.

¶ 6. **Grant to museum to revert, when.**] § 6. That portion of the lake front dedicated to the use of the Field Columbian museum, is so dedicated on the express condition that unless the work of constructiion of such museum shall be started within one year from the passage of this ordinance, said space shall revert to the South park commissioners.

¶ 7. **Grant to Illinois National Guard.**] § 7. All that portion of said Lake Front park lying east of the easterly line of the Illinois Central Railroad Company's right of way, and lying north of the north line of Monroe street extending to the east limits of said park, at the outer sea wall, shall be and the same is hereby dedicated to the use of the local military companies of the Illinois National Guard for the purpose of parade grounds and a site for armory and other like uses by said military organizations.

¶ 8. **Acceptance of ordinance.**] § 8. Unless the said South park commissioners shall within four months from the passage of this ordinance accept the same and take so much of said park as consent is hereby given for, this ordinance shall cease to be of any force or effect and the consent hereby given shall be deemed to be withdrawn.

¶ 9. **When in force.**] § 9. This ordinance shall be in force from and after its passage.

Note.—See following amendatory ordinance.

§ 94. Control of Lake Front Park.

¶ 1. Monroe street substituted for Jackson street—land set apart for Field museum.
¶ 2. Limitations.
¶ 3. When in force.

AN ORDINANCE AMENDING AN ORDINANCE CONCERNING CONTROL OF LAKE FRONT PARK BY THE SOUTH PARK COMMISSIONERS. (Passed July 27, 1896.)

¶ 1. **Monroe street substituted for Jackson street—land set apart for Field Museum.**] Be it ordained by the city council of the city of Chicago: § 1. That sections 1 and 4 of a certain ordinance of the city of Chicago, passed on the 27th day of July, 1896, entitled "An ordinance granting consent to the South park commission-

ers to take, regulate, control and govern all that part of the Lake Front park lying south of the north line of Jackson street, extended east," be and said section 1 is hereby amended by striking out the word "Jackson," in said section, and inserting therein the word "Monroe," so that said section 1, as hereby amended, shall hereafter read as follows:

§ 1. That consent be and the same is hereby given to the South park commissioners to take, regulate, control and govern, in the same manner as it may govern other parks or boulevards under its control, all that certain public park situated in the town of South Chicago, in the city of Chicago, and known as the Lake Front park, or Lake park, except, however, that portion lying north of the north line of Monroe street, extended on a straight line east from Michigan avenue to the Illinois Central Railroad Company's right of way, and west of the Illinois Central Railroad Company, including in the consent hereby given all land which may be hereafter reclaimed adjoining said park, and all right and control in and over any reclaimed land, and any water rights in connection with the said park which now exist, or which may be hereafter provided under any ordinance or contract now in existence. And the said South park commissioners shall have the right to control, improve and maintain so much of the said park as it is hereby authorized to take.

And that said section 4 of the said ordinance shall be and is hereby amended by inserting therein, after the words "Illinois Central Railroad," the following: "The center line of said piece or parcel of land to be the center line of Congress street, extended, and to extend north and south from said center line a distance of six hundred and fifty (650) feet, and the east line thereof to be nine hundred (900) feet east of and parallel to said west line of said strip or parcel of land; the west line thereof to be two hundred and twenty-five (225) feet east of the present right of way and property of the Illinois Central Railroad," so that said section 4 as amended shall read as follows:

§ 4. This ordinance is passed and the grants therein contained are subject to the further provision and condition, to-wit:

That the Field Columbian Museum, a corporation organized and incorporated under the laws of the state of Illinois, shall have the right and privilege, and such right and privilege are hereby granted, to locate, construct and maintain its permanent buildings and structures for the use and occupancy of said museum upon the public park hereinbefore described under section 1 of this ordinance; and the following described piece, part or parcel of said park is hereby designated and set apart for such use and purpose of said Field Columbian Museum, to-wit: A certain piece or parcel of land 1300 feet in length by 900 feet in width, more particularly described and located as follows: The west line thereof to be two hundred and twenty-five (225) feet east of the present right of way and property of the Illinois Central Railroad. The center line of said piece or parcel of land to be the center line of

Congress street, extended, and to extend north and south from said center line a distance of 650 feet, and the east line thereof to be 900 feet east of and parallel to said west line of said strip or parcel of land; the west line thereof to be 225 feet east of the present right of way and property of the Illinois Central Railroad.

It is further herein provided that the said Field Columbian Museum may enter into possession of said piece or parcel of land at any time whenever it desires to commence the construction of its said buildings or other improvements upon said premises, and from that date shall have the exclusive control and right of occupancy of said premises, together with all structures and other improvements thereon; and it is further provided that the public shall at all times have free and reasonable access to said museum grounds over and through said park, hereinbefore described, and by the terms of this ordinance transferred to said South park commission.

¶ 2. **Limitation.**] § 2. That portion of the lake front dedicated to the use of the Field Columbian museum is so dedicated on the express condition that unless the work of construction of such museum shall be started within two (2) years from the passage of this ordinance, said space shall revert to the South park commissioners.

¶ 3. **When in force.**] § 3. This ordinance shall be in force and effect from and after its passage.

LAKEWOOD PARK.

§ 95. Lakewood park.
¶ 1. Named.
¶ 2. When in force.

AN ORDINANCE DESIGNATING AND NAMING LAKEWOOD PARK. (Passed June 13, 1892.)

¶ 1. **Lakewood park named.**] Be it ordained by the city council of the city of Chicago: § 1. That the small public park bounded by Lake avenue, Greenwood avenue and 43rd street be and the same is hereby named and designated "Lakewood park."

¶ 2. **When in force.**] § 2. This ordinance shall take effect and be in force from and after its passage.

MICHIGAN AVENUE.

§ 96. Michigan avenue.

¶ 1. Part of Michigan avenue and Thirty-fifth street granted.
¶ 2. Accepance of grant.
¶ 3. When in force.

AN ORDINANCE AUTHORIZING THE BOARD OF SOUTH PARK COMMISSIONERS TO TAKE POSSESSION OF A CERTAIN PORTION OF MICHIGAN AVENUE. (Passed June 23, 1879.)

¶ 1. Part of Michigan avenue and Thirty-fifth street granted.] Be it ordained by the city council of the city of Chicago: § 1. That, whereas, the general assembly has passed a certain act, which was duly approved April 9, A. D. 1879, and which, with the title thereto, is in the words and figures following:

An Act to enable park commissioners and corporate authorities to take, regulate, control and improve public streets leading to public parks, to pay for the improvement thereof, and in that behalf to make and collect a special assessment or special tax on contiguous property.

§ 1. Be it enacted by the people of the state of Illinois, represented in the general assembly:

That every board of park commissioners shall have power to connect any public park, boulevard or driveway under its control with any part of any incorporated city, town or village, by selecting and taking any connecting street or streets, or part thereof, leading to such park; Provided, that the streets so selected and taken, so far as taken, shall be within the district or territory the property of which shall be taxable for the maintenance of such park; and provided, further, that the consent of the corporate authorities having control of any such street or streets, so far as selected and taken, and also the consent in writing of the owners of a majority of the frontage of the lots and lands abutting on such street or streets, so far as taken, shall be first obtained; and provided, further, that such connection or improvement shall embrace only such street or streets as are necessary to form one continuous improvement.

§ 2. That such board of park commissioners, or such corporate authorities as are by law authorized to levy taxes or assessments for the maintenance of such parks, shall have power to improve such street or streets in such manner as they may deem best, and for that purpose they are hereby authorized to pay for the improvement thereof, and from time to time to levy, or cause to be levied and collected, a special tax or assessment on contiguous property abutting upon such street so improved, for a sum of money not exceeding the estimated cost of such first improvement or improvements as shall be ordered and estimated by such board of park commissioners, but not for any subsequent repair thereof. And to that end such board or corporate authorities shall have all the power and authority now or hereafter granted to them, respectively, relative to the levy, assessment and col-

lection of taxes and assessments for corporate purposes. And such special taxes or assessments as are hereby authorized may be divided into not exceeding four annual installments, bearing interest at the rate of six per cent per annum from the date of confirmation until paid, and the said assessment or installment thereof shall be collected and enforced in the same manner as is provided by law for the collection and enforcement of other taxes or assessments for or on account of such corporate bodies or boards as aforesaid, so far as the same are applicable.

§ 3. Such park boards shall have the same power and control over the parts of streets taken under this act as are or may be by law vested in them of and concerning the parks, boulevards or driveways under their control.

§ 4. In case any such street, or parts thereof, shall pass from the control of any such park boards, the power and authority of the same granted or authorized by this act shall revert to the proper corporate authorities of such city, town or village, respectively, as aforesaid.

§ 5. Any city, town or village in this state shall have full power and authority to invest any of such park boards with the right to control, improve and maintain any of the streets of such city, town or village, for the purpose of carrying out the provisions of this act.

§ 6. Whereas, there is a necessity for the immediate construction of the improvements contemplated in this act, therefore an emergency exists, and this act shall take effect and be in force from and after its passage. Approved April 9, 1879.

And, whereas the board of South park commissioners are about selecting and taking, for the uses and purposes in the said act mentioned, that part of Michigan avenue extending from the south line of Jackson street to the south line of Thirty-fifth street, and that part of Thirty-fifth street extending from the east line of Michigan avenue to the east line of the Grand boulevard, and the consent in writing of the owners of a majority of the frontage of the lots and lands abutting on each of the said streets, so far as taken or proposed to be taken by said board, having been obtained, consent is hereby given and granted to the said board of South park commissioners to take, regulate, control and improve the before described parts of Michigan avenue and Thirty-fifth streets, respectively, in manner and form provided in the said act of the general assembly. And full power and authority is hereby granted to said board of park commissioners to control, improve and maintain the parts of said streets, so to be taken as aforesaid, for the purpose of carrying out the provisions of the said act of the general assembly; Provided, however, that nothing in this ordinance contained shall be construed as a waiver or relinquishment by or on the part of said city of any of its rights or powers in relation to the laying of water or gas mains and pipes, and the building and repairing

of sewers, in said streets, and the regulating of openings for the same. All powers which said city now has in relation to water and gas pipes and sewers and their connections, and the regulation of the same and the openings for the same, in streets and alleys of said city, being hereby expressly reserved as to the said part of Michigan avenue and Thirty-fifth street in as ample a manner as if the aforesaid consent were not given.

Provided, that the estimated cost of said first improvement shall include a sum sufficient to lay a pavement of the best quality, stone curbing, a permanent sidewalk of uniform width, and such shade trees, shrubbery, additional lamp posts and other additions as may be deemed necessary to make the same in every respect a thoroughly finished boulevard.

¶ **2. Acceptance of grant.**] § 2. Unless the said board of park commissioners shall within thirty days from the approval hereof select and take the said parts of streets for the purposes aforesaid, this ordinance shall cease to be of any force or effect, and the consent given by section 1 aforesaid shall be deemed to be withdrawn.

¶ **3. When in force.**] § 3. This ordinance shall be in force from and after its passage.

§ 97. Michigan avenue.

¶ 1. Part of Michigan avenue granted to park board.
¶ 2. Acceptance of grant.
¶ 3. When in force.

AN ORDINANCE AUTHORIZING THE BOARD OF SOUTH PARK COMMISSIONERS TO TAKE, REGULATE AND CONTROL MICHIGAN AVENUE FROM THIRTY-FIFTH STREET TO THIRTY-NINTH STREET. (Passed October 17, 1884.)

¶ **1. Part of Michigan avenue granted to park board.**] Be it ordained by the city council of the city of Chicago: § 1. That, whereas the general assembly has passed an act, which was duly approved April 9, A. D. 1879, and which, with the title thereto, is in the words and figures following:

"An Act to enable park commissioners and corporate authorities to take, regulate, control and improve public streets leading to public parks, to pay for the improvements thereof, and in that behalf to make and collect a special assessment or special tax on contiguous property.

§ 1. Be it ordained by the people of the state of Illinois, represented in the general assembly:

That every board of park commissioners shall have power to connect any public park, boulevard or driveway under its control with any part of any incorporated city, town or village, by selecting and taking any connecting street or streets, or parts thereof, leading to such park.

Provided, that the street so selected and taken, so far as taken, shall be within the district or territory, the property of which shall be taxable for the maintenance of such park.

And provided, further, that the consent of the corporate authorities having control of any such street or streets, so far as taken, and also the consent, in writing, of the owners of a majority of the frontage of the lots and lands abutting on such street or streets, so far as taken, shall be first obtained.

And provided, further, that such connection or improvement shall embrace only such street or streets as are necessary to form one continuous improvement.

§ 2. That such board of park commissioners, or such corporate authorities as are by law authorized to levy taxes or assessments for the maintenance of such parks, shall have power to improve such street or streets as they may deem best, and for that purpose they are hereby authorized to pay for the improvement thereof, and from time to time to levy or cause to be levied and collected a special tax or assessment on contiguous property abutting upon such streets so improved, for a sum of money not exceeding the estimated cost of such first improvement or improvements as shall be ordered and estimated by such board of park commisisoners, but not for any subsequent repairs thereof; and to that end such board or corporate authorities shall have all the power and authority now or hereafter granted to them, respectively, relative to the levy, assessment and collection of taxes or assessments for corporate purposes. And such special taxes or assessments as are hereby authorized may be divided into not exceeding four annual installments, bearing interest at the rate of six per cent per annum from the date of confirmation until paid. And the said assessments or installments thereof shall be collected and enforced in the same manner as is provided by law for the collection and enforcement of other taxes or assessments for or on account of such corporate bodies or boards, so far as the same are applicable.

§ 3. Such park boards shall have the same power and control over the parts of streets taken under this act as are or may be by law vested in them of and concerning the parks, boulevards or driveways under their control.

§ 4. In case any such streets or parts thereof shall pass from the control of any such park board, the power and authority over the same granted or authorized by this act shall revert to the proper corporate authorities of such city, town or village, respectively, as aforesaid.

§ 5. Any city, town or village in this state shall have full power and authority to invest any of such park boards with the right to control, improve and maintain any of the streets of such city, town or village for the purpose of carrying out the provisions of this act.

§ 6. Whereas, there is a necessity for the immediate construction of the improvement contemplated in this act, therefore an emergency exists, and the act shall take effect and be in force from and after its passage."

And, whereas, the board of South park commissioners are about selecting and taking, for the uses and purposes in the said act mentioned, that part of Michigan avenue extending from the south line of Thirty-fifth street to the center line of Thirty-ninth street, in the city of Chicago, and the consent, in writing, of a majority of the frontage of the lots and lands abutting on said Michigan avenue, so far as taken, or proposed to be taken, by said board, having been obtained, and the village of Hyde Park having given and granted consent to said board of South park commissioners to take, regulate and control and improve that part of Michigan avenue extending from the center line of Thirty-ninth street to the north line of Fifty-fifth street or Garfield boulevard:

Now, therefore, consent is hereby given and granted to the said board of South park commissioners to take, regulate, control and improve the before described part of Michigan avenue, located between the south line of Thirty-fifth street and the center line of Thirty-ninth street, in the city of Chicago, in manner and form provided in the said act of the general assembly, for the purpose of connecting the city of Chicago at the intersection of Michigan avenue and Thirty-fifth street with said Garfield boulevard.

Provided, however, that nothing in this ordinance contained shall be construed as a waiver or relinquishment by or on the part of said city of any of its rights or powers in relation to the laying of water pipes or gas mains and pipes, and the building and repairing of sewers, in said Michigan avenue, and the regulating of openings for the same. All powers which said city now has in relation to water and gas pipes and sewers and their connections, and the regulation of the same, and the openings for the same, in streets and alleys of said city, being hereby expressly reserved, as to the said part of Michigan avenue, in as ample a manner as if the aforesaid consent were not given;

Provided, that the estimated cost of said first improvement shall include a sum sufficient to lay a pavement of the best quality, stone curbing, a permanent sidewalk of uniform width, and such shade trees, shrubbery, additional lamp posts and other additions as may be deemed necessary to make the same in every respect a thoroughly finished boulevard.

¶ 2. **Acceptance of grant.**] § 2. Unless the said board of South park commissioners shall, within six months from the approval hereof, select and take the said part of Michigan avenue for the purposes aforesaid, this ordinance shall cease to be of any force or effect, and the consent hereby given by section 1 aforesaid shall be deemed to be withdrawn.

¶ 3. **When in force.**] § 3. This ordinance shall be in force from and after its passage.

§ 98. Michigan Avenue.

¶ 1. Preamble.
¶ 2. Part of Michigan avenue granted to park board.
¶ 3. Acceptance of grant.

AN ORDINANCE AUTHORIZING THE BOARD OF SOUTH PARK COMMISSIONERS TO TAKE, REGULATE AND CONTROL MICHIGAN AVENUE FROM THIRTY-NINTH STREET TO FIFTY-FIFTH STREET. (Passed and approved July 26, 1884.)

¶ 1. Preamble.] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That, whereas, the general assembly has passed a certain act which was duly approved April 9th, A. D. 1879, and which, with the title thereto, is in the words and figures following:

"An Act to enable park commissioners and corporate authorities to take, regulate, control and improve public streets leading to public parks; to pay for the improvement thereof, and in that behalf to make and collect a special assessment, or special tax on contiguous property.

§ 1. Be it enacted by the people of the state of Illinois represented in the general assembly: That every board of park commissioners shall have power to connect any public park, boulevard or driveway under its control, with any part of any incorporated city, town or village, by selecting and taking any connecting street or streets, or parts thereof, leading to such park: Provided, that the street so selected and taken, so far as taken, shall be within the district or territory, the property of which shall be taxable for the maintenance of such park; and provided, further, that the consent of the corporate authorities having control of any such street or streets so far as selected and taken, and also the consent in writing of the owners of a majority of the frontage of the lots and lands abutting on such street or streets, so far as taken, shall be first obtained; and provided further, that such connection or improvement shall embrace only such street or streets as are necessary to form one continuous improvement.

§ 2. That such board of park commissioners or such corporate authorities, as are by law authorized to levy taxes or assessments for the maintenance of such parks, shall have power to improve such street or streets as they may deem best; and for that purpose they are hereby authorized to pay for the improvement thereof, and from time to time, to levy or cause to be levied and collected a special tax or assessment on contiguous property abutting upon such street so improved, for a sum of money not exceeding the estimated cost of such first improvement or improvements, as shall be ordered and estimated by such board of park commissioners, but not for any subsequent repairs thereof. And to that end such board or corporate authorities shall have all the power and authority now or hereafter granted to them respectively, relative to the levy, assessment and collection of taxes or assessments for corporate purposes. And such special taxes or assessments as are hereby authorized, may be divided into not exceeding four annual installments, bearing interest at the rate of six per cent per

annum from the date of confirmation until paid; and the said assessments or installments thereof shall be collected and enforced in the same manner as is provided by law for the collection and enforcement of other taxes or assessments, for, or on account of such corporate bodies, or boards, as aforesaid, so far as the same are applicable.

§ 3. Such park boards shall have the same power and control over the parts of streets taken under this act, as are or may be by law vested in them of, and concerning the parks, boulevards or driveways under their control.

§ 4. In case any such streets or parts thereof shall pass from the control of any such park board, the power and authority over the same, granted or authorized by this act, shall revert to the proper corporate authorities of such city, town or village, respectively, as aforesaid.

§ 5. Any city, town or village in this state, shall have full power and authority to invest any of such park boards with the right to control, improve and maintain any of the streets of such city, town or village for the purpose of carrying out the provisions of this act.

§ 6. Whereas, there is a necessity for the immediate construction of the improvement contemplated in this act, therefore an emergency exists and this act shall take effect and be in force from and after its passage." Approved April 9th, 1879.

¶ 2. **Part of Michigan avenue granted to park board.**] § 1. And, whereas, the board of South park commissioners are about selecting and taking, for the uses and purposes in the said act mentioned, that part of Michigan avenue extending from the center line of Thirty-ninth street to the north line of Fifty-fifth street or Garfield boulevard, and the consent in writing of the owners of a majority of the frontage of the lots and lands abutting on said Michigan avenue, so far as taken or proposed to be taken by said board, having been obtained, consent is hereby given and granted to the said board of South park commissioners to take, regulate and control and improve the before described part of Michigan avenue, in manner and form provided in the said act of the general assembly: Provided, however, that nothing in this ordinance contained, shall be construed as a waiver or relinquishment by or on the part of said village of any of its rights or powers in relation to the laying of water or gas mains and pipes, and the building and repairing of sewers in said street, and the regulating of openings for the same. All powers which said village now has in relation to water and gas pipes and sewers and their connections, and the regulation of the same, and the openings for the same in streets and alleys of said village, being hereby expressly reserved as to the said part of Michigan avenue in as ample a manner as if the aforesaid consent were not given: Provided, that the estimated cost of said first improvement shall include a sum sufficient to lay a pavement of the best quality, stone curbing, a permanent sidewalk of uniform width, and such shade trees, shrubbery,

additional lamp posts, and other additions as may be deemed necessary to make the same in every respect a thoroughly finished boulevard: Provided further, that said Board of South Park Commissioners shall not, in any one year, make an assessment for the improvement hereby contemplated of more than half a mile in length of said portion of said Michigan avenue, and said improvement to be commenced at 39th street. And provided, further, that no improvement shall be made on any portion of said avenue described herein, until the sewers, gas pipes and water pipes shall have been constructed and laid. And provided further, that no assessment shall be made for the improvement of any portion of said avenue south of 39th street, until an assessment shall have been made for the improvement thereof between 35th and 39th streets.

¶ 3. **Acceptance of grant.**] § 2. Unless the said Board of Park Commissioners shall, within six months from the approval hereof, select and take the said part of said street for the purposes aforesaid, this ordinance shall cease to be of any force or effect, and the consent hereby given by section 1 aforesaid shall be deemed to be withdrawn.

SOUTH PARK AVENUE AND THIRTY-SECOND STREET.

§ 99. South Park avenue and Thirty-second street.

¶ 1. Granted.
¶ 2. Part of Thirty-fifth street boulevard surrendered.
¶ 3. When in force.

AN ORDINANCE GIVING CONSENT TO THE SOUTH PARK COMMISSIONERS TO ABANDON THIRTY-FIFTH STREET BOULEVARD, FROM MICHIGAN AVENUE TO GRAND BOULEVARD, AND TO SELECT AND TAKE SOUTH PARK AVENUE, FROM THIRTY-FIFTH STREET TO THIRTY-SECOND STREET, AND THIRTY-SECOND STREET, FROM SOUTH PARK AVENUE TO MICHIGAN AVENUE BOULEVARD. (Passed May 25, 1896.)

¶ 1. **Part of South Park avenue and Thirty-second street granted.**] Be it ordained by the city council of the city of Chicago: § 1. That consent be and is hereby given that South Park avenue, from the south line of Thirty-fifth street to the north line of Thirty-second street, and Thirty-second street, from the east line of South Park avenue to the east line of Michigan avenue boulevard, be selected and taken by the South Park Commissions in accordance with the provisions of the acts of the legislature of the state of Illinois, and said South Park Commissioners shall have full power and authority to regulate, control, improve and maintain the parts of said streets so to be taken as aforesaid; provided, however, that nothing in this ordinance

contained shall be construed as a waiver or relinquishment by or on the part of the city of Chicago of any of its rights or powers in relation to the laying of water mains and pipes and connections therewith, and the construction of sewers and drains in said streets, and the regulating of openings for the same, or the repair of water mains, pipes, sewers or drains in said streets, and all powers that the city of Chicago now has in relation to water mains, pipes and sewers and their connections and the regulation of the same, and the openings for the same in the streets of said city, are hereby expressly reserved to said city as to the parts of said streets herein above authorized to be selected and taken by the South Park Commissioners.

¶ 2. **Part of Thirty-fifth street boulevard surrendered.**] § 2. That consent be and is hereby given that Thirty-fifth street boulevard, between the west line of Grand boulevard and the east line of Michigan avenue boulevard, be abandoned and surrendered over by the South Park Commissioners to the city of Chicago and the proper corporate authorities thereof, and the city of Chicago hereby agrees upon the abandonment and surrender of said Thirty-fifth street as aforesaid, by the South Park Commissioners, to assume and exercise control and jurisdiction over the same.

¶ 3. **When in force.**] § 3. This ordinance shall be in force from and after its passage.

SOUTH PARK AVENUE AND TWENTY-NINTH STREET.

§ 100. South Park avenue and Twenty-ninth street.
¶ 1. Part of South Park avenue and Twenty-ninth street granted.
¶ 2. Acceptance of grant.
¶ 3. When in force.

AN ORDINANCE AUTHORIZING THE BOARD OF SOUTH PARK COMMISSIONERS TO TAKE POSSESSION OF TWENTY-NINTH STREET, FROM THE EAST LINE OF MICHIGAN AVENUE TO SOUTH PARK AVENUE, AND SOUTH PARK AVENUE, FROM THE NORTH LINE OF TWENTY-NINTH STREET TO THE SOUTH LINE OF THIRTY-FIFTH STREET. (Passed July 11, 1895.)

¶ 1. **Part of South Park avenue and Twenty-ninth street granted.**] Be it ordained by the city council of the city of Chicago: § 1. That, whereas, the general assembly has passed an act, which was duly approved June 21st, 1895, and which, with the title thereto, is in words and figures following:

"An Act to enable park commissioners or park authorities to take, regulate, control and improve public streets, and to pay for the improvement thereof, Approved June 21, 1895, in force July 1, 1895.

1. Be it enacted by the people of the state of Illinois, represented

in the general assembly, that every Board of Park Commissioners or park authorities shall have power to connect any public park, boulevard or driveway, under its control, with any part of any incorporated city, town or village, by selecting and taking any connecting street or streets, or parts thereof, leading to such park, boulevard or driveway, and shall also have power to accept and add to any parks or park under their control any street or parts thereof which adjoins or runs parallel with any boundary line of the same: Provided, that the streets so selected and taken, so far as taken, shall be within the district or territory the property of which shall be taxable for the maintenance of such parks, boulevard or driveway; and provided, further, that the consent of the corporate authorities having control of any such street of streets, so far as selected and taken, and also the consent in writing of the owners of a majority of the frontage of the lots and lands abutting on such streets, so far as taken, shall be first obtained.

2. That such Board of Park Commissioners or park authorities shall have power to improve such street or streets, or parts thereof, in such manner as they may deem best; and as they have or may hereafter have power to improve other streets under their control, and for that purpose they are hereby authorized to pay for the improvement thereof by levying, assessing and collecting a special tax on contiguous property abutting on said street or streets or parts thereof so improved, or a special assessment on property benefited, in the manner in which said Board of Park Commissioners or park authorities are now or may be hereafter empowered by law to levy, assess and collect special taxes on contiguous property or special assessments for benefits in other cases, or to pay therefor by general taxation, or both; but no such special tax or special assessment shall be levied for the maintenance and repair of such improved street, but the same shall be maintained and repaired by said Park Boards or park authorities as in other cases. And such special taxes or special assessments as are hereby authorized may be divided into not exceeding four annual installments, bearing six per cent per annum interest from the date of confirmation thereof by the court until paid, and the same shall be collected and enforced in the same manner as is or may hereafter be provided by law for the collection and enforcement of other special taxes or special assessments for or on account of said Park Commissioners or park authorities, so far as the same is applicable.

3. Such Park Boards or park authorities shall have the same power and control over the streets or part of streets so selected and taken under this act as are now or may be hereafter vested in them over and concerning parks, boulevards or driveways or other streets.

4. In case any such streets or parts thereof shall pass from the control of any such Park Commissioners or park authorities, the power and authority over the same, granted or authorized by this act, shall revert to the proper corporate authorities of such city, town or village, respectively, as aforesaid.

5. Any incorporated city, town or village in this state shall have full power and authority to invest any of such Park Commissioners or park authorities with the right to control, improve and maintain any of the streets of such city, town or village, for the purpose of carrying out the provisions of this act.

6. The provisions of this act, so far as the same applies to improving, maintaining and repairing any street or streets or parts thereof, and of the levy, assessment and collection of special taxes and special assessments, shall apply to any street or streets or parts thereof that have been heretofore selected and taken under the control of any Park Commissioners or park authorities, and to any such street or streets or parts thereof which, or portions of which, have not yet been improved by such Park Commissioners or park authorities."

And, whereas, the Board of South Park Commissioners are about to select and take, for the uses and purposes in the said act mentioned, 29th street, from the east line of Michigan avenue to South Park avenue, and South Park avenue, from the north line of 29th street to the south line of 35th street, said parts of streets being within the corporate limits of the city of Chicago, county of Cook and state of Illinois; and, whereas, the consent in writing of the owners of a majority of the frontage of the lots and lands abutting on said parts of said streets, so far as taken or proposed to be taken by said board, have been obtained: Now, therefore, the consent of the city of Chicago, through its corporate authorities, is hereby given and granted to the said Board of South Park Commissioners to take and improve such parts of streets aforesaid, in such a manner as they may deem best, in manner and form as provided in said act of the general assembly. And full power and authority is hereby granted said Board of Park Commissioners to control and improve the parts of said streets so to be taken, as aforesaid, for the purpose of carrying out the provisions of the said act of the general assembly; Provided, however, that nothing in this ordinance contained shall be construed as a waiver or relinquishment by or on the part of said city of any of its rights or powers in relation to the laying of water or gas mains and pipes, and the building and repairing of sewers, in said parts of said streets, and the regulation of openings for the same; all powers which said city now has in relation to water and gas pipes and sewers and their connections, and regulation of the same, and the openings for the same, in streets and alleys of said city, being hereby especially reserved as to said part of 29th street from the east line of Michigan avenue to South Park avenue, and South Park avenue from the north line of 29th street to the south line of 35th street, in as ample a manner as if the aforesaid consent were not given; Provided, that the estimated cost of said first improvement shall include a sum sufficient to lay a pavement of the best quality, stone curbing, a permanent sidewalk of uniform width, and shade trees, shrubbery, additional lamp posts and other additions as may be

deemed necessary to make the same in every respect a thoroughly finished boulevard.

¶ 2. **Acceptance of grant.**] § 2. Unless the said Board of South Park Commissioners shall, within thirty days from the approval hereof, select and take the said parts of streets for the purpose aforesaid, this ordinance shall cease to be of any force or effect, and the consent given by section 1, aforesaid, shall be deemed to be withdrawn.

¶ 3. **When in force.**] § 3. This ordinance shall be in force from and after its passage.

STATUE OF CHRISTOPHER COLUMBUS.

§ 101. Statue of Christopher Columbus.
¶ 1. Memorial statue authorized.

AN ORDINANCE PROVIDING FOR AND AUTHORIZING THE ERECTION OF A MONUMENT IN MEMORY OF CHRISTOPHER COLUMBUS, ON THE LAKE FRONT, SOUTH OF JACKSON STREET, IN THE CITY OF CHICAGO. (Passed January 25, 1892.)

¶ 1. **Memorial statue authorized.**] Be it ordained by the city council of the city of Chicago: § 1. The right and authority is hereby granted to the World's Columbian Exposition to erect at some eligible point to be selected by it on that part of the lake front lying east of Michigan avenue and south of Jackson street extended, a permanent memorial statue of Christopher Columbus, with suitable foundation and pedestal for the same; said memorial statue when so erected and completed shall, after the close of the proposed Columbian Exposition—that is, after the thirtieth (30th) day of October, A. D. 1893—become the property of, be under the control and care of the city of Chicago, and shall be maintained as a permanent memorial of said exposition.

WASHINGTON AVENUE.

(Hyde Park.)

§ 102. Washington avenue.
¶ 1. Created a pleasure driveway.
¶ 2. Regulation as to use, etc.
¶ 3. Penalty for violation.

AN ORDINANCE DESIGNATING WASHINGTON AVENUE BETWEEN LAKE AVENUE AND MIDWAY PLAISANCE FOR A PLEASURE DRIVE. (Passed and approved May 24, 1889.)

¶ 1. **Washington avenue created a pleasure driveway.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That the whole of Washington avenue in the village of Hyde Park from its junction with Lake avenue on the north to the Midway Plaisance, or 59th street, on the south, be and the same is hereby designated as a public driveway to be for pleasure driving only.

¶ 2. **Regulations as to use, etc.**] § 2. All pleasure driving upon said Washington avenue shall not exceed the rate of eight (8) miles an hour on any part of said avenue, and all funeral processions, hearses and traffic teams and vehicles are hereby excluded from such Washington avenue, and the same shall be kept free from any and all business traffic or objectional travel, in order that said avenue may be reserved for a pleasure driveway for pleasure driving only; provided, however, that grocery wagons, coal wagons, delivery wagons and express wagons, when engaged in delivering groceries, coal or express packages, baggage or other supplies for the use of inhabitants residing on said avenue, and building materials for use in erection of buildings on said avenue, shall be permitted to be and travel upon said avenue for a distance not exceeding two blocks thereon in any continuous trip, it being the intent and meaning of this ordinance that no traffic teams and vehicles shall be or travel upon said avenue, except for so long a time as may be necessary for the purpose of delivering to the people residing on said avenue, household and other supplies, building materials, etc.

¶ 3. **Penalty for violation.**] § 3. Any person who shall violate any of the provisions of this ordinance shall, upon conviction, be subjected to a fine not exceeding $100.00 for each offense.

WASHINGTON AVENUE.

(Washington Heights.)

§ 103. Washington Heights.

¶ 1. Preamble.
¶ 2. Created a pleasure driveway.
¶ 3. Funeral processions restricted.
¶ 4. Penal clause.

AN ORDINANCE DESIGNATING WASHINGTON AVENUE AS A PLEASURE DRIVEWAY, TO BE USED FOR PLEASURE DRIVING ONLY, AND TO REGULATE THE USE OF THE SAME. (Passed and approved November 10, 1890.)

¶ 1. **Preamble.**] Whereas, the corporate authorities of the village of Washington Heights have been petitioned thereto by the owners of more than two-thirds ($\frac{2}{3}$) of the frontage of land fronting the whole of Washington avenue, in said village, therefore,

¶ 2. **Washington avenue created a pleasure driveway.]** Be it ordained by the president and board of trustees of the village of Washington Heights: § 1. That the whole of Washington avenue, under the jurisdiction of said village, be and the same is hereby designated as a public pleasure driveway, to be used for pleasure driving only.

¶ 3. **Funeral processions restricted.]** § 2. That it shall be unlawful for any funeral procession, hearse or traffic team and vehicle, to go upon or along said Washington avenue a greater distance, in either direction, than one-half block.

¶ 4. **Penal clause.]** § 3. Any person who shall violate the preceding section shall be fined in any sum not exceeding two hundred ($200) dollars.

WEST.

(Parks, Boulevard and Driveways.)

§ 104. West Chicago.
§ 105. Ashland avenue.
§ 106. South Ashland avenue.
§ 107. Ashland avenue.
§ 108. Campbell park.
§ 109. Campbell park.
§ 110. Central Park avenue.
§ 111. Diversey street.
§ 112. Hamlin avenue.
§ 113. West Jackson street.
§ 114. West Jackson street.
§ 115. Kedzie avenue.
§ 116. Polk street.
§ 117. Riverside boulevard.
§ 118. Shedd's park.
§ 119. Shedd's park.
§ 120. Oakley avenue.
§ 121. Twelfth street and Ogden avenue.
§ 122. Union and Jefferson parks.
§ 123. Vernon park.
§ 124. Warren avenue.
§ 125. Warren avenue.
§ 126. West Washington street.
§ 127. Wicker park.
§ 128. Water for use in parks.

WEST CHICAGO.

§ 104. West Chicago.

¶ 1. Granted to park board.

AN ORDINANCE AUTHORIZING THE BOARD OF WEST PARK COMMISSIONERS TO IMPROVE, CONTROL AND MANAGE CERTAIN STREETS.

¶ 1. Grant to park board.] Whereas, under and by virtue of an act of the general assembly of this state, in force July 1, 1873, the West Chicago park commissioners have selected and designated Division street from Milwaukee avenue to Humboldt park, Washington street from the Chicago and Northwestern railroad crossing to Central park, Twelfth street from Ashland avenue to Ogden avenue, and Ogden avenue from West Twelfth street to the west line of Douglas park, as boulevards or pleasureways to connect said Humboldt, Central, and Douglas parks with the more thickly-settled portions of the park district; therefore,

Be it ordained by the common council of the city of Chicago: That the said West Chicago park commissioners be, and they are hereby, authorized to improve, control and manage the said several streets, above described, the same as other public grounds by them established.

ASHLAND AVENUE.

§ 105. Ashland avenue.

¶ 1. Part of South Ashland avenue granted to park board.
¶ 2. Acceptance of grant.
¶ 3. When in force.

AN ORDINANCE AUTHORIZING THE BOARD OF WEST CHICAGO PARK COMMISSIONERS TO TAKE, REGULATE AND CONTROL SOUTH ASHLAND AVENUE FROM WASHINGTON BOULEVARD TO TWELFTH STREET. (Passed July 26, 1886.)

¶ 1. Part of South Ashland avenue granted to park board.] Be it ordained by the city council of the city of Chicago: § 1. That, whereas, the general assembly has passed an act, which was duly approved June 26, A. D. 1885, entitled "An act to amend sections 1 and 2 of an act entitled 'An act to enable park commissioners and corporate authorities to take, regulate, control and improve public streets leading to public parks, to pay for the improvements thereof, and in that behalf to make and collect a special assessment or special tax on contiguous property.'" Approved April 9, A. D. 1879;

And, whereas, the board of west park commissioners are about selecting and taking, for the uses and purposes in said act mentioned, that part of South Ashland avenue extending from the north line of

Washington boulevard all along and to the south line of Twelfth street, in the city of Chicago, and the consent, in writing, of a majority of the owners of the frontage of the lots and lands abutting on said South Ashland avenue, so far as taken, or proposed to be taken, by said board, has been obtained;

Now, therefore, consent is hereby given and granted to the said board of west park commissioners to take, regulate, control and improve the before described part of South Ashland avenue, between the north line of Washington boulevard and the south line of Twelfth street, in the city of Chicago, in manner and form provided in said act of the general assembly, for the purpose of adding to Union park and Washington boulevard, upon the terms and conditions, and subject to the requirements, in said petition mentioned; Provided, however, that nothing in this ordinance contained shall be construed as a waiver or relinquishment on the part of said city or any of its rights or powers in relation to the laying of water pipes, and the building and repairing of sewers, in the said South Ashland avenue, and the regulating of openings for the same.

All powers which the city now has in relation to water and gas pipes and sewers and their connections, and the regulation of the same, and the openings of the same, in the streets and alleys of said city, are hereby expressly reserved as to the said part of South Ashland avenue in as ample a manner as if the aforesaid consent was not given.

¶ 2. **Acceptance of grant.**] § 2. Unless the said board of west park commissioners shall, within six months from the approval hereof, select, take and add the said part of South Ashland avenue to Union park and Washington boulevard, for the purpose aforesaid, and upon the terms and conditions aforesaid, this ordinance shall cease to be of any force or effect, and the consent hereby given shall be deemed to be withdrawn.

¶ 3. **When in force.**] § 3. This ordinance shall be in force from and after its passage.

Note.—See following amendatory ordinances.

§ 106. South Ashland Avenue.

¶ 1. Amendment.

AN ORDINANCE AMENDING AN ORDINANCE PASSED JULY 26, 1886, AUTHORIZING THE BOARD OF WEST CHICAGO PARK COMMISSIONERS TO TAKE, REGULATE AND CONTROL SOUTH ASHLAND AVENUE FROM WASHINGTON BOULEVARD TO TWELFTH STREET. (Passed January 10, 1887. Accepted January 31, 1887.)

¶ 1. **Amendment.**] Be it ordained by the city council of the city of Chicago: § 1. That section two (2) of ordinance authorizing the board of West Chicago park commissioners to assume control of Ashland avenue, from West Twelfth street to Washington boulevard, passed July 26, 1886, be and the same is hereby amended by striking

out the word "six" in the second line of said section and inserting in lieu thereof the word "nine."

§ 2. This ordinance shall be in force from and after its passage.

§ 107. Ashland avenue.

¶ 1. Preamble.
¶ 2. Part of Ashland avenue granted to park board.
¶ 3. Acceptance of grant.
¶ 4. When in force.

AN ORDINANCE AUTHORIZING THE BOARD OF WEST CHICAGO PARK COMMISSIONERS TO TAKE, REGULATE, CONTROL AND IMPROVE THAT PART OF ASHLAND AVENUE LYING BETWEEN THE SOUTH LINE OF WEST LAKE STREET AND THE NORTH LINE OF WASHINGTON BOULEVARD. (Passed January 31, 1887. Accepted March 14, 1887.)

¶ 1. Preamble.] Whereas, the owners of a majority of the frontage of the lots and lands abutting on that part of Ashland avenue above described have petitioned that this council grant to the board of West Chicago park commissioners said portion of said avenue, and have consented in writing, that said board may select and take said portion of said acenue and make the same a boulevard and add the same to Union park; and,

Whereas, it is deemed desirable that the prayer of said petitioners be granted; therefore,

¶ 2. Part of Ashland avenue granted to park board.] Be it ordained by the city council of the city of Chicago: §1. That whereas, the general assembly of the state of Illinois passed an act, which was duly approved June 27th, A. D. 1885, entitled "An act to amend sections one (1) and two (2) of an act entitled 'An act to enable park commissioners or corporate authorities to take, regulate, control and improve public streets leading to public parks, to pay for the improvement thereof, and in that behalf to make and collect a special assessment or special tax on the contiguous property.'" Approved and in force April 9th, A. D. 1879; and,

Whereas, the board of West Chicago park commissioners are about selecting and taking, for the uses and purposes in said act mentioned, that part of Ashland avenue lying between the south line of West Lake street and the north line of Washington boulevard, and situate within the corporate limits of the city of Chicago; and the consent, in writing, of the owners of a majority of the frontage of the lots and lands abutting on said street, so far as proposed to be taken by such board, having been given:

Now, therefore, consent is hereby given and granted to the said board of West Chicago park commissioners to take, regulate, control and improve that part of Ashland avenue lying between the south line of West Lake street and the north line of Washington boulevard, for the purpose of making of the same a boulevard and adding the same to Union park in manner and form as provided in and by said act of the general assembly;

Provided, however, that nothing in this ordinance shall be construed as a waiver or relinquishment on the part of said city of any of its rights or powers in relation to the laying of water pipes, and the building and repairing of sewers, in said street, and the regulating of openings for the same.

All powers which the city now has in relation to water and gas pipes, and sewers and their connections, and the regulation of the same and the opening of the same, in streets and alleys of said city, are hereby expressly reserved as to the said part of said street in as ample a manner as if the aforesaid consent was not given.

¶ 3. **Acceptance of grant.**] § 2. Unless the said board shall, within one year from the approval hereof select, take and add the said part of said street, for the purpose aforesaid, and upon the same terms and conditions aforesaid, this ordinance shall cease to be of any force or effect, and the consent hereby given shall be deemed to be withdrawn.

¶ 4. **When in force.**] § 3. This ordinance shall be in force from and after its passage.

CAMPBELL PARK.

§ 108. Campbell park.
¶ 1. Granted to park board.
¶ 2. Limitations of grant.
¶ 3. Reservation of rights.
¶ 4. Acceptance of ordinance.

AN ORDINANCE AUTHORIZING THE WEST CHICAGO PARK COMMISSIONERS TO TAKE, IMPROVE AND MAINTAIN CAMPBELL PARK. (Passed October 21, 1889. Accepted February 3, 1890.)

¶ 1. **Campbell park granted to park board.**] Whereas, the West Chicago park commissioners are desirous of taking charge of and improving Campbell park, at their own charge and expense, and without expense to the city of Chicago; therefore,

Be it ordained by the city council of the city of Chicago: § 1. That, for the purpose aforesaid, authority is hereby given to the West Chicago park commissioners to take charge of and improve said Campbell park, under such plans and in such manner as shall be approved by them; and to that end the management and control of said park is hereby surrendered to the said West Chicago park commissioners; Provided, the said park commissioners shall improve, maintain and keep in good repair said Campbell park to the satisfaction of the owners of the majority of the property abutting on said Campbell park, otherwise said park shall revert to the city of Chicago.

¶ 2. **Limitations of grant.**] § 2. Nothing herein contained shall authorize said West Chicago park commissioners, or any person, to alter, change or use said Campbell park for any other purpose than that for which it was dedicated or designed.

¶ 3. **Reservation of rights.**] § 3. Nothing in this ordinance shall be construed as a waiver on the part of the city of its rights to exercise full and exclusive jurisdiction and control over the construction, repair and maintenance of all underground work of a public character in said park.

¶ 4. **Acceptance of ordinance.**] § 4. Said West Chicago park commissioners shall accept the provisions hereof within thirty (30) days from date, otherwise this ordinance shall be null and void.

Note.—See following amendatory ordinance.

§ 109. Campbell park.

¶ 1. Amendment.

AN ORDINANCE AMENDING AN ORDINANCE PASSED OCTOBER 21, 1889, AUTHORIZING THE WEST CHICAGO PARK COMMISSIONERS TO TAKE, IMPROVE AND MAINTAIN CAMPBELL PARK. (Passed November 25, 1889.)

¶ 1. **Amendment.**] Be it ordained by the city council of the city of Chicago: § 1. That an ordinance passed October 21, 1889, concerning Campbell park, be and the same is hereby amended by striking therefrom the following words, viz.: "Provided, the said park commissioners shall improve, maintain and keep in good repair said Campbell park to the satisfaction of the owners of the majority of the property abutting on said Campbell park, otherwise said park shall revert to the city of Chicago."

CENTRAL PARK AVENUE.

§ 110. Central Park avenue.

¶ 1. Part of Central Park avenue granted to park board.
¶ 2. Acceptance of ordinance.
¶ 3. When in force.

AN ORDINANCE AUTHORIZING THE WEST CHICAGO PARK COMMISSIONERS TO TAKE CHARGE OF, CONTROL AND IMPROVE CENTRAL PARK AVENUE, FROM THE SOUTH LINE OF WEST MADISON STREET TO THE NORTH LINE OF COLORADO AVENUE. (Passed June 10, 1895. Accepted July 20, 1895.)

¶ 1. **Part of Central Park avenue granted to park board.**] Be it ordained by the city council of the city of Chicago: § 1. Whereas, the general assembly has passed an act entitled "An act to enable park commissioners and corporate authorities to take, regulate, control and

improve public streets leading to public parks, to pay for the improvement thereof, and in that behalf to make and collect a special assessment or special tax upon contiguous property," approved April 9th, 1879, and as amended by an act approved June 27, 1885, and as further amended by an act approved June 16, 1887; and,

Whereas, the board of West Chicago park commissioners are about selecting and taking, for the uses and purposes in said act mentioned, that part of Central Park avenue from the south line of West Madison street to the north line of Colorado avenue, in the city of Chicago, and the consent, in writing, of a majority of the owners of the frontage of the lots and land abutting on said part of Central Park avenue:

Now, therefore, consent is hereby given and granted to the said board of West Chicago park commissioners to take, regulate, control and improve that before described part of Central Park avenue, between the south line of West Madison street and the north line of Colorado avenue, upon the terms and conditions and subject to the requirements in said petition contained; Provided, however, that nothing in this ordinance contained shall be construed as a waiver or relinquishment on the part of the said city of any of its rights or powers in relation to the laying of water pipes and the building and repairing of sewers in said Central Park avenue, between the limits described, and regulations of openings for the same.

¶ 2. **Acceptance of ordinance.**] § 2. That said West Chicago park commissioners shall accept the provisions of this ordinance within sixty days from the time of the approval thereof, otherwise this ordinance shall be null and void.

¶ 3. **When in force.**] § 3. This ordinance shall be in force from and after its passage.

DIVERSEY STREET.

§ 111. Diversey street.
¶ 1. Part of Diversey street granted to park board.
¶ 2. Acceptance of ordinance.
¶ 3. When in force.

AN ORDINANCE AUTHORIZING THE WEST CHICAGO PARK COMMISSIONERS TO TAKE CHARGE OF, CONTROL AND IMPROVE WEST DIVERSEY STREET, FROM A POINT BEGINNING THREE HUNDRED (300) FEET EAST OF THE EAST LINE OF OAKLEY AVENUE TO THE WEST BANK OF THE NORTH BRANCH OF THE CHICAGO RIVER. (Passed October 7, 1895. Accepted October 28th, 1895.)

¶ 1. **Part of Diversey street granted to park board.**] Be it ordained by the city council of the city of Chicago: § 1. Whereas, the general assembly of the state of Illinois has passed an act entitled, "An Act to enable park commissioners or park authorities to take,

regulate, control and improve public streets, and to pay for the improvement thereof," approved June 21, 1895, in force July 1, 1895; and,

Whereas, the board of West Chicago park commissioners are about selecting and taking, for the uses and purposes in said act mentioned, that part of Diversey street from a point three hundred (300) feet east of the east line of Oakley avenue to the west bank of the north branch of the Chicago river, in the city of Chicago, and the consent in writing of the majority of the owners of the frontage of the lots and lands abutting on said Diversey street, so taken up or proposed to be taken by said board, has been obtained:

Now, therefore, consent is hereby given and granted to said board of West Chicago park commissioners to take, regulate, control and improve the before described part of Diversey street, from a point three hundred (300) feet east of the east line of Oakley avenue to the west bank of the north branch of the Chicago river, in the city of Chicago, in the manner and form provided in said act of the general assembly, for the purpose of extending Humboldt boulevard and connecting the west park boulevard system with the Lincoln park system, upon the terms and conditions and subject to the requirements in said petition mentioned; provided, however, that nothing in this ordinance contained shall be construed as a waiver or relinquishment on the part of said city of any of its rights or powers in relation to the laying of water pipes and the building and repairing of sewers in said Diversey street, and in regard to the openings for the same.

All powers which the city now has in relation to the water and gas pipes, and sewers and their connecions, and the regulation of the same, and the openings for the same, in the streets and alleys of said city, are hereby expressly reserved as to said part of Diversey street in as emphatic a manner as if the aforesaid consent were not given.

¶ 2. **Acceptance of ordinance.**] § 2. Said West Chicago park commissioners shall accept the provisions hereof within sixty (60) days after the date of the passage of this ordinance, otherwise this ordinance shall be null and void.

¶ 3. **When in force.**] § 3. This ordinance shall be in force and effect from and after its passage.

HAMLIN AVENUE.

§ 112. Hamlin avenue.

¶ 1. Part of Hamlin avenue granted to park board.
¶ 2. When in force.

AN ORDINANCE GRANTING HAMLIN AVENUE, FROM WEST LAKE STREET TO WEST MADISON STREET, TO THE BOARD OF WEST CHICAGO PARK COMMISSIONERS, TO BE MAINTAINED AS A BOULEVARD. (Passed July 9, 1894.)

¶ 1. **Part of Hamlin avenue granted to park board.**] Whereas, a petition has been presented to the city council, signed by the owners of a majority of the property fronting on Hamlin avenue, between West Lake and West Madison streets, to turn said Hamlin avenue over to the board of West Chicago park commissioners, to be used as and for a boulevard; therefore,

Be it ordained by the city council of the city of Chicago: § 1. That Hamlin avenue, from the south line of West Lake street to the north line of West Madison street, be and the same is hereby delivered to the board of West Chicago park commissioners, to be by them forever maintained as and for a boulevard.

¶ 2. **When in force.**] § 2. This ordinance shall be in effect from and after the time its provisions shall be accepted by the board of West Chicago park commissioners.

JACKSON STREET.

§ 113. Jackson street.
¶ 1. Part of West Jackson street granted to park board.
¶ 2. When in force.

AN ORDINANCE AUTHORIZING THE BOARD OF WEST PARK COMMISSIONERS TO TAKE, CONTROL, MANAGE AND IMPROVE WEST JACKSON STREET FROM THE WEST LINE OF SOUTH HALSTED STREET TO THE EAST LINE OF GARFIELD PARK. (Passed October 22, 1888.)

¶ 1. **Part of West Jackson street granted to park board.**] Be it ordained by the city council of the city of Chicago: § 1. That the board of west park commissioners be and they are hereby authorized to take, improve, control and manage West Jackson street, from the west line of South Halsted street to the east line of Garfield park, and all street intersections over said line, the same as any other boulevard now or hereafter by them held, established or controlled;

Provided, that the same shall be held and managed in accordance with the statutes of the state of Illinois now in force concerning such boards in respect to such boulevards; and

Provided, that this ordinance shall not be a waiver by said city of any right or power it now has or hereafter may have in relation to laying water pipes or gas mains or pipes, and the building of sewers, in said street, and the regulating, repairing and operating of the same, all such rights and powers being hereby reserved.

¶ 2. **When in force.**] § 2. This ordinance shall be in force from and after its passage.

§ 114. Jackson street.

¶ 1. Part of West Jackson street granted to park board.
¶ 2. Limitations of grant.
¶ 3. Limitation of taxation.
¶ 4. Reservation of rights.
¶ 5. Acceptance of grant.
¶ 6. When in force.

AN ORDINANCE TO ENABLE THE WEST CHICAGO PARK COMMISSIONERS TO TAKE, REGULATE, CONTROL AND IMPROVE WEST JACKSON STREET, FROM THE WEST LINE OF HALSTED STREET TO THE WEST LINE OF THE VIADUCT, BEING AND LOCATED EAST OF THE EAST LINE OF SOUTH CANAL STREET. (Passed March 2, 1896. Accepted March 23, 1896.)

¶ 1. Part of West Jackson street granted to park board.] Be it ordained by the city council of the city of Chicago: § 1. That, whereas, the general assembly of the state of Illinois has passed an act entitled "An Act to enable park commissioners or park authorities to take, regulate, control and improve public streets, and to pay for the improvement thereof," approved June 21, 1895, in force July 1, 1895; and,

Whereas, the board of West Chicago park commissioners are about selecting and taking, for the uses and purposes in said act mentioned, that part of West Jackson street extending from the west line of Halsted street to the west line of the viaduct being and located east of the east line of South Canal street, in the town of West Chicago, in the city of Chicago:

Now, therefore, the consent of the corporate authorities having control of said street be and the same is hereby given and granted to the said West Chicago park commissioners to take, regulate, control and improve the before described part of West Jackson street, between the west line of Halsted street and the west line of the viaduct being and located east of the east line of South Canal street, in the town of West Chicago, in the city of Chicago, in manner and form provided in said act of the geenral assembly, for the purpose of extending West Jackson street boulevard to the Chicago river.

¶ 2. Limitations of grant.] § 2. It is expressly provided, however, that while the consent and authority of the city is hereby given to said West Chicago park commissioners to take, regulate, control and improve said street for boulevard purposes, said West Chicago park commissioners shall permit, with reasonable regulations, the use of said street hereinbefore described for traffic teaming on said roadway for the use and benefit of the abutting owners of said property; any rule, regulation or ordinance of said West Chicago park commissioners to the contrary notwithstanding.

And provided, further, that this ordinance and the consent hereby given is upon the express condition precedent that said West Chicago park commissioners, or their successor or successors, shall never grant or permit the construction of any track or tracks of any kind in, along or upon any part of said street hereby granted.

¶ 3. **Limitation of taxation.**] § 3. It is hereby expressly provided that if said West Chicago park commissioners should at any time decide to levy a special assessment for the construction of a curb and gutter and a pavement on said street, said pavement to be of like quality and character with the pavement now laid and constructed on West Jackson street boulevard, the amount of such assessment or special tax against the abutting property for said curb and gutter and said pavement on said roadway shall not exceed one dollar per lineal foot for each and every lineal foot of land fronting and abutting on said street so to be improved, and said West Chicago park commissioners are hereby authorized to levy and assess a special assessment or special tax therefor in manner and form as by said act provided.

¶ 4. **Reservation of rights.**] § 4. It is also expressly provided that nothing in this ordinance contained shall be construed as a waiver or relinquishment on the part of said city of any of its rights or powers in relation to the laying of water supply pipes and the building and repairing of sewers, and the regulation of openings for the same, in said West Jackson street.

All powers which the city now has in relation to water and gas pipes and sewers and their connections, and the regulation of the same and the openings of the same, in the streets and alleys in said street, are hereby expressly reserved to the city as to that part of West Jackson street in as ample a manner as if the aforesaid consent were not given.

And provided, further, that nothing in this ordinance contained shall be construed as a waiver or relinquishment on the part of said city of any of its rights in and to any street crossings or intersections which are now or may hereafter be established across said street so ceded to said West Chicago park commissioners, and said park commissioners shall provide and maintain crossings to connect the traffic ways and all other street crossings said street so ceded as aforesaid.

And it is further expressly provided that nothing in this ordinance contained shall be construed as an authority or consent to said West Chicago park commissioners to permit or authorize the construction, use or occupancy by any street railroad, of any kind whatsoever, upon said part of West Jackson street hereinabove described.

¶ 5. **Acceptance of grant.**] § 5. Unless said board of West Chicago park commissioners shall, within three months from the approval hereof, select, take and add said part of West Jackson street aforesaid, in manner and form as by law provided, and upon the terms and conditions aforesaid, then this ordinance to be of no force or effect, and the consent hereby given shall be deemed to be withdrawn.

¶ 6. **When in force.**] § 6. This ordinance shall be in force from and after its passage.

KEDZIE AVENUE.

§ 115. Kedzie avenue.

¶ 1. Part of Kedzie avenue granted to park board.
¶ 2. Limitations of grant.
¶ 3. Reservation of rights.
¶ 4. Cross streets—rights reserved.
¶ 5. Limitation of taxation.
¶ 6. Acceptance of grant.
¶ 7. When in force.

AN ORDINANCE AUTHORIZING THE BOARD OF WEST CHICAGO PARK COMMISSIONERS TO TAKE, REGULATE AND CONTROL NORTH KEDZIE AVENUE, FROM NORTH AVENUE TO PALMER SQUARE. (Passed September 21, 1896.)

¶ 1. Part of north Kedzie avenue granted to park board.] Be it ordained by the city council of the city of Chicago: § 1. Whereas, the board of West Chicago park commissioners are about selecting and taking, for the uses and purposes mentioned in an act of the general assembly of the state of Illinois, approved April 9, A. D. 1879, entitled "An Act to enable park commissioners and corporate authorities to take, regulate, control and improve public streets leading to public parks, to pay for the improvement thereof, and in that behalf to make and collect a special assessment, or special tax, on contiguous property," and the acts amendatory thereof, all that part or portion of North Kedzie avenue, between North avenue and Palmer square; and the consent of the owners of a majority of the frontage of the lots abutting on said street, so far as taken or proposed to be taken, having been obtained, therefore, consent is hereby given and granted to the said board of West Chicago park commissioners to take, regulate, control and improve that described part of North Kedzie avenue, between North avenue and Palmer square, in manner and for uses provided in the said act of the general assembly, as a park driveway and for park purposes only. And full power and authority are hereby granted to said board to control, improve and maintain the part of said avenue, so to be taken as aforesaid, for the purpose of carrying out the provisions of said act of the geenral assembly and the amendments thereto.

¶ 2. Limitations of grant.] § 2. The permission hereby given is granted only upon the express condition that said board of West Chicago park commissioners shall never, at any time hereafter, grant, permit or give to any person, persons or corporation now in existence or that may hereafter be organized any permission or right of way to construct on said boulevard any horse, cable, steam, electric or other railway of any character or description whatever, whether such railway is proposed to be placed beneath, on or above the surface of said boulevard.

¶ 3. Reservation of rights.] § 3. The city of Chicago hereby expressly reserves the right to lay under the surface of said street water, gas or other pipes, and to build and repair sewers in said north

Kedzie avenue, to lay electric or other wires and make other underground improvements in the same manner and to the same extent that said city of Chicago might heretofore have done.

¶ 4. **Cross streets—rights reserved.**] § 4. This ordinance shall not be held nor construed to in any way surrender or abridge the right of the city of Chicago to control for any purpose not inconsistent with such use as a boulevard such portion of cross streets as constitute, in common, a portion of such cross streets and said North Kedzie avenue.

¶ 5. **Limitation of taxation.**] § 5. The owners of property fronting on said North Kedzie avenue shall never be taxed or assessed for the purpose of maintaining said proposed boulevard more than twenty-five cents per front foot per annum.

¶ 6. **Acceptance of grant.**] § 6. Unless said board of West Chicago park commissioners shall, within thirty days after the passage of this ordinance, by the vote of said board, select and take the said parts of said avenue for the purposes aforesaid, this ordinance shall cease to be of any force and effect, and the consent given, by section one aforesaid, shall be deemed to be withdrawn.

¶ 7. **When in force.**] § 7. This ordinance shall be in force from and after its passage.

POLK STREET.

§ 116. Polk street.
¶ 1. Part of Polk street granted to park board.
¶ 2. Acceptance of ordinance.
¶ 3. When in force.

An ordinance granting to the board of West Chicago park commissioners that part of Polk street abutting Vernon park. (Passed February 26, 1894. Accepted April 13, 1894.)

¶ 1. **Part of Polk street granted to park board.**] Be it ordained by the city council of the city of Chicago: § 1. Whereas, the general assembly has passed an act entitled "An Act to enable park commissioners and corporate authorities to take, regulate, control and improve public streets leading to public parks, to pay for the improvement thereof, and in that behalf make and collect a special assessment or special tax upon contiguous property," approved April 9, 1879, and as amended by an act approved June 27, 1885, and as further amended by an act approved June 16, 1887; and,

Whereas, the board of West Chicago park commissioners are about selecting and taking, for the uses and purposes in said act men-

tioned, that part of Polk street abutting the wings of Vernon park, extending from the west line of Center avenue to the east line of Loomis street, in the city of Chicago, and the consent, in writing, of a majority of the owners of the frontage of the lots and land abutting on said Polk street, so far as taken or proposed to be taken by said board, has been obtained:

Now, therefore, consent is hereby given and granted to the said board of West Chicago park commissioners to take, regulate, control and improve that before described part of Polk street, between the west line of Center avenue and the east line of Loomis street, upon the terms and conditions, and subject to the requirements, in said petition contained; Provided, however, that nothing in this ordinance contained shall be construed as a waiver or relinquishment on the part of the said city of any of its rights or powers in relation to the laying of water pipes, and the building and repairing of sewers, in said Polk street, and regulations of openings for the same.

¶ 2. **Acceptance of ordinance.**] § 2. The said West Chicago park commissioners shall accept the provisions hereof within sixty days from the approval thereof, otherwise this ordinance shall be null and void.

¶ 3. **When in force.**] § 3. This ordinance shall be in force from and after its passage.

RIVERSIDE BOULEVARD.

§ 117. Riverside boulevard.

¶ 1. Preamble.
¶ 2. Roadway established and dedicated.
¶ 3. By city and other owners.
¶ 4. When in force.

An ordinance locating and establishing Riverside boulevard and the proper boundaries of the Gage farm. (Passed February 16, 1891.)

¶ 1. **Preamble.**] Whereas, the city of Chicago is the owner in fee simple of lot one (1) in the circuit court partition of the west half of the northwest quarter, and the west half of the southwest quarter, of section thirty (30) in township thirty-nine (39) north, range thirteen (13), east of the third principal meridian, in Cook county, Illinois, and John S. Huey and Charles F. White are the owners in fee simple of lots two (2), three (3) and four (4) in said circuit court partition; and, whereas, the southeasterly boundary line of said lot one (1) and the northwesterly lines of said lots two (2), three (3) and four (4) were in and by said partition established as being the center line of a road as then traveled and used and described in said partition; and, whereas,

the road, as since laid out and improved and now traveled and used as a road, deviates from the said road mentioned in said partition and it is deemed for the best interests of the city that proper measures be taken to locate and establish a road, to be known as Riverside boulevard, eighty (80) feet in width and embracing the aforesaid road as now improved and used, and that the central line of such road shall be made and established as the dividing line between the land so owned by the city of Chicago, on the north, and the land owned by said Huey and White, on the south thereof; now, therefore,

¶ 2. **Roadway established and dedicated.**] Be it ordained by the city council of the city of Chicago: § 1. That the mayor and city clerk of the city of Chicago be and they are hereby authorized to enter into and execute, for and on behalf of the city of Chicago, an agreement with the said John S. Huey and Charles F. White, the owners of said lots two (2), three (3) and four (4), as aforesaid, which shall provide in substance that the road or highway, eighty (80) feet in width and located and bounded as the same is laid out and platted on the plat thereof, made and certified of the date of January 14, 1891, by Emil Rudolph, surveyor, shall be established and dedicated by the owners thereof to public uses as a road or highway; and, that the center line of such road or highway shall be fixed and located on the line following, to wit: Commencing at a point in the west line of section thirty (30), township thirty-nine (39) north, range thirteen (13), east of the third principal meridian, in said county of Cook and state of Illinois, and being seven hundred sixty-nine and seven-twelfths (769 7-12) feet south of a stone placed at the southwest corner of the northwest quarter of said section; thence running north 55 deg. 14 sec. east, a distance of six hundred and fifty-three feet and ten and three-fourths (10¾) inches to an iron spike; thence north 31 deg. 49 sec. east, a distance of four hundred and fifty-eight (458) feet and nine and five-eights (9⅝) inches, more or less, to an iron spike placed at the intersection of such line with the line dividing the north half and south half of said section; thence north 54 deg. 46 sec. east, a distance of three hundred and forty-eight (348) feet two (2) inches, to an iron spike; thence north 48 deg. 13 sec. east, a distance of four hundred and fifty-five (455) feet nine (9) inches, more or less, to an iron spike placed at the intersection of said line with the east line of the west half of the west half of said section thirty (30), said point being five hundred and ten (510) feet and six and five-eighths (6⅝) inches, more or less, north of a stone fixed at the southeast corner of the southwest quarter of the northwest quarter of said section thirty (30). Said road so to be established to embrace forty (40) feet in width on each side of said center line.

¶ 3. **Mutual conveyances by city and other owners.**] § 2. After the said road or highway, to be known as Riverside boulevard, shall have been established and dedicated to public uses, as contemplated in section one hereof, the mayor and city clerk of the city of Chicago shall be and they are hereby authorized and empowered, for

and in behalf of the city of Chicago, to convey by quitclaim deed, or deeds, to said John S. Huey and Charles F. White, all the right, title and interest of the city of Chicago in and to all such portions of lot one (1) in the circuit court partition, in section one hereof described, as may lie south of the center line of such Riverside boulevard, so laid out as described in section one hereof, upon condition that there shall be conveyed at the same time to the city of Chicago, by the proper owners thereof, all the right, title and interest of such owners in and to so much of said lots two (2), three (3) and four (4) in the circuit court partition, in section one hereof described, as may lie north of the center line of such Riverside boulevard, so laid out as described in section one hereof.

¶ 4. **When in force.**] § 3. This ordinance shall take effect and be in force from and after its passage.

SHEDD'S PARK.

§ 118. Shedd's park.
¶ 1. Preamble.
¶ 2. Packard's right of way defined.

An ordinance defining the easement of Edgar D. Packard across Shedd's park. (Passed June 8, 1887.)

¶ 1. **Preamble.**] Whereas, Edgar D. Packard, is the owner of lot one in Shedd's park, together with an easement over and across said park, from Lawndale avenue to Millard avenue, for the use of pedestrians ,and vehicles drawn by animal power and for no other use or purpose whatsoever, which said easement is defined of record as a "reasonable and convenient" right of way, etc.; and,

Whereas, said Packard and the citizens of the locality of said Shedd's park desire to have the dimensions of said easement defined and restricted; therefore,

¶ 2. **Packard's right of way defined.**] Be it ordained by the city council of the city of Chicago: § 1. That the easement of Edgar D. Packard across Shedd's park, and described in the deed of John G. Shedd to said Packard, dated September 14th, 1885, as a "reasonable and convenient" right of way, be and the same hereby is defined to be a right of way thirty feet in width, extending from Lawndale avenue to Millard avenue, along and adjacent to the south line of lot one in said park, for the use of pedestrians and vehicles drawn or propelled by animal power, and for no other use or purpose whatsoever. And said Packard is hereby authorized to lay out said right of way in accordance herewith, under the direction of the commissioner of public works.

§ 119. Shedd's park.

¶ 1. Preamble.
¶ 2. Granted to park board.
¶ 3. Limitation of use.
¶ 4. Acceptance of ordinance.

An ordinance authorizing the West Chicago park commissioners to take and improve Shedd's park. (Passed January 21, 1889.)

¶ 1. Preamble.] Be it ordained by the city council of the city of Chicago: § 1. Whereas, the West Chicago park commissioners are desirous of taking charge of and improving Shedd's park, at their own charge and expense, and without cost, charge or expense to the city of Chicago:

¶ 2. Shedd's park granted to park board.] § 2. Therefore, for the purpose aforesaid, authority is hereby given to the West Chicago park commissioners to take charge of and improve and maintain said Shedd's park, under such plans and in such manner as shall be approved by them; and to that end the management and control of said park is hereby surrendered to the said West Chicago park commissioners; Provided, the said park commissioners shall improve, maintain and keep in good repair said "Shedd's park," otherwise the control of said "Shedd's park" shall revert back to the city of Chicago.

¶ 3. Limitation of use.] § 3. Nothing herein cantained shall authorize said West Chicago park commissioners, or any person, to alter, change or use said "Shedd's park" for any other or different purpose than for that which said "Shedd's park" was dedicated.

¶ 4. Acceptance of ordinance.] § 4. The said West Chicago park commissioners shall accept the provisions hereof within thirty days from the passage of this ordinance, otherwise this ordinance shall be null and void.

OAKLEY AVENUE, ETC.

§ 120. Oakley avenue.

¶ 1. Parts of sundry streets granted to park board.
¶ 2. Limitation of grant.
¶ 3. Reservation of rights.
¶ 4. Cross streets—rights reserved.
¶ 5. Acceptance of grant.
¶ 6. When in force.

An ordinance authorizing the board of West Chicago park commissioners to take, regulate and control parts of South Oakley avenue, Woodbine place and Evergreen place. (Passed July 27, 1896.)

¶ 1. Parts of sundry streets granted to park board.] Be it

ordained by the city council of the city of Chicago: § 1. Whereas, the board of West Chicago park commissioners are about selecting and taking, for the uses and purposes mentioned in an act of the general assembly of the state of Illinois, entitled "An Act to enable park commissioners or park authorities to take, regulate, control and improve public streets, and to pay for the improvement thereof," approved June 21, 1895, in force July 1, 1895, all that portion or part of South Oakley avenue, from the south line of Washington boulevard to the north line of 12th street and Ogden avenue boulevard, and also Campbell park, to-wit: Woodbine place and Evergreen place, from the west line of South Leavitt street to the east line of South Oakley avenue; and the consent of the owners of a majority of the frontage of the lots abutting on said streets, so far as taken or proposed to be taken, having been obtained, therefore, consent is hereby given and granted to the said board of West Chicago park commissioners to take, regulate, control and improve that described part of South Oakley avenue, Woodbine place and Evergreen place in manner and for uses provided in the said act of the general assembly, as a park driveway and for park purposes only. And full power and authority are hereby granted to said board to control, improve and maintain the part of said avenue and places as aforesaid, so to be taken as aforesaid, for the purpose of carrying out the provisions of said act of the general assembly.

¶ 2. **Limitation of grant.**] § 2. The permission hereby given is granted only upon the express condition that said board of West Chicago park commissioners shall never, at any time hereafter, grant, permit, or give to any person, persons or corporation now in existence, or that may hereafter be organized, any permission or right of way to construct on said boulevard any horse, cable, steam, electric or other railway of any character or description whatever, whether such railway is proposed to be placed beneath, on, or above the surface of said boulevard.

¶ 3. **Reservation of rights.**] § 3. The city of Chicago hereby expressly reserves the right to lay under the surface of said street, water, gas or other pipes, and to build and repair sewers in said South Oakley avenue, Woodbine place and Evergreen place, to lay electric or other wires and make other underground improvements in the same manner and to the same extent that said city of Chicago might heretofore have done.

¶ 4. **Cross streets—rights reserved.**] § 4. This ordinance shall not be held or construed to in any way surrender or abridge the right of the city of Chicago to control for any purpose not inconsistent with such use as a boulevard such portions of cross streets as constitute, in common, a portion of such cross streets and said South Oakley avenue.

¶ 5. **Acceptance of grant.**] § 5. Unless said board of West

Chicago park commissioners shall, within ninety (90) days after the passage of this ordinance, by the vote of said board, select and take the said parts of said avenue for the purposes aforesaid, this ordinance shall cease to be of any force and effect and the consent given, by section 1 aforesaid, shall be deemed to be withdrawn.

¶ 6. **When in force.**] § 6. This ordinance shall be in force from and after its passage.

TWELFTH STREET AND OGDEN AVENUE.

§ 121. Twelfth street and Ogden avenue.

¶ 1. Preamble.
¶ 2. Part of Twelfth street and Ogden avenue granted to park board.
¶ 3. Acceptance of grant—rights reserved.
¶ 4. When in force.

An ordinance authorizing the board of West Chicago park commissioners to take, regulate, control and improve a part of the center of West Twelfth street, from the east line of Ashland avenue to the westerly line of Ogden avenue; and of Ogden avenue, from the north line of West Twelfth street to the west line of California avenue; and Ogden avenue, from the west line of California avenue to the east line of Albany avenue. (Passed January 17, 1887. Accepted January 31, 1887.)

¶ 1. **Preamble.**] Whereas, the owners of a majority of the frontage of the lots and lands abutting on that part of West Twelfth street and Ogden avenue above described have petitioned the board of West Chicago park commissioners to, and consented in writing that said board may, select and take a part of the center of said streets not exceeding seventy (70) feet in width, and make of the same a boulevard to connect the city of Chicago with Douglas park; and,

Whereas, it is deemed desirable that the prayer of said petition be granted.

¶ 2. **Part of Twelfth street and Ogden avenue granted to park board.**] Be it ordained by the city council of the city of Chicago: § 1. That, whereas, the general assembly of the state of Illinois passed an act, which was duly approved June 27th, A. D. 1885, entitled "An act to amend sections one (1) and two (2) of an act entitled 'An act to enable park commissioners or corporate authorities to take, regulate, control and improve public streets leading to public parks, to pay for the improvement thereof, and in that behalf to make and collect a special assessment or special tax on contiguous property,'" approved and in force April 9, A. D. 1879; and,

Whereas, the board of West Chicago park commissioners are about selecting and taking, for the uses and purposes aforesaid and in said act mentioned, a part of the center of that part of West Twelfth

street lying between the east line of Ashland avenue and the westerly line of Ogden avenue, and a part of the center of that part of Ogden avenue lying between the north line of West Twelfth street and the west line of California avenue, and Ogden avenue lying between the west line of California avenue and the east line of Albany avenue, all situate within the corporate limits of the city of Chicago, and the consent, in writing, of the owners of a majority of the frontage of the lots and lands abutting on such streets, so far as proposed to be taken by such board, having been given:

Now, therefore, consent is hereby given and granted to the said board of West Chicago park commissioners to take, regulate, control and improve the center seventy (70) feet of that part of West Twelfth street lying between the east line of Ashland avenue and the westerly line of Ogden avenue, and the center seventy (70) feet of that part of Ogden avenue lying between the north line of West Twelfth street and the west line of California avenue, and Ogden avenue lying between the west line of California avenue and the east line of Albany avenue.

Provided, that said board shall set apart not less than sixty-six (66) feet of said Ogden avenue between the points last named, for street cars and general traffic purposes, for the purpose of connecting the said city of Chicago with Douglas park in manner and form as provided in and by said act of the general assembly;

Provided, however, that nothing in this ordinance shall be construed as a waiver or relinquishment on the part of said city of any of its rights or powers in relation to the laying of water pipes, and the building and repairing of sewers, in said streets, and the regulating of openings for the same.

All powers which the city now has in relation to water and gas pipes and sewers and their connections, and the regulation of the same, and the opening of the same, in the streets and alleys of the said city, are hereby expressly reserved as to the said part of said streets in as ample a manner as if the aforesaid consent was not given.

¶ 3. **Acceptance of grant—rights reserved.**] § 2. Unless the said board shall, within one year from the approval hereof, select and take the said part of said streets for the purpose aforesaid, and upon the terms and conditions aforesaid, this ordinance shall cease to be of any force or effect, and the consent hereby given shall be deemed to be withdrawn.

And provided, further, that nothing in this ordinance contained shall be construed as a waiver or relinquishment on the part of said city of any of its rights in and to any street crossings or intersections which are now or may hereafter be established across said seventy (70) feet so ceded to said board of West Chicago park commissioners, and that said board shall provide and maintain crossings of not less than forty (40) feet in width across said seventy (70) feet, to connect the traffic-ways on either side of said seventy (70) feet, in the middle of blocks six hundred feet or more in length.

And be it further provided that said board of West Chicago park commissioners shall not construct or allow to be constructed, upon or over said seventy (70) feet so granted, any bridge or viaduct, except by and with the consent of this council.

¶ 4. **When in force.**] § 3. This ordinance shall be in force from and after its passage.

UNION AND JEFFERSON PARKS.

§ 122. Union and Jefferson parks.

¶ 1. Preamble.
¶ 2. Granted to park board.
¶ 3. Limitation of use.
¶ 4. Acceptance of ordinance.

An ordinance authorizing the West Chicago park commissioners to take and improve Union and Jefferson parks. Passed October 9, 1885. Accepted October 12, 1885.)

¶ 1. **Preamble.**] Be it ordained by the city council of the city of Chicago: § 1. Whereas, the West Chicago park commissioners are desirous of taking charge of and improving "Union and Jefferson parks" at their own charge and expense, and without cost, charge or expense to the city of Chicago:

¶ 2. **Union and Jefferson parks granted to park board.**] § 2. Therefore, for the purpose aforesaid, authority is hereby given to the said West Chicago park commissioners to take charge of and improve and maintain said "Union and Jefferson parks," under such plans and in such manner as shall be approved by them, and to that end the management and control of said parks is hereby surrendered to the said West Chicago park commissioners; Provided, the said park commissioners shall improve, maintain and keep in good repair said "Union and Jefferson parks," otherwise the control of said "Union and Jefferson parks" shall revert back to the city of Chicago.

¶ 3. **Limitation of use.**] § 3. Nothing herein contained shall authorize said West Chicago park commissioners, or any person, to alter, change or use said "Union and Jefferson parks" for any other or different purpose than that for which said "Union and Jefferson parks" were dedicated.

¶ 4. **Acceptance of ordinance.**] § 4. The said West Chicago park commissioners shall accept the provisions hereof within thirty days from date, otherwise this ordinance shall be null and void.

VERNON PARK.

§ 123. Vernon park.
¶ 1. Preamble.
¶ 2. Granted to park board.
¶ 3. Limitation of use.
¶ 4. Acceptance of ordinance.

An ordinance authorizing the West Chicago park commissioners to take and improve Vernon park. (Passed October 12, 1885. Accepted November 9, 1885.)

¶ 1. **Preamble.**] Be it ordained by the city council of the city of Chicago: § 1. Whereas, the West Chicago park commissioners are desirous of taking charge of and improving "Vernon park," at their own charge and expense, and without cost, charge or expense to the city of Chicago:

¶ 2. **Vernon park granted to park board.**] § 2. Therefore, for the purpose aforesaid, authority is hereby given to the said West Chicago park commissioners to take charge of and improve and maintain said "Vernon park," under such plans and in such manner as shall be approved by them, and to that end the management and control of said park is hereby surrendered to the said West Chicago park commissioners; Provided, the said park commissioners shall improve, maintain and keep in good repair said "Vernon park," otherwise the control of said "Vernon park" shall revert back to the city of Chicago.

¶ 3. **Limitation of use.**] § 3. Nothing herein contained shall authorize said West Chicago park commissioners, or any person, to alter, change or use said "Vernon park" for any other or different purpose than for that which said "Vernon park" was dedicated.

¶ 4. **Acceptance of ordinance.**] § 4. The said West Chicago park commissioners shall accept the provisions hereof within thirty days from date, otherwise this ordinance shall be null and void.

WARREN AVENUE, ETC.

§ 124. Warren avenue.
¶ 1. Parts of sundry streets granted to park board.
¶ 2. When in force.

An ordinance authorizing the board of west park commissioners to take, control, manage and improve, as a driveway or boulevard, Warren avenue, from the west line of Garfield park to West Fortieth street, and West Washington street, from West Fortieth street to West Forty-eighth street, and so much of West Fortieth street as will connect said Warren avenue and West Washington street. (Passed January 16, 1890.)

¶ 1. Parts of sundry streets granted to park board.] Be it ordained by the city council of the city of Chicago: § 1. That the board of West park commissioners be and they are hereby authorized to take, improve, control and manage Warren avenue, from the west line of Garfield park to West Fortieth street, and that portion of West Washington street lying between said West Fortieth street and West Forty-eighth street, and also so much of said West Fortieth street as will connect said portions of Warren avenue and West Washington street, and all street intersections over the lines of said Warren avenue and West Washington street, as a driveway or boulevard, the same as any other driveway or boulevard now or hereafter by them held, established or controlled; Provided, that the same shall be held and managed in accordance with the statutes of the state of Illinois now in force concerning such boards in respect to such driveways or boulevards; and provided, further, that this ordinance shall not be a waiver by said city of any right or power it now has or hereafter may have in relation to laying water pipes or gas mains or pipes, and the building of sewers, in said streets, and the regulating, repairing and operating of the same, all such rights and powers being hereby reserved.

¶ 2. When in force.] § 2. This ordinance shall be in force from and after its passage.

§ 125. Warren avenue.

¶ 1. Part of Warren avenue, etc., granted to park board.
¶ 2. When in force.

An ordinance authorizing the board of West Chicago park commissioners to take, control, manage and improve as a driveway or boulevard that portion of Warren avenue from the west line of Garfield park to West Fortieth street, and also that portion of West Fortieth street from the south line of Warren avenue produced to the north line of Washington street produced; also that portion of West Washington street from the east line of West Fortieth street to the center of West Fifty-second street. (Passed October 12, 1891.)

¶ 1. Part of Warren avenue, etc., granted to park board.] Be it ordained by the city council of the city of Chicago: § 1. That the board of West Chicago park commissioners be, and they are hereby, authorized to take, improve, control and maintain that portion of Warren avenue from the west lines of Garfield park to the west line of Fortieth street, and also that portion of West Fortieth street from the south line of Warren avenue produced west to the north line of West Washington street produced east; also that portion of West Washington street from the east line of West Fortieth street to the center of Fifty-second street, being the western boundary line of the city limits of the city of Chicago; and all street intersections over the lines of said Warren avenue, West Fortieth street and West Washington street, between the west line of Garfield park and the center line of said West Fifty-second street, as a driveway or boulevard, the same as any other driveway or boulevard now or hereafter by them held, or

to be held, established, maintained or controlled; Provided, that the same shall be held and managed in accordance with the statutes of the state of Illinois now in force concerning such boards of park commissioners in respect to such driveways or boulevards; and provided, further, that this ordinance shall not be a waiver by the city of Chicago of any right or power it now has or hereafter may have in relation to laying water pipes or gas mains or pipes and the building of sewers in said streets, and the regulating, repairing and operating of the same, but all such rights and powers are hereby reserved to said city of Chicago.

¶ 2. When in force.] § 2. This ordinance shall be in force from and after its passage.

WEST WASHINGTON STREET.

§ 126. West Washington street.

¶ 1. Part of Washington street granted to park board.
¶ 2. Acceptance of grant.
¶ 3. When in force.

An ordinance consenting that the board of west park commissioners may take, regulate, control and improve a certain part of West Washington street, from the west line of Halsted street to Central park. (Passed September 29, 1879.)

¶ 1. Part of Washington street granted to park board.] Be it ordained by the city council of the city of Chicago: § 1. That, whereas the general assembly has passed a certain act, which was duly approved April 9, A. D. 1879, and which, with the title thereto, is in the words and figures following: "An act to enable park commissioners and corporate authorities to take, regulate, control and improve public streets leading to public parks, to pay for the improvement thereof, and in that behalf to make and collect a special assessment or special tax on contiguous property."

Be it enacted by the people of the state of Illinois, represented in the general assembly. § 1. That every board of park commissioners shall have power to connect any public park, boulevard or driveway under its control with any part of any incorporate city, town or village, by selecting and taking any connecting street or streets, or part thereof, leading to such park.

Provided, that the streets so selected and taken, so far as taken, shall be within the district or territory the property of which shall be taxable for the maintenance of such park; and provided, further, that the consent of the corporate authorities having control of any such street or streets, so far as selected and taken, and also the consent, in

writing, of the owners of a majority of the frontage of the lots and lands abutting on such street or streets, so far as taken, shall be first obtained; and provided, further, that such connection or improvement shall embrace only such street or streets as are necessary to form one continuous improvement.

§ 2. That such board of park commissioners, or such corporate authorities as are by law authorized to levy taxes or assessments for the maintenance of such parks, shall have power to improve such street or streets in such manner as they may deem best; and for that purpose they are hereby authorized to pay for the improvement thereof, and from time to time to levy or cause to be levied and collected a special tax or assessment on contiguous property abutting upon such street so improved, for a sum of money not exceeding the estimated cost of such first improvement or improvements as shall be ordered and estimated by such board of park commissioners, but not for any subsequent repair thereof. And to that end such board of corporate authorities shall have all the power and authority now or hereafter granted to them, respectively, relative to the levy, assessment and collection of taxes or assessments for corporate purposes. And such special taxes or assessments as are hereby authorized may be divided into not exceeding four annual installments, bearing interest at the rate of six per cent per annum from the date of confirmation until paid. And the said assessment or installment thereof shall be collected and enforced in the same manner as is provided by law for the collection and enforcement of other taxes as aforesaid, so far as the same are applicable.

§ 3. Such park boards shall have the same power and control over the parts of streets taken under this act as are or may be by law vested in them of and concerning the parks, boulevards or driveways under their control.

§ 4. In case any such street, or parts thereof, shall pass from the control of any such park board, the power and authority over the same, granted or authorized by this act, shall revert to the proper corporate authorities of such city, town or village, respectively, as aforesaid.

§ 5. Any city, town or village in this state shall have full power and authority to invest any of such park boards with the right to control, improve and maintain any of the streets of such city, town or village, for the purpose of carrying out the provisions of this act.

§ 6. Whereas, there is a necessity for the immediate construction of the improvements contemplated in this act, therefore an emergency exists, and this act shall take effect and be in force from and after its passage. Approved April 9, 1879. And,

Whereas, the board of west park commissioners are about selecting and taking, for the uses and purposes in the said act mentioned, that part of West Washington street extending from the west line of Halsted street to Central park, and the consent, in writing, of the own-

ers of a majority of the frontage of the lots and lands abutting on said streets, so far as taken or proposed to be taken by said board, having been obtained, consent is hereby given and granted to the said board of west park commissioners to take, regulate, control and improve the before described parts of West Washington street, respectively, in manner and form provided in the said act of the general assembly. And full power and authority is hereby granted to said board of park commissioners to control, improve and maintain the parts of said street, so to be taken as aforesaid, for the purpose of carrying out the provisions of the said act of the general assembly.

Provided, however, that nothing in this ordinance contained shall be construed as a waiver or relinquishment by or on the part of said city of any of its rights or powers in relation to the laying of water or gas mains and pipes, and the building and repairing of sewers in said streets, and the regulating of openings for the same. All powers which said city now has in relation to water and gas pipes and sewers and their connections, and the regulation of the same and the openings for the same in streets and alleys of said city, being hereby expressly reserved as to the said part of West Washington street in as ample a manner as if the aforesaid consent were not given.

¶ 2. **Acceptance of grant.**] § 2. Unless the said board of park commissioners shall, within thirty days from the approval hereof, select and take the said parts of streets for the purposes aforesaid, this ordinance shall cease to be of any force or effect, and the consent given by section one aforesaid shall be deemed to be withdrawn.

¶ 3. **When in force.**] § 3. This ordinance shall be in force from and after its passage.

WICKER PARK.

§ 127. Wicker park.
¶ 1. Preamble.
¶ 2. Granted to park board.
¶ 3. Limitation of use.
¶ 4. Acceptance of grant.

An ordinance authorizing the West Chicago park commissioners to take, improve and maintain Wicker park. (Passed October 26, 1885. Accepted November 9, 1885.)

¶ 1. **Preamble.**] Be it ordained by the city council of the city of Chicago: § 1. Whereas, the West Chicago park commissioners are desirous of taking charge of and improving "Wicker park," at their own charge and expense, and without cost, charge or expense to the city of Chicago:

¶ 2. **Wicker park granted to park board.**] § 2. Therefore, for the purpose aforesaid, authority is hereby given to the said West Chicago park commissioners to take charge of and improve and maintain said "Wicker park" under such plans and in such manner as shall be approved by them, and to that end the management and control of said park is hereby surrendered to the said West Chicago park commissioners; Provided, the said park commissioners shall improve, maintain and keep in good repair said "Wicker park," otherwise control of said "Wicker park" shall revert back to the city of Chicago.

¶ 3. **Limitation of use.**] § 3. Nothing herein contained shall authorize said West Chicago park commissioners, or any person, to alter, change or use said "Wicker park" for any other or different purpose than that for which said "Wicker park" was dedicated.

¶ 4. **Acceptance of ordinance.**] § 4. The said West Chicago park commissioners shall accept the provisions hereof within thirty days from date, otherwise this ordinance shall be null and void.

WATER FOR USE OF PARKS.

§ 128. Water for use in parks.
¶ 1. Preamble.
¶ 2. Park board released from payment of water taxes.
¶ 3. Statement of expenditures.
¶ 4. Failure to comply—penalty.

An ordinance concerning the maintenance of certain parks, and providing for the relief of the West Chicago park commissioners from the payment of water taxes. (Passed September 24, 1894.)

Preamble.] Whereas, in pursuance of certain ordinances of the city council of the city of Chicago, the West Chicago park commissioners have, for a number of years, improved and maintained the several parks, property of the city of Chicago, known as Union park, Vernon park, Jefferson park, Wicker park and Campbell park, and have expended upon the same the sum of two hundred and thirty-nine thousand ($239,000) dollars, thereby saving to the city of Chicago a large amount of money which it had previously expended in the maintenance of said parks; and,

Whereas, the resources of said West Chicago park commissioners are limited to a general fund aggregating about two hundred and sixty thousand ($260,000) dollars per annum, which is insufficient to warrant the large expenditures made upon said parks belonging to the city of Chicago, and also to maintain the parks and boulevards of the West Chicago park commissioners; and,

Whereas, said commissioners are desirous of preserving said parks for the benefit of the people, and are willing to expend further sums in beautifying and maintaining the same; and,

Whereas, during the time said commissioners have maintained said parks they have annually paid the city of Chicago for the water used therein, which item of expense, in the opinion of said commissioners, should properly be borne by the city of Chicago: therefore,

¶ 1. **Park board released from payment of water taxes.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the expenditure of not less than twenty thousand ($20,000) dollars per annum for the maintenance and improvement of the said several parks hereinbefore mentioned, by the West Chicago park commissioners, the said park commissioners shall be relieved from the payment of all water taxes now and hereafter assessed against said West Chicago park commissioners.

¶ 2. **Statement of expenditures.**] § 2. The said West Chicago park commissioners shall from time to time, as required by the commissioner of public works of the city of Chicago, make statements of the amounts of money expended by them upon said several parks.

¶ 3. **Failure to comply—penalty.**] § 3. If in any year said West Chicago park commissioners shall fail to expend said sum of twenty thousand ($20,000) dollars upon said parks, then and in such case this ordinance shall be without force or effect.

CHAPTER V.—PIPE LINES.

§ 129. Commercial Heat and Power company.
§ 130. Commercial Heat and Power company.
§ 131. National Transit company.
§ 132. National Transit company.
§ 133. John B. Sherman, Irus Coy and others.
§ 134. Waukesha Hygeia Mineral springs.
§ 135. Waukesha Hygeia Mineral springs.
§ 136. Waukesha Hygeia Mineral springs.

COMMERCIAL HEAT AND POWER COMPANY.

§ 129. Commercial Heat and Power company.
¶ 1. Distribution of steam and hot water.
¶ 2. Grant fifty years.
¶ 3. Pre-requisite to excavating—deposit—public hydrants.
¶ 4. Metal pipes.
¶ 5. Opening streets—laying mains, etc.—hours for, in certain districts.
¶ 6. Indemnity to city—liability for damages.
¶ 7. Compensation to city.
¶ 8. Time limit for construction of plant.
¶ 9. Bond.
¶ 10. When in force—acceptance.

An ordinance granting certain rights and privileges to the Commercial Heat and Power company. (Passed March 29, 1895. Accepted April 6, 1895.)

¶ 1. Distribution of steam and hot water.] Be it ordained by the city council of the city of Chicago: § 1. Subject to the terms and conditions of this ordinance, there is hereby granted to the Commercial Heat and Power Company, a corporation organized and existing under and by virtue of the laws of the state of Illinois, its successors and assigns, the right to construct, repair, maintain and operate a plant or plants within the city of Chicago, together with the right of way along, upon and under all the avenues, streets, alleys and public places in said city, and under the Chicago river and its branches, for the purpose of placing, operating, repairing and maintaining one or more lines of mains, pipes and all necessary service pipes and appliances and connections, for the purpose of manufacturing, supplying and distributing steam and hot water to parties desiring to use the same for heat and power only; also, for the purpose of supplying and distributing water under high pressure to parties desiring to use the same, for power only. No water mains of a greater size of in-

ternal diameter than seven (7) inches shall be used by this company, and not more than one water main shall be placed in any street where such system is used. Said company shall connect a jet of sufficient size to two fire hydrants in each block where its mains may be laid, and furnish water free of charge to the city where such hydrants are used, for the purpose of extinguishing fire.

¶ 2. **Grant fifty years.**] § 2. The rights and privileges hereby granted by this ordinance are granted for the term of fifty (50) years from and after the acceptance of the same.

¶ 3. **Pre-requisite to excavating—deposit—public hydrants.**] § 3. Said company, its successors and assigns, shall not make an excavation in any street, alley, avenue or public place without first procuring a permit for that purpose from the department of public works of the said city, and whenever said company shall make application in writing to such department for such permit or permits, and shall have complied with all the terms and conditions of this section of this ordinance, it shall be the duty of such department to forthwith issue such permit or permits. When said company shall first apply to the department of public works of said city of Chicago for a permit as herein provided, the said company shall deposit with said department the sum of twenty-five thousand ($25,000) dollars as a guaranty that said company shall restore the streets, pavements, sidewalks, grounds, water pipes, sewer or gas pipes, to a condition equally as good as before; and if said company shall fail or refuse to so restore said streets, pavements, sidewalks, grounds, water pipes, sewer or gas pipes, to a condition equally as good as before, within a reasonable time after notice served upon said company so to do, and shall at all times keep on deposit for said purposes the sum of twenty-five thousand (25,000) dollars. When any excavation shall be made by said company in any street, avenue, alley or public place, paved with wooden blocks, the foundation boards or planks shall be removed without being cut, unless such cutting shall be especially permitted by the department of public works of said city.

The said company shall not use the public fire hydrants of said city, or any water therefrom, without a license or permit of the department of public works of said city, which license shall be granted by said department upon said company becoming responsible for the fee for water as the same is fixed by the ordinances of said city. The said company shall, upon notice from the department of public works of said city, remove or change, at its own expense, any mains, pipes, service pipes or feeders which may be in the way of or interfere with the construction or erection of any viaduct, public building or any other public structure within said city. Said company shall not do any permanent injury to any street, sidewalk, avenue or public place or shade tree, or in any manner unnecessarily disturb or interfere with any water pipe, sewer or gas pipe now or hereafter laid by said city,

or any authorized company or corporation; and when said company shall open ground in the same it shall forthwith restore the said pavement, sidewalk or ground, or water pipes, sewer or gas pipes to a condition equally as good as before, at its own expense; and if said company shall fail or refuse to do so, the same may be done by the said city, and the said company shall be liable for the cost thereof.

¶ 4. **Metal pipes.**] § 4. The pipes laid by said company shall be made of metal, and shall be constructed, joined and laid in a substantial and safe manner, and shall be provided with the best and most modern improvements and appliances.

¶ 5. **Opening streets—laying mains, etc.—hours for, in certain district.**] § 5. Said Commercial Heat and Power Company shall not open or incumber more of any street, avenue, alley or public place at any one time than may be necessary to enable it to proceed with advantage in the laying of its mains and pipes, nor shall said company permit any such street, avenue, alley or public place to remain open or incumbered for a longer period than shall be necessary to execute the work for which the same shall have been opened, or without putting up the necessary barriers and lights so as to effectually prevent the happening of any accident in consequence of any such opening or incumbering of such street, avenue, alley or public grounds. In the district bounded by Twelfth street on the south, the Chicago river on the west and north, and Lake Michigan on the east, no excavation of the streets shall be made except between the hours of 10 p. m. and 7 a. m., and then only upon the condition that the streets shall be restored to a passable condition for traffic purposes during the hours of 7 a. m. and 10 p. m.

¶ 6. **Indemnity to city—liability for damages.**] § 6. The said company shall forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees, costs and expenses which it may suffer, or which may be recovered or maintained against said city or by reason of or growing out of or resulting from the passage of this ordinance, or in any manner connected therewith, or an account of the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its authorized servants or agents, under and by virtue of the provisions of this ordinance, and shall alse be liable to and pay any person, firm or corporation for the damages which may result from or by reason of said company having negligently opened, incumbered, protected or guarded any street, avenue, alley or public place in said city, opened or incumbered by it.

¶ 7. **Compensation to city.**] § 7. The rights and privileges hereby granted are upon the express condition that the said Commercial Heat and Power Company, its successors and assigns, shall pay annually to said city of Chicago, for and in consideration of the rights and privileges hereby granted, an amount equal to three and one-half

(3½) per centum of the gross revenue and receipts of said company from the operation of its said plant or plants. Such payment shall be made in manner following: At the expiration of one (1) year from the passage of this ordinance, the president or other chief officer of said company shall file with the comptroller of said city of Chicago a statement under oath, showing the amount of gross annual revenue or receipts of said company for the preceding year, and shall at the same time pay to said comptroller the said amount of three and one-half (3½) per centum of the annual gross revenue or receipts from the operation of its said plant or plants for said year, said respective payments to be made as herein described, annually thereafter. Such statement, however, shall not be final or binding upon the city of Chicago, and the comptroller of said city or his authorized agent shall at all times, upon such statement being made as herein provided, have the right to examine the books of said company, showing its gross receipts, to verify such statements.

¶ 8. **Time limit for construction of plant.**] § 8. Said company shall, within three (3) years from the passage of this ordinance, erect, construct and have ready for operation a plant or plants, and in connection therewith have constructed and laid down mains, pipes and connections, the actual bona fide cost of which shall be one hundred and fifty thousand (150,000) dollars.

¶ 9. **Bond.**] § 9. Said company shall file with the city clerk of said city a good and sufficient bond, to be approved by the mayor, in the penal sum of two hundred thousand ($200,000) dollars, conditioned that the said company shall comply with the terms and conditions of this ordinance, and shall indemnify and save harmless the city of Chicago against any and all damages, judgments, decrees and costs of whatsoever kind and nature, by reason of the passage of this ordinance and the exercise of the privileges herein granted.

¶ 10. **When in force—acceptance.**] § 10. This ordinance shall take effect and be in force from and after its passage and acceptance by said company, and the filing and approval of the bond herein required, providing that said acceptance shall be filed and said bond shall be filed and approved within sixty (60) days after the passage hereof.

Note.—See ordinance following repealing foregoing ordinance.

§ 130. Commercial Heat and Power company.

¶ 1. Repealing clause.
¶ 2. When in force.

An ordinance repealing an ordinance heretofore passed granting rights to the Commercial Heat and Power company. (Passed April 10, 1895.)

¶ 1. **Repealing clause.**] Be it ordained by the city council of the city of Chicago: § 1. That the ordinance granting certain rights and privileges to the Commercial Heat and Power Company, passed

on March 29th, 1895, by the city council of the city of Chicago, be and the same is hereby repealed.

¶ 2. **When in force.**] § 2. This ordinance shall be in force and effect from and after its passage.

NATIONAL TRANSIT COMPANY.

§ 131. National Transit company.
¶ 1. Two pipe lines—route.
¶ 2. Pipe laying—not to disturb present underground work.
¶ 3. Restoration of streets, etc.—repairs for a year—permits.
¶ 4. Time limit for construction—indemnity.
¶ 5. Refusal to restore pavement, etc.
¶ 6. Bond—stipulation—renewal of bond.
¶ 7. Ordinance construed.
¶ 8. Acceptance—right of repeal.

An ordinance granting certain rights and privileges to the National Transit company to pipe oil in the town of Lake. (Passed October 23, 1888. Bond filed December 26, 1888.)

¶ 1. **Two pipe lines—route.**] Be it ordained by the president and board of trustees of the town of Lake, as follows: § 1. That permission and authority be and the same are hereby granted to the National Transit Company to construct, operate and maintain two pipe lines for the transportation of oil, each pipe line consisting of wrought iron pipes, with screw points, known as "line pipe," each pipe line to be not larger than eight inches internal diameter, along the routes hereinafter designated, to-wit: In and along the right of way of the Lake Shore & Michigan Southern Railway Company, from the intersection of said right of way with State street, near 63rd street, in the town of Lake, county of Cook and state of Illinois, to the intersection of said right of way with the center line of 39th street; also commencing at the intersection of the right of way of the said Lake Shore & Michigan Southern Railway Company with the right of way of the Union Stock Yard and Transit Company of Chicago, at or near 40th street, or 40th street extended, running thence westerly in and along the right of way of the said Union Stock Yard and Transit Company of Chicago, to the intersection of said right of way with the west line of Halsted street, and to construct said pipe lines under and across all the streets, alleys, lanes, highways, and public places in the town of Lake which it may be necessary to cross to pursue the routes above mentioned.

¶ 2. **Pipe laying—not to disturb present underground work.**] § 2. The said company shall construct and lay its said pipe lines un-

derground at least two feet beneath the surface of said streets, alleys, lanes, highways and public places, and said pipe lines shall be laid and all work done under the direction and supervision of the superintendent of the department of public works of said town and to his satisfaction. The said company shall do no permanent injury to any pavement, sidewalk, crosswalk, sewer, water pipe, gas pipe, street, alley, or public place, nor in any manner unnecessarily interfere with any water, sewer, gas, or any other pipe which now is or which may hereafter be laid by the town of Lake, or by any authorized person or corporation, and no street, alley, lane, highway or public place shall be allowed to remain open or incumbered for a longer period than shall be necessary in the opinion and discretion of the superintendent of the department of public works, to execute the work for which the said street, alley, lane, highway or public place may have been opened or incumbered.

¶ 3. Restoration of streets, etc.—repairs for a year—permits.] § 3. That immediately after the work of said company, in constructing and laying its said pipe lines has been done, it shall forthwith, and as the work progresses at its own cost and expense restore the streets, alleys, lanes, highways and public places disturbed by said work, to a condition as good as the same were in before the commencement of said work, and keep and maintain the said streets, alleys, lanes, highways and public places for the period of one year after said restoration in good condition and repair, under the supervision and to the satisfaction of the superintendent of the department of public works of said town, and without expense to said town, and whenever any street, alley, lane, highway or public place be torn up, either for the laying of pipe or making repairs, the said street, alley, lane, highway or public place shall be restored, as the work progresses, under the direction and supervision, and to the satisfaction of the superintendent of the department of public works, at such time or times as he may appoint; and in case this company shall desire at any time after the construction of said pipe lines to enter upon any street, alley, lane, highway or public place for the purpose of making repairs, the said company shall not be permitted to do so without having first obtained, in each instance, from the president and board of trustees of said town, express authority and permission for the specific work proposed, and in each and every instance said work shall be done under the supervision and to the satisfaction of the superintendent of the department of public works of said town.

¶ 4. Time limit for construction—indemnity.] § 4. The construction of one of said pipe lines herein above mentioned shall be completed within six months from the passage hereof; and the construction of the other of said pipe lines shall be completed within two years from the passage hereof. In case the said company in constructing and laying said pipe lines shall disturb or in any manner injure or interfere with any gas, sewer, or water pipe, or any other pipe or drain,

it will pay the cost of restoring the same to a condition as good as the same was in before such disturbance or interference, and will pay any damages that the said town may sustain by reason thereof; and in case of the officers, agents or servants of the said town in prosecuting any work of said town shall interfere with said pipe lines, in any manner, they and the said town shall be held harmless by the said company of and from any and all damage or claim for damage arising from, growing out of or resulting from the same, except in case of willful or intentional injury.

¶ 5. **Refusal to restore pavement, etc.**] § 5. If the said company shall refuse or neglect to restore and replace any street, alley, lane, pavement, flagging, curb, sidewalk, crosswalk or public place after having disturbed and removed the same, for the period of five days, after receiving written notice from the superintendent of the department of public works of said town to make said restoration or repairs, or shall refuse and neglect to comply with the order of the superintendent of the department of public works of said town to restore such street, alley, lane, pavement, flagging, sidewalk, crosswalk, curb or public place, disturbed and removed as aforesaid, then the said superintendent of the department of public works may cause the same to be done in such manner as he may deem proper, and the said company shall be liable for the cost and expense thereof, and shall pay such cost and expense on demand of said town of Lake.

¶ 6. **Bond—stipulation—renewal of bond.**] § 6. The rights and privileges upon the express condition that the said National Transit Company will first enter into a bond with the town of Lake to be approved by the president and board of trustees of said town, with good and sufficient sureties in the penal sum of twenty thousand (20,000) dollars conditioned in indemnity and save harmless the said town against and from any and all damages or claims for damages, judgments, decrees, costs and expenses of the same which said town of Lake may suffer or which may be recovered or obtained against the said town for or by reason of the granting of the rights and privileges in the ordinance contained, or for or by reason of or growing out of or resulting from the passage of this ordinance, or from any act or acts of the said company under or by virtue of the authority herein granted, or the failure, refusal, or neglect of said company to perform each and every of the said conditions upon which this ordinance is granted. And it is hereby further provided, that upon the recovery of any such final judgment or decree against said town, as aforesaid, said company shall immediately and without prior payment of such judgment or decree by said town be liable to pay and shall pay the amount or amounts thereof, to said town, and the fact that the said town may not have paid such judgment or decree shall constitute no defense on the part of said company; and it is hereby further expressly provided that in case of the failure on the part of said National Transit Company to

perform any of the conditions or provisions of this ordinance the said town of Lake shall not be limited to an action upon the bond of said company, but may proceed at once against the said company in any suit or action at law or in equity which it may deem advisable or necessary for the recovery of any money damages, or costs, which it may have sustained by reason of such breach or failure; and it is hereby further provided that the said National Transit Company, its successors and assigns, shall renew said bond and the sureties thereon, whenever and so often as the said town of Lake may desire or require.

¶ 7. **Ordinance construed.**] § 7. Nothing in this ordinance contained shall be construed as conferring any exclusive rights or privileges to the National Transit Company, its successors or assigns.

¶ 8. **Acceptance—right of repeal.**] § 8. This ordinance shall not be in force until its written acceptance by said National Transit Company, together with the bond herein provided for, shall have been filed with the clerk of said town of Lake, and unless said acceptance and said bond herein provided for shall be executed and filed with the clerk of said town, as aforesaid, within sixty days from the date of the passage hereof, this ordinance shall be null and void; and in case of a failure on the part of said National Transit Company, its successors and assigns, to keep and observe each and every of the conditions and provisions of this ordinance, the town of Lake shall have the right to repeal this ordinance and to forfeit all rights acquired hereunder; and all rights, power and authority conferred upon the town of Lake or its officers or trustees, shall rest in, and be exercised by, the municipal corporation or its officers, trustees or authorities, within whose limits the said works or constructions or any part thereof may be situated.

§ 132. National Transit Company.

¶ 1. Grant—route.
¶ 2. Grant subject to conditions.
¶ 3. Conditions.
¶ 4. Permit for excavation.
¶ 5. Liability for damages—indemnity.
¶ 6. Barriers, lights and signals.
¶ 7. Rights of village to put in underground work.
¶ 8. Pipe specifications.
¶ 9. Subject to ordinances.
¶ 10. Stipulation as to furnishing fuel oil to village and customers.
¶ 11. Performance of duties by village officer.
¶ 12. Terms inure to and binding upon successors.
¶ 13. Limited to transportation of fuel oil only.
¶ 14. Forfeiture of grant.
¶ 15. Bond—renewal for demand.
¶ 16. Acceptance.

An ordinance granting rights to the National Transit company to establish and maintain an oil pipe line in the village of Hyde Park. (Passed December 27, 1888. Approved January 2, 1889. Accepted January 22, 1889.)

¶ 1. **Grant—route.**] Be it ordained by the president and board of trustees of the village Hyde Park: § 1. That permission and authority be and the same are hereby granted to the National Transit Company, a corporation of the state of Pennsylvania, to construct, lay, maintain, repair, use and operate pipe lines for the transportation underground, of fuel oil under and across the highways, streets, avenues, alleys, places, public grounds, rivers and canals, of the village of Hyde Park, lying south of Sixty-third street (63rd).

¶ 2. **Grant subject to conditions.**] § 2. The foregoing privileges are granted to the said National Transit Company upon the following conditions and with the following limitations and agreements and the acceptance of this ordinance by the National Transit Company shall constitute said conditions, limitation and agreements a binding contract upon the said National Transit Company, its successors and assigns.

¶ 3. **Conditions.**] § 3. Said company shall do no permanent injury to any highway, street, sidewalk, alley, public place or shade tree, and shall not, in any manner, interfere with any water pipe, sewer or gas pipe, telegraph or electric wires, cables, conduits or pipes, which are now, or may hereafter be laid in said village of Hyde Park, except by the consent of duly authorized officers of said village, and when said company shall open ground in any highway, street, alley or public place, or lay pipes or expose any water pipe, sewer, gas or electric pipe or conduit, said company shall put in proper signal lights and shall forthwith restore the highway, street, alley, water pipe, sewer, gas or electric pipe, to as good condition as before, at its own expense, under the direction of the superintendent of public works or other authorized officer of said village, and within such time as he shall direct, and to the satisfaction of the board of trustees of said village, or the officer appointed or designated by said board.

And said company, by the acceptance of this ordinance, further agrees to maintain such parts of said highways, streets, alleys and public places as may have been disturbed by said company, for the period of one year after such restoration in good repair, under the supervision and to the satisfaction of the superintendent of public works and without expense to said village; and in case the said company shall refuse or neglect for the period of five days, after receiving notice in writing from the superintendent of public works, or other authorized officer, to make such restoration or repairs, then the same may be done by the proper village officer, and the expense thereof shall be paid by said company on demand by said village of Hyde Park, and the certificate of the superintendent of public works or other authorized officer that said work has been done under his direction, and the amount of the cost thereof shall be conclusive upon said company.

¶ 4. **Permit for excavation.**] § 4. The said National Transit Company shall not make any excavation in any highway, street,

alley or public place without first procuring a written permit for that purpose from the superintendent of public works or other authorized officer of said village, which permit may specify in which part of the street, highway, alley or public place the said excavation shall be made, or said pipe shall be laid, and no such permit shall be issued to make any excavation along the line of any paved street for the purpose of laying any new line of pipe without permission in each case granted by the president and board of trustees of said village. And said company shall, upon notice from the superintendent of public works or other proper officer, forthwith remove or change at its own expense, any pipe which may be in the way of, or interfere with, the public use of any street or sidewalk, of any viaduct, sewer or water pipe, public building or other public structure within said village, and if not so done by said company, such village officer may cause the same to be done at the expense of said company, and said company hereby agrees to pay the cost of the same.

¶ 5. **Liability for damages—indemnity.**] § 5. Said company shall be held liable to and by the acceptance of this ordinance agrees to compensate the village of Hyde Park, and pay any private individual or any owner or owners, or parties interested in any property adjacent to any highway, street, alley or public place, opened, injured or used by it, for all damage which may result from or by reason of said company having opened, incumbered or failed to protect or guard any such highway, street, alley or public place in said village, or from or by reason of any neglect or fraud on the part of said company in the exercise of any privilege granted by this ordinance.

And the said National Transit Company, by the acceptance of this ordinance, further agrees that it will save harmless the said village of Hyde Park and its successors from and against any and all damages or claims for damages, judgments and decrees which said village may suffer, or which may be recovered or obtained against said village for or by reason of, or growing out of, or resulting from the passage of this ordinance, or the granting of the rights and privileges herein, or from any act or acts of the said company under and by virtue of the authority herein granted, or the failure, refusal or neglect of said company to perform each and every of the conditions provided in this ordinance.

¶ 6. **Barriers, lights and signals.**] § 6. Said company shall put up all necessary barriers, lights and signals to prevent the happening of any accident in consequence of any opening or incumbrance of any street, alley, highway or public place in said village.

¶ 7. **Right of village to put in underground work.**] § 7] The village of Hyde Park reserves the right to put in any sewerage, water and other pipes, and any and all improvements which it may deem necessary or proper at any and all times in said streets, alleys, highways and public places without any liability to said National

Transit Company for so doing, and on reasonable notice said company shall take care of its own pipes and property in said streets, highways, alleys and public places.

¶ 8. **Pipe specifications.**] § 8. The lines of pipe constructed or laid by virtue of this ordinance shall be of wrought iron of the best material and with screw joints of the best known character for securing oil, and said pipes shall be placed not less than two feet below the surface of the ground.

¶ 9. **Subject to ordinances.**] § 9. The said National Transit Company, and all rights and privileges herein granted to the same shall be subject to all general ordinances of the village of Hyde Park now in force or which may hereafter be passed concerning the conducting or storage of oil or oils in said village.

¶ 10. **Stipulation as to furnishing fuel oil to village and customers.**] § 10. And the said National Transit Company, by the acceptance of this ordinance, hereby expressly agrees that within one year from the date of the passage of this ordinance it will construct a pipe line running to the present location of the water works of the said village of Hyde Park, so as to be able to furnish the said village, through said pipe line, oil for fuel purposes; and further agrees that it will, at all times when requested, furnish to the said village of Hyde Park fuel oil as cheaply as said oil is furnished to any other corporation, person or combination within the said village of Hyde Park or the city of Chicago; and it further agrees that in supplying oil to customers it will not discriminate either as to quantity, quality or price against people using said oil within said village of Hyde Park in favor of persons using said oil within the city of Chicago or elsewhere in Cook county.

¶ 11. **Performance of duties by village officer.**] § 11. In case the duties herein prescribed to be performed by the superintendent of public works, or other authority, shall devolve upon any other department or officer, the same shall be performed by such other department or officer exactly as though specifically mentioned herein.

¶ 12. **Terms inure to and bind upon successors.**] § 12. In case the said village of Hyde Park shall change its form of government, or be divided, or be united or annexed with, or to any other town, village or city, the municipal government or governments succeeding to the rights and duties of the village of Hyde Park shall be bound by, and succeed to all the duties, rights, privileges and authority herein imposed upon or saved to the said village of Hyde Park.

¶ 13. **Limited to transportation of fuel oil only.**] § 13. This ordinance shall not be construed to authorize the said National Transit Company to transport gas or any other substance than fuel oil.

¶ 14. **Forfeiture of grant.**] § 14. Any sale, transfer or yielding of the rights and privileges hereby granted to any other corpora-

tion, company, trust or combination without the express consent of the president and board of trustees of the village of Hyde Park, shall work an absolute forfeiture of all such rights and privileges.

¶ 15. Bond—renewal of on demand.] § 15. The rights and privileges hereby granted are granted upon the express condition that the said National Transit Company will enter into a bond with the village of Hyde Park, to be approved by the president and board of trustees of said village, with good and sufficient sureties, in the penal sum of twenty thousand dollars ($20,000), conditioned to indemnify and save harmless said village against and from any and all damages or claims for damages, judgments, decrees, costs and expenses of the same, which said village of Hyde Park may suffer, or which may be recovered or obtained against the said village for or by reason of the granting of the rights and privileges in this ordinance contained, or for or by reason of, or growing out of, or resulting from the passage of this ordinance, or from any act or acts of the said company under or by virtue of the authority herein granted, or the failure, refusal or neglect of said company to perform each and every of the said conditions upon which this ordinance is granted; and it is hereby further provided that upon the recovery of any such final judgment or decree against said village, as aforesaid, said company shall immediately, and without prior payment of such judgment or decree, by said village, be liable to pay and shall pay the amount or amounts thereof to said village, and the fact that the said village may not have paid such judgment or decree shall constitute no defense on the part of said company; and it is hereby further expressly provided that in case of the failure on the part of said National Transit Company to perform any of the conditions or provisions of this ordinance, the said village of Hyde Park shall not be limited to an action upon the bond of said company, but may proceed at once against the said company in any suit or action at law or in equity, which it may deem it advisable or necessary for the recovery of any money, damages or costs, which it may have sustained by reason of such breach or failure; and it is hereby further provided that the said National Transit Company, or its successors, shall renew said bond and the sureties thereon whenever, and as often, as the village of Hyde Park may desire or require.

¶ 16. Acceptance.] § 16. The said company shall signify its acceptance of this grant or permission upon the terms, conditions and restrictions herein provided, by filing with the city clerk of the village of Hyde Park a written acceptance thereof, together with the bond herein provided for, and together with a certificate that said company is duly incorporated by the state of Pennsylvania within sixty (60) days from the passage hereof.

JOHN B. SHERMAN, IRUS COY AND OTHERS.

§ 133. John B. Sherman, Irus Coy and others.

¶ 1. Grant in perpetuity—territory.
¶ 2. Water to be sold to town only—agreed compensation.
¶ 3. Conditions as to streets and underground work already laid—excavations.
¶ 4. Damage to town or individuals.
¶ 5. Granting of permits or licenses—commencement and completion of work.
¶ 6. Acceptance—bonds.

An ordinance granting permission to John B. Sherman, Irus Coy and others to lay down, construct and maintain tunnels and iron water pipes and erect pumping works. (Passed July 9, 1889. Accepted July 12, 1889.)

¶ 1. Grant in perpetuity—territory.] Be it ordained by the president and board of trustees of the town of Lake: § 1. That permission and authority are hereby given to John B. Sherman, Irus Coy, Thomas Gahan, M. J. Tierney, Thomas Byrne and M. E. McGregor, or the corporation which they shall procure to be organized for the purposes herein mentioned, and their assigns, to lay down, construct, use and forever maintain one or more brick tunnels, each of which shall not be less than six feet internal diameter, and two or more iron water pipes, each of which shall not be less than twenty-four inches internal diameter, in the town of Lake, in the territory lying between 39th and 87th streets, from the east line of said town to the west line of said town; and for the purpose of conveying water through said tunnels and pipes, and the said parties are given permission and authority to erect, operate and maintain pumping works in said town, upon such lands as they may acquire by purchase or otherwise, and for said purposes of constructing said tunnels and laying down said water pipes, the right is hereby granted to cross or use lengthwise the streets, avenues, highways and alleys in said town, within the limits aforesaid.

¶ 2. Water to be sold to town only—agreed compensation.] § 2. The permission and authority hereby granted are upon the express condition that none of the water going through said tunnels or pipes shall be sold by the said parties within the limits of said town to any individuals or corporations, except to the municipal corporation of said town, or its successors or assigns; and that as a condition for the grant of said authority herein given the said town of Lake, or its successors or assigns, shall have the right to purchase water for the said town, or their successors or assigns, for the use of said town, or its successors or assigns, and the inhabitants thereof, at a reasonable rate of compensation to be agreed upon by the said town, or its successors or assigns, and the said parties or their assigns.

¶ 3. Conditions as to streets, and underground work already laid—excavations.] § 3. The said parties, or their assigns, shall do no permanent injury to any highway, street, sidewalk, alley or public

place, or shade trees, and shall not in any manner interfere with any water or sewer pipes which are now or may be hereafter laid by the said town, or its successors or assigns, except by the consent of duly authorized officers of said town; and when said parties, or their assigns, shall open ground in any highway, alley or public place, or expose any viaduct, sewer or gas pipe, said parties, or their assigns, shall put in proper signal lights and shall forthwith restore the street, highway, avenue, alley, water pipe, sewer or gas pipe in as good condition as before, at their own expense, under the direction of the superintendent of public works, or other authorized officer, and to the satisfaction of the board of trustees of said town; and if the said parties, or their assigns, shall neglect or refuse so to do, the same shall be done by the said town, or its successors or assigns, and the said parties, or their assigns, shall be liable for, and by the acceptance of this ordinance agrees to pay, the cost and entire expense thereof; and the said parties or their assigns, shall not make any excavation in any highway, street, alley or public place, without first procuring a written permit for that purpose from the superintendent of public works, or other duly authorized officer, of said town, which permit may specify in which part of the street, sidewalk, avenue or public place said work may be done; and when an excavation shall be made by said parties in any highway, street, avenue or public place paved with wooden blocks, the foundation board shall be removed without being cut, unless such cutting shall be specially permitted by the proper officers of said town; the said parties, or their assigns, shall, upon notice from such officer of said town, forthwith remove or change any material, workmen, or implements which may be in the way of, or interfere with the public use of any street, including the construction or erection of any viaduct, sewer, or water pipe, public building or public structure, within said town.

¶ 4. **Damage to town or individuals.**] § 4. Said parties, or their assigns, shall be liable to, and by acceptance of this ordinance, agree to compensate the said town, or its successors or assigns, and pay any private individual owner, or owners or parties interested in any property adjacent to any highway, street, avenue, or alley or public place, opened or injured by them, for all damage which may result from or by reason of said parties, or their assigns, having negligently opened, encumbered, protected or guarded any such highway, street, avenue, or public place in said town; or from or by reason of any negligence or fraud on the part of said parties, or their assigns, in the exercise of any privileges granted by this ordinance.

¶ 5. **Granting of permits or licenses—commencement and completion of works.**] § 5. In case the duties herein prescribed to be performed by the superintendent of public works, or other authority, shall devolve upon any other department or officer, the permits and licenses herein mentioned, shall be granted by such department or of-

ficer, and the duties herein imposed upon the superintendent of public works shall be performed by such officer or department, work to be commenced within two years from July 9th, 1889, and to be completed within six years from said date.

¶ 6. **Acceptance — bond.**] The rights and privileges hereby granted are upon the express condition that said parties, or their assigns, shall file an acceptance thereof in writing and execute a bond to the said town of Lake, in the sum of one hundred thousand dollars, conditioned to indemnify and save harmless the said town of Lake of and from all damage which may accrue, or which in any manner may arise or grow out of the exercise by said parties, or their assigns, of the privileges hereby granted; and said acceptance shall be filed and bond shall be executed and approved by the board of trustees within sixty days from the passage of this ordinance; the execution of said acceptance and said bond by said parties, or their assigns, and their delivery to, and approval by the said board of trustees, or their successors or assigns, shall thenceforth authorize the said parties, or their assigns, to exercise all and singular the rights and privileges hereby granted.

WAUKESHA HYGEIA MINERAL SPRINGS COMPANY.

§ 134. Waukesha Hygeia Mineral Springs Company.

¶ 1. Grant—route.
¶ 2. Non-interference with navigation.
¶ 3. Underground construction.
¶ 4. Restoration of streets.
¶ 5. Use limited to water from springs.
¶ 6. Damages.
¶ 7. Bond.
¶ 8. Liability not measured by bond.
¶ 9. When in force—acceptance.

An ordinance granting permission and authority to the Waukesha Hygeia Mineral Springs company to lay pipes underground, for conducting and conveying spring or mineral water. (Passed July 20, 1891. Accepted August 20, 1891.)

¶ 1. **Grant—route.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be, and the same are, hereby granted to the Waukesha Hygeia Mineral Springs Company, its successors and assigns, to construct, lay down, maintain, repair and operate a single metal pipe, not more than twelve (12) inches in diameter, for conducting or conveying spring or mineral water, along and under the following streets, avenues and alleys in the city of Chicago, viz.: From Devon street, or northern city limits, on Clark

street to Balmoral avenue; thence west on Balmoral avenue to Robey street; thence south on Robey street to Wrightwood avenue; thence east on Wrightwood avenue to Southport avenue; thence south on Southport avenue; thence on Fullerton avenue to Ward street; thence on Ward street to Hawthorne avenue; thence southeasterly on Hawthorn avenue to Larrabee street; thence south on Larrabee street to Chicago avenue; thence east on Chicago avenue to Kingsbury street; thence south on Kingsbury street to Kinzie street; thence east on Kinzie street to Market street; thence south on Market street to the river; thence across the river to South Franklin street; thence south on Franklin street to Van Buren street; thence east on Van Buren street to the alley between State street and Wabash avenue; thence south on said alley, between State street and Wabash avenue, to Twenty-second (22nd) street; thence west on Twenty-second (22nd) street to State street; thence south on State street to Thirty-first (31st) street; thence east on Thirty-first (31st) street to the alley between State street and Wabash avenue; thence south on said alley to Fifty-first (51st) street; thence east on Fifty-first (51st) street to Calumet avenue; thence south on Calumet avenue to Sixty-first (61st) street; thence east on Sixty-first (61st) street to Madison avenue; thence south on Madison avenue to Sixty-third (63rd) street; thence east on Sixty-third (63rd) street to the east line of Stony Island avenue, to the entrance of the Columbian Exposition grounds, or, from a point at the intersection of the said alley between State street and Wabash avenue and Sixteenth (16th) street, east on Sixteenth (16th) street to its eastern terminus, or the right of way of the Illinois Central Railroad Company; thence along said right of way, with authority to cross such streets, avenues and alleys as may be necessary, to the entrance of the Columbian Exposition grounds.

¶ 2. **Non-interference with navigation.**] § 2. Said pipes shall be laid at the bottom of or under the bed of the Chicago river so as in no wise to interfere, now or hereafter, with the navigation of said river and its branches.

¶ 3. **Underground construction.**] § 3. Said pipes shall be under ground and shall be constructed under the supervision and to the satisfaction of the commissioner of public works.

¶ 4. **Restoration of streets.**] § 4. Said company shall do no permanent injury to any street, avenue or alley, or in any manner interfere with any water, sewer or gas pipes, telegraph or electric wires, cables or pipes which are now or may hereafter be laid by the city of Chicago or any authorized company or corporation; and, when said company shall open ground in any alley, avenue or street to lay such pipes it shall forthwith restore the same to as good condition as before, at its own expense and under the supervision and to the satisfaction of the department of public works; and, if the said company shall fail so to do, the same may be done by the city, and the expense thereof

collected from said company. No pipes shall be laid by said company except upon written permit of the commissioner of public works, which permit shall specify where said pipes shall be laid and the terms and conditions upon which the same shall be placed under ground.

¶ 5. **Use limited to water from springs.**] § 5. The privileges herein granted are upon the express condition that under no circumstances shall any other material than the water from these springs be conveyed through this line of pipe and no permission shall ever be granted to tap the said pipe at any point to make connection with any residence or other building within the present or future limits of the city of Chicago, except such buildings as may be erected by said company for distributing or bottling depots.

¶ 6. **Damages.**] § 6. Said company shall be liable to and shall compensate the city of Chicago and pay any private individual owner or owners or parties interested in any property adjacent to any street, avenue or alley opened or injured by it for all damages which may result therefrom, or by reason of such company having negligently opened, incumbered, protected or guarded any such street or alley in said city or from or by reason of any negligence or fault on the part of said company in the exercise of any of the privileges granted by this ordinance.

¶ 7. **Bond.**] § 7. This ordinance shall not take effect until said company shall have executed a bond to the city of Chicago, in the penal sum of fifty thousand ($50,000) dollars, with sureties satisfactory to said commissioner of public works, conditional to indemnify the city of Chicago of and from all damages which may accrue or may in any way arise or grow out of the exercise by said company of the privileges hereby granted, which said bond shall be executed and approved within thirty (30) days from the passage of this ordinance.

¶ 8. **Liability not measured by bond.**] § 8. The liability of said company to said city or to any person or company who may be injured by the exercise by said company of any of the rights and privileges granted by this ordinance shall not be limited by the penalty of said bond, it being understood that such remedy is merely cumulative and that said city of Chicago and any person or persons shall have the same remedies against said company as it or they would or might have if no such bond were given. Said company shall be subject to all general ordinances of the city, now in force or which may hereafter be passed in relation to companies laying pipes in said city of Chicago.

¶ 9. **When in force—acceptance.**] § 9. This ordinance shall be in force and effect from and after its passage and acceptance, in writing, by said company.

Note.—See ordinance following amending route.

§ 135. Waukesha Hygeia Mineral Springs Company.

¶ 1. Amending section of foregoing ordinance.
¶ 2. When to take effect.

An ordinance amending an ordinance entitled "An ordinance granting permission and authority to the Waukesha Hygeia Mineral Springs Company to lay pipes underground for conducting and conveying spring and mineral water," passed by the city council of the city of Chicago on the 20th day of July, 1891. (Passed September 12, 1892.)

¶ 1. Amending section one of foregoing ordinance.] Be it ordained by the city council of the city of Chicago: § 1. That section 1 of the ordinance passed by the city council of the city of Chicago, on the 20th day of July, 1891, granting permission and authority to the Waukesha Hygeia Mineral Spring Company to lay pipes under ground for conducting and conveying spring or mineral water, be and the same is hereby amended as follows: There shall be stricken out of said ordinance the following words and description of route, viz.: "From Devon street, or northern city limits, on Clark street to Balmoral avenue; thence west on Balmoral avenue to Robey street; thence south on Robey street to Wrightwood avenue; thence east on Wrightwood avenue to Southport avenue; thence south on Southport avenue; thence on Fullerton avenue to Ward street; thence on Ward street to Hawthorne avenue." And in lieu thereof, the following words and description of route shall be inserted in said ordinance, to have the same force and effect as if the same had been originally inserted in and made a part of the said ordinance, to-wit: From the intersection of Clark street and Devon street or northern city limits on Devon street to Western avenue; thence from Devon street on Western avenue to Lincoln avenue; thence on Lincoln avenue to Addison street; thence on Addison street to Paulina street; thence south to Wrightwood avenue; thence on Wrightwood avenue to Perry street; thence on Perry street to the alley next south of Fullerton avenue; thence on said alley to Ward street; thence on Ward street to Nursery street; thence on Nursery street to Herndon street; thence on Herndon street to Hawthorne avenue.

¶ 2. When to take effect.] § 2. This ordinance shall be in force from and after its passage.

§ 136. The Waukesha Hygeia Mineral Springs Company.

¶ 1. Route.
¶ 2. Time of completion.
¶ 3. Not to interfere with any underground work—acceptance construed.
¶ 4. Use limited to conveying mineral spring water only.
¶ 5. Compensatory damages.
¶ 6. Sale of water in village.
¶ 7. Grant construed—permits for work.
¶ 8. Acceptance.
¶ 9. Deposit—bond.
¶ 10. When in force.

An ordinance granting to the Waukesha Hygeia Mineral Springs company the right to construct, operate and maintain a pipe line for the distribution of spring and mineral water along certain streets in the village of West Ridge. (Passed and approved August 23, 1892.)

¶ 1. **Route.**] Be it ordained by the president and board of trustees of the village of West Ridge, Illinois: § 1. That the right is hereby granted to the Waukesha Hygeia Mineral Springs Company, a corporation, its successors and assigns, to lay, construct, maintain and operate a pipe line consisting of a single metal pipe not more than 12 inches in diameter and all necessary service pipes and appliances in connection therewith, for the distribution of spring or mineral water, along, upon and over the following streets and avenues in the village of West Ridge, viz.: From the eastern village limits on May street to Asbury avenue, thence north on Asbury avenue, to northern village limits, or from southern village limits on Asbury avenue to northern village limits, including the right to connect said water pipe with one or more distributing stations to be located upon property to be acquired or leased by said company contiguous to the route chosen by it under the provisions of this ordinance. All the foregoing to be upon the conditions and terms hereinafter stated.

¶ 2. **Time of completion.**] § 2. Said pipe shall be laid under ground and shall be constructed on or before the first day of May, 1893.

¶ 3. **Not to interfere with any underground work—acceptance construed.**] § 3. Said company shall do no permanent injury to any street or avenue in said village or in any manner interfere with any water, sewer or gas pipes, telegraph or electrical wires or pipes, which are now or may hereafter be laid by the village of West Ridge or any authorized company or corporation and whenever said company shall open ground, or disturb the surface of any street in any way, to do any work, to lay any pipes or make connection therewith, it shall as soon as such pipe is laid or connection made forthwith at its own expense, restore such street and any pavement therein to as good condition as it was in immediately prior to the doing of such work by such company. And if said company shall fail to do so, forthwith upon the completion of such work, said street and pavement may be restored by the village and the expense thereof collected from said company. Any work done by said company under this ordinance shall be construed as an acceptance of the provisions of this ordinance.

¶ 4. **Use limited to conveying mineral spring water only.**] § 4. Said company shall under no circumstances use said pipes or permit any other company or corporation to use said pipes for the conducting and distributing of any other material than the water from the springs of said company, now owned or hereafter acquired by said company, at or near Waukesha, Wisconsin.

¶ 5. **Compensatory damages.**] § 5. Said company shall

be liable for and shall compensate the village of West Ridge for all damages which may result by reason of said company having negligently opened, encumbered or guarded any such street or avenue in said village, or from or by reason of any negligence or fault on the part of said company, its agents and employes, in the exercise of any of the privileges granted by this ordinance.

¶ **6. Sale of water in village.**] § 6. Said company shall keep or cause to be kept its spring or mineral water on sale in said village, and its maximum price to residents of said village shall not exceed one dollar per ten (10) gallons, and said rate shall never exceed the rate charged to the residents of the city of Chicago therefor.

¶ **7. Grant construed—permits for work.**] § 7. Nothing herein contained shall be construed to alter, modify, or in any way repeal the general street ordinances of said village, and permits shall be obtained by said company from the authorities of said village before any work is done upon any street by said company under this ordinance and all work done by said company shall be done at all times under the supervision of the committee on streets and alleys of said village.

¶ **8. Acceptance.**] § 8. Said company shall accept this ordinance in writing to be filed with the village clerk, within thirty (30) days from the passage of this ordinance, otherwise this ordinance shall be null and void.

¶ **9. Deposit — bond.**] § 9. At the time of obtaining any permit to proceed with the work authorized by this ordinance, said company shall pay into the village treasury of said village for general village purposes a sum of money to be computed at the rate of one hundred and fifty ($150.00) dollars per mile of main pipe proposed to be laid by it under this ordinance and shall also file therewith a bond with surety to be approved by the village board with a penalty fixed at the rate of two thousand five hundred ($2,500.00) dollars per mile of pipe, as specified in said permit, conditioned for the faithful observance by said company and its agents and servants of all ordinances of said village and for the payment of all damages, costs and expenses resulting to said village by reason of the issuance of said permit or the nonperformance by said company of the provisions of this ordinance.

¶ **10. When in force.**] § 10. This ordinance shall be in force from and after its passage and its acceptance in writing by the officers of said company as above provided.

CHAPTER VI.—PNEUMATIC TUBES.

§ 137. Chicago Power Supply and Smoke Abating Company.
§ 138. James W. Beach.

CHICAGO POWER SUPPLY AND SMOKE ABATING COMPANY.

§ 137. Chicago Power Supply and Smoke Abating company.

¶ 1. Grant—conditions.
¶ 2. Main pipes—feeders—supervision.
¶ 3. Restoration of streets—permits—removal of pipes.
¶ 4. Construction—safeguard.
¶ 5. Indemnity.
¶ 6. Time for completion.
¶ 7. Bond—conditions.
¶ 7½. Compensation.
¶ 8. In force.

An ordinance authorizing the Chicago Power Supply and Smoke Abating company to place, maintain and operate a line of pipes and pneumatic tubes in the city of Chicago. (Passed February 29, 1892. Accepted March 5, 1892.)

¶ 1. **Grant—conditions.**] Be it ordained by the city council of the city of Chicago: § 1. Subject to the terms and conditions of this ordinance, there is hereby granted to the Chicago Power Supply and Smoke Abating Company, its successors and assigns, the right to construct and operate works for the manufacture of compressed air, motors and fittings for same, and for pneumatic appliances within the city of Chicago. Also, the right of way along, upon and under all the avenues, streets, alleys and public places in said city for the purpose of placing, operating, repairing and maintaining a line or lines of mains, pipes and pneumatic tubing and all necessary service pipes and appliances in connection therewith, for the distribution of compressed air for motive power and for heating, cooling and sanitary ventilation; also, for the transmission of power, articles and materials through tubes; Provided, however, no oil or gas shall be transmitted through said tubes. The size of the pipes to be laid by the company and the depth at which such pipes shall be laid shall be determined by the commissioner of public works.

¶ 2. **Main pipes—feeders—supervision.**] § 2. Such company or corporation shall not lay its main pipes in any such avenue, street, alley or public place of said city unless it shall, at the time, lay down all feeders or service pipes necessary to make connection with each and all building lots fronting or abutting thereon, and no subsequent

disturbance of the pavement or surface of such avenue, street or public place, except by permission of the commissioner of public works; Provided, that the main or distributing pipes shall be laid on such portion of the public highway as the commissioner of public works may direct and, at all intersecting streets which are improved, the main or distributing pipes shall be laid at right angles thereto and extend to the building line. Whenever in the judgment of the commissioner of public works it is practicable to do so, the main pipes of this company shall be laid in the alleys in preference to the streets.

¶ 3. **Restoration of streets — permits—removal of pipes.**] § 3. The said company or corporation shall do no permanent injury to any street, sidewalk, alley, avenue or public place, or shade tree, or in any manner unnecessarily disturb or interfere with any water pipe, sewer, gas pipe, conduit or other underground work now or hereafter laid by said city, or any authorized company or corporation; and, when said company shall open ground in any street, it shall forthwith restore the street, pavement, sidewalk, ground or water pipe, conduit or other underground work to a condition equally as good as before, at the expense of said company, and if said company shall fail or refuse so to do, the same may be done by said city and the said company shall be liable for and pay the costs thereof. Said company shall not make any excavation in any street, avenue, alley or public place without first obtaining a permit for that purpose from the commissioner of public works of said city. The said company shall not use the public fire hydrants of said city or any water therefrom without paying for same under a license and permit from the commissioner of public works of said city. The said company shall upon notice from the commissioner of public works of said city remove or change any main service pipe, tube or feeder which may be in the way or interfere with the construction or erection of any viaduct, public building or any other public structure; and whenever said city shall construct or form into a general subway any street, avenue, alley or other public highway, on or through which any main pipes or pneumatic tubes authorized by this ordinance may be located, said company, upon due notice from proper city authorities, shall occupy said subway and place and maintain its pipes, tubes and appurtenances therein at its own cost and expense.

¶ 4. **Construction — safeguards.**] § 4. Such company or corporation shall not open or incumber more of any street, avenue, alley or public place at any one time than may be necessary to enable it to proceed with advantage in the laying of such main pipes, tubing, feeders or service pipes; nor shall said company permit any such street, avenue, alley or public place to remain open or encumbered for a longer period than shall be necessary to execute the work for which the same shall have been opened, or without putting up the necessary barriers and lights so as to effectually prevent the happening of any accident in consequence of such opening or encumbering of such street,

alley, avenue or public grounds; nor shall any two next parallel streets be excavated at the same time.

¶ 5. **Indemnity.**] § 5. Such company or corporation shall be liable to and shall compensate the city of Chicago and pay any private individuals, owner or owners, or parties in any property adjacent to any street, avenue, alley or public place opened or injured by it for all damages which may result from such company having neglectfully opened, encumbered, protected or guarded any such street, avenue, alley or public place in said city; Provided, said company shall in the exercise of the rights and privileges hereby granted be subject to all laws and ordinances relating to nuisances.

¶ 6. **Time for completion.**] § 6. This ordinance is granted upon the express condition that said company shall, within two years from the date of the acceptance of this ordinance, have laid and ready for operation at least three (3) miles of its main pipes within the limits of the city of Chicago, and unless it shall so have constructed and laid the number of miles of distribution pipes herein referred to, then and under these conditions this ordinance shall be and become void and of no effect, at the option of the city council; Provided, however, that the time during which any legal proceedings shall be pending, whereby the said company, its successors and assigns, shall be prevented from or delayed in complying with the requirements of this section, shall not be taken or deemed any part of the time specified; Provided further, however, that the city of Chicago may intervene in any suit and move for its dismissal in the name of said company in case such suit may be deemed by the city collusive, or for the purpose of delay or extension of the time herein specified.

¶ 7. **Bond — conditions.**] § 7. The said company shall file with the city clerk a good and sufficient bond, to be approved by the mayor, in the penal sum of fifty thousand ($50,000) dollars, conditioned that such company shall comply with all the terms and conditions of this ordinance and shall indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs of whatever kind or nature, by reason of the passage of this ordinance and the exercise of any rights and privileges hereby or herein granted.

¶ 7½. **Compensation.**] § 7½. Said company shall pay annually to the city of Chicago, for and in consideration of the rights and privileges hereby granted, an amount equal to five (5) per cent of the gross revenue or receipts of said company. Such payment shall be made in the manner following: At the expiration of one year from the time when said company shall commence to distribute heat and power to consumers in the city of Chicago, the president or other chief officer of the company shall file with the city comptroller a statement, verified under oath, showing the amount of the gross annual revenue or receipts of said company for the preceding year and shall, at the

same time, pay to said comptroller the said amount of five (5) per cent on the annual gross revenue receipts. Said payment to be made as herein prescribed annually during the term of this ordinance.

¶ 8. **In force.**] § 8. This ordinance shall take effect and be in force from and after its passage and the filing and approval of the bond herein required and the acceptance thereof by said company; Provided, that if the said approved bond and acceptance be not filed within ninety days of the passage hereof this ordinance shall be void and of no effect.

JAMES W. BEACH.

§ 138. James W. Beach.

¶ 1. Grant—route.
¶ 2. Construction—supervision.
¶ 3. Bond.
¶ 4. Restoration of streets.
¶ 5. Excavations—repairs.
¶ 6. Time for completion.
¶ 7. Exception as to time limit.
¶ 8. Number and location of pipes.
¶ 9. Acceptance.

An ordinance granting to James W. Beach, his heirs and assigns, permission and authority to construct, lay, place, maintain, renew and operate pneumatic tubes or conduits for the transmission of mail or packages with all suitable switches, turnouts, connections, chutes or stations in, along and upon certain streets and avenues in the village of Fernwood. (Passed and approved April 14, 1891.)

¶ 1. **Grant—route.**] Be it ordained by the president and board of trustees of the village of Fernwood: § 1. That permission and authority is hereby granted to James W. Beach, his heirs and assigns, to construct, lay, place and maintain and operate pneumatic tubes or conduits with all suitable switches, turnouts, connections, chutes or stations in or along and upon the following named streets and avenues, in the village of Fernwood, that is to say: The first alley east of Halsted street, Beach avenue and Clinton street, from the north to the south boundary line of said village, 99th street, 100th street, 101st street, 102nd street and 95th street from the east to the west boundary line of said village and Murray street from 100th street to 101st street and Gillette avenue from north to south boundary line and in first alley north of Tracy avenue between Clinton and Park avenue.

¶ 2. **Construction—supervision.**] § 2. That said pneumatic pipes and conduits shall be laid or constructed and placed subject to the inspection or supervision of the street commissioner of said village.

¶ 3. **Bond.**] § 3. That before any excavation in any street or avenue shall be made, a bond shall be filed by the said Beach, his heirs or assigns in the penal sum of two thousand dollars, conditioned to hold the said village harmless from all loss or damage to it accruing through any suits at law or in equity or through the negligence or carelessness of the employees of said Beach, his heirs and assigns, in making excavations for said tubes or conduits and all suits brought vs. the village for reason of granting this franchise, Mr. Beach will defend at his own expense.

¶ 4. **Restoration of streets.**] § 4. All excavations in said streets, alleys and avenues shall as soon as conveniently may be, after said tubes or conduits are laid therein, be filled and restored so nearly as is practicable to their former condition.

¶ 5. **Excavations—repairs.**] § 5. Whenever an excavation in any of said streets, alleys or avenues is made for the purpose of improvement, repairs or renewal of said tubes or conduits or for any other purpose, no greater portion of said street shall be excavated for such purpose at one time, than is deemed necessary, and the excavation shall be filled so soon as is practicable and restored to its former condition after said renewal improvement, repairs or other purpose has been effected.

¶ 6. **Time for completion.**] § 6. Work shall be commenced on the plant or power house or device for the purpose of operating said tubes and conduits, within sixty days from the acceptance in writing of this ordinance by the said Beach, his heirs or assigns. Provided, that if the pneumatic system or device mentioned is not put in operation within two years from the approval of this ordinance, then and from thenceforth, this ordinance shall be null and void; and provided further, that such portions of said streets hereby granted as shall not have pneumatic pipes or conduits placed therein, within three years from the approval of this ordinance, such portions of said streets as shall not be so occupied, shall revert to the village of Fernwood or its successors.

¶ 7. **Exception as to time limit.**] § 7. Provided whatever time J. W. Beach, his heirs or assigns are prevented from proceeding with their work on account of suits brought against him or them, shall not be counted when computing the time mentioned in section 6 of this ordinance.

¶ 8. **Number and location of pipes.**] § 8. And said Beach shall not place more than two pipes along or on any one street above mentioned, and said pipes shall be placed along the sides of said streets and twelve feet on each side of the center line of such streets, except at and near street intersections where sufficient space for proper curves may be taken; and on each side of alleys.

¶ 9. Acceptance.] § 9. Provided that said Beach shall accept this ordinance in writing within thirty days from the approval of this ordinance. This ordinance shall be in force from and on its approval. Provided that the rights and privileges hereby granted shall be for the period of twenty years from the passage of this ordinance.

CHAPTER VII.—PRIVATE PRIVILEGES.

§ 139. J. M. Arnold.
§ 140. Ashland Block association.
§ 141. Dr. Charles C. Berry.
§ 142. Chicago Auditorium association.
§ 143. Chicago Metropolitan Theater company.
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§ 150. Marshall Field.
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§ 152. Great Northern Theater & Hotel company.
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§ 159. McAvoy Brewing company.
§ 160. James A. Miller.
§ 161. Morgan & Wright.
§ 162. John M. Pashley.
§ 163. F. W. Peck.
§ 164. Produce Cold Storage company.
§ 165. Rand, McNally and others.
§ 166. Albert Russel.
§ 167. Sanitary district.
§ 168. Schlesinger & Mayer.
§ 169. Henry Schoellkopf.
§ 170. Sears, Roebuck & Company.
§ 171. Daniel Shelby.
§ 172. Henry Strong.
§ 173. Thomson & Taylor Spice company.
§ 174. Tobey & Booth.
§ 175. Wahl Brothers.
§ 176. E. C. Waller.
§ 177. Western Electric company.
§ 178. William A. Wieboldt.
§ 179. R. A. Viall.

PRIVATE PRIVILEGES.

§ 139. J. M. Arnold.

¶ 1. Premises described—plans.
¶ 2. Revocation of permit—closing up.
¶ 3. When in force.

An ordinance granting permission to J. M. Arnold to construct and maintain a coal vault. (Passed March 26, 1894.)

¶ 1. Premises described—plans.] Be it ordained by the city council of the city of Chicago: § 1. That, whereas J. M. Arnold is the owner of the premises numbered 34 and 36 West Monroe street, in the city of Chicago, and is desirous to construct and maintain a vault or coal chute under the alley in the rear of said premises for the passage and storage of coal and other purposes and to connect with said premises, permission and authority be and is hereby granted to the said J. M. Arnold (at his own expense) to construct, maintain and use said vault or coal chute; Provided said Arnold shall construct and build said vault or coal chute and the cover thereto according to the plans herewith submitted, and provided further that water, gas and other pipes be made to accommodate themselves to said vault or coal chute at the expense of said Arnold under proper supervision, and that said vault or coal chute does not interfere with or injure present sewers or other permanent underground fixtures in said alley.

¶ 2. Revocation of permit—closing up.] § 2. This permission and authority and the vault or coal chute constructed thereunder shall be subject to all ordinances, present or future, relating to underground fixtures in said alley, and this ordinance is subject to revocation, and the said vault or coal chute subject to be closed up and removed at any time, by ordinance of the city council.

¶ 3. When in force.] § 3. This ordinance shall be in force and take effect from and after its passage.

ASHLAND BLOCK ASSOCIATION.

§ 140. Ashland Block association.

¶ 1. Specification.
¶ 2. Use of, subject to control of city—discontinuance.
¶ 3. Bond.
¶ 4. When in force.

An ordinance granting permission to the Ashland Block association to maintain a space in Couch place as a coal vault. (Passed March 9, 1896.)

¶ 1. Specifications.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be, and the

same are hereby given to the Ashland Block association, a corporation of the state of Illinois, to excavate, use and maintain a space not to exceed eighty (80) feet and five and three-eighths inches (5⅜) long, by nine (9) feet wide, and ten (10) feet in depth, under the surface of the alley known as Couch place, running east and west from Clark street to Dearborn street, and between Lake and Randolph street, in the city of Chicago, for the purpose of storing coal, and other like purposes; said excavation to be within the following points: Beginning at the east line of Clark street and the center line of said alley, thence eighty (80) feet and five and three-eighths inches (5⅜) east along the center line of said alley; thence south nine (9) feet to the south line of said alley; thence west on the south line of said alley to the east line of Clark street; and thence north on the east line of Clark street to the place of beginning; all of said space abutting on and immediately north of the premises owned by said Ashland Block association. Provided, that said Ashland Block association shall make such excavation, cover same, and construct it according to plans to be submitted to, and to be authorized by, the department of public works, and in every way to the satisfaction of said department; and, provided further, that the surface of said alley over the space so excavated shall be restored, in as short a time as possible, to as good condition for public traffic as before such excavation commenced; such restoration to be made under the supervision, and to the satisfaction of the department of public works.

¶ 2. **Use of, subject to control of city—discontinuance.**] § 2. The construction, maintenance and use of said excavated space shall at all times be subject to the control of the city of Chicago, and said city shall have the right to a reasonable use of said space, free of charge, for the running or laying of city wires or mains, or conductors, and the permission and authority herein given, is given subject to the right of the city of Chicago, which said right is hereby expressly reserved, to revoke said permission and authority and to require that the use of said space be discontinued, and that said space be filled up at the expense of the Ashland Block association, whenever the public interests of said city shall require it.

¶ 3. **Bond.**] § 3. No excavation or construction shall be begun hereunder, until the said Ashland Block association shall have filed with the city clerk a bond in the sum of ten thousand (10,000) dollars, with sureties to be approved by the mayor, conditioned for the performance of all the obligations of this ordinance, and also conditioned to indemnify, save and keep harmless the city of Chicago from any and all damage, costs or expense which may accrue against said city by reason of the grant herein.

¶ 4. **When in force.**] § 4. This ordinance shall be in force and take effect from and after its passage and the filing and approval of the bond herein required.

DR. CHARLES C. BERRY.

§ 141. Dr. Chas. C. Berry.

¶ 1. Route.
¶ 2. Bond.
¶ 3. Removal on notice.
¶ 4. When in force.

An ordinance granting permission to Dr. Chas. C. Berry to maintain a call wire. (Passed September 14, 1896.)

¶ 1. Route.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same is hereby given to Dr. Chas. C. Berry to string and maintain a wire across 18th street from premises known as 1737 Wabash avenue to premises known as 1801 Wabash avenue, with the consent of the owners of said premises, said wire to be used as a call wire.

¶ 2. Bond.] § 2. This ordinance shall not take effect until said Dr. Chas. C. Berry shall execute to the city of Chicago and file with the city clerk a bond in the penal sum of $2,000.00, with two good and sufficient sureties, to be approved by the mayor, conditioned to indemnify the city of Chicago of and from all damages which may accrue or in any way arise from or grow out of the exercise of the privileges hereby granted.

¶ 3. Removal on notice.] § 3. The right is hereby reserved to the city of Chicago, upon due notice to remove or cause the removal of said wire, whenever in the opinion of its commissioner of public works it shall be deemed advisable.

¶ 4. When in force.] § 4. This ordinance shall take effect and be in force from and after its passage.

CHICAGO AUDITORIUM ASSOCIATION.

§ 142. Chicago Auditorium association.

¶ 1. Grant—supervision of construction — indemnification—$1,000 yearly rental—surrender of privilege.

An order granting permission and authority to the Chicago Auditorium association to construct and maintain tunnels under and through Congress street, for the common use of association and Congress Hotel company. (Passed December 8, 1892.)

¶ 1. Grant—supervision of construction—indemnification—$1,000 yearly rental—surrender of privilege.] Ordered, that permission and authority be and it hereby is given and granted to the Chicago Auditorium association of Chicago, Illinois, its successors

and assigns, to construct and maintain a tunnel under, across and through Congress street, between the premises at the northwest corner of Michigan avenue and Congress street, to-wit: Lot 9 of block 9 of fractional section 15, addition to Chicago, and the premises at the southwest corner of said streets, to-wit: Sub-lots 1 and 6 in Lunt's subdivision of lot 1 and the north ¾ of lot 4 in block 12 of said addition, for the purposes of conduits, pipes and communication between said lots for the common use of said association and Congress Hotel Company, said tunnels to be constructed in accordance with plans and specifications hereto attached, and to be constructed under the direction, control and supervision of the commissioner of public works, and said tunnels to be so constructed as not to interfere with travel upon or the use of said street or any part thereof.

This permission and authority is upon the express condition that the Chicago Auditorium association aforesaid, its successors and assigns, constructing or using said tunnels, by availing themselves hereof, agree to and shall indemnify and save harmless the said city of Chicago from any and all damages that may result or occur by reason of the construction, existence or using of said tunnels.

Provided, however, that the said Chicago Auditorium association of Chicago, Illinois, its successors and assigns shall pay into the city treasury of the city of Chicago the sum of one thousand (1,000) dollars as an annual rental for the use of the space occupied by said tunnels, and provided further that this permission and authority is given upon the express condition that the said company shall give up to the city of Chicago, free and without cost said tunnels, on six months notice from the commissioner of public works on the order of the city council.

CHICAGO METROPOLITAN THEATER COMPANY.

§ 143. Chicago Metropolitan Theater company.
¶ 1. Description and specifications.
¶ 2. Indemnity—acceptance.
¶ 3. When in force.

An ordinance granting permission to the Chicago Metropolitan Theater company to construct a bridge over and across an alley therein designated. (Passed May 3, 1886. Accepted July 19, 1886.)

¶ 1. **Description and specifications.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and is hereby given to the Chicago Metropolitan Theater Company and its assigns, to construct and use a bridge or covered

passage way across the alley, running between lots 20 and 25, in J. P. Fish's subdivision of sub-lots 1 and 2, of assessor's division in the southeast corner of the northeast quarter of section 6, township 39 N., R. 14, east third principal meridian, said alley running from Ashland avenue in a northwesterly direction to Loton court; Provided, that the lowest portion of said bridge or passage way shall not be lower than 16 feet above the grade of alley, and shall be so constructed, that free and unobstructed passage may be had under the same; and, provided, that said bridge or passage way shall be constructed of incombustible material, and to the satisfaction of the commissioner of buildings.

¶ 2. **Indemnity — acceptance.**] § 2. The said Chicago Metropolitan Theater Company and its assigns, successors, lessees, and any and all persons who shall occupy the building which said bridge is to connect, shall indemnify and save harmless the city of Chicago of and from all damages of every kind for which it may become liable for or by reason of the passage way hereby granted, and said Chicago Metropolitan Theater Company shall, before extending said bridge or passage way, file with the department of public works its acceptance of the conditions herein contained.

¶ 3. **When in force.**] § 3. This ordinance shall be in force from and after its passage.

CHICAGO & NORTHWESTERN RAILWAY COMPANY.

§ 144. Chicago & Northwestern Railway company.
¶ 1. Department of public works to superintend—bond.

An ordinance authorizing the Chicago & Northwestern Railway company to construct a bridge across Union street. (Passed February 18, 1887.)

¶ 1. **Department of public works to superintend—bond.**] Be it ordained by the city council of the city of Chicago: § 1. That the Chicago & North Western Railway Company be and it is hereby authorized and permitted to construct a bridge across Union street, immediately south of Kinzie street, to connect certain warehouses about to be built by said company; Provided, that said bridge shall be constructed as directed by and under the superintendence of the department of public works, and provided further, that said railway company shall give a good and sufficient bond, in the penal sum of $5,000, to be approved by the mayor, to save the city harmless from any and all damages to any person or persons arising out of, or resulting from the privileges hereby granted.

JONATHAN CLARK.

§ 145. Jonathan Clark.

¶ 1. People's theater.

An ordinance granting permission to Jonathan Clark to erect a weather porch. (Passed July 19, 1886.)

¶ 1. People's theater.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same is hereby granted to Jonathan Clark, to erect, under the supervision and subject to the approval of the commissioner of public works, a weather porch in front of the People's Theater, at No. 341 State street, to be built of iron and glass.

CRANE COMPANY.

§ 146. Crane Company.

¶ 1. Grant—construction—bond.

An ordinance granting permission to the Crane company to construct an iron bridge across Judd street. (Passed September 22, 1890.)

¶ 1. Grant—construction—bond.] Be it ordained by the city council of the city of Chicago: That the Crane Company be and they are hereby allowed and permitted to construct an iron bridge across Judd street, connecting their two factories, said bridge to be eighteen feet above the grade of said street and to be not over nine feet wide; Provided, that said bridge shall be constructed as directed by and under the supervision of the department of public works and Provided, further, that said Crane Company shall give a good and sufficient bond, in the penal sum of ten thousand dollars, to be approved by the mayor, to save the city harmless from any damages that may arise to any person or persons arising out of or resulting from the privileges hereby granted.

MARTIN DAWSON.

§ 147. Martin Dawson.

¶ 1. Premises described—restoration of roadway.

¶ 2. When in force.

An ordinance granting permission to Martin Dawson to construct a coal vault. (Passed January 3, 1894.)

¶ 1. Premises described—restoration of roadway.] Be it or-

dained by the city council of the city of Chicago: § 1. That permission and authority be and are hereby granted to Martin Dawson to excavate under and to the middle line of the south alley on the side of building 1520 and 1522 South State street, according to plans and specifications to be approved by the commissioner of public works; Provided, that the said Martin Dawson will restore the roadway of said alley to as good condition as before the making of said excavation.

¶ 2. When in force.] § 2. This ordinance shall be in force from and after its passage.

MARSHALL FIELD.

§ 148. Marshall Field.
¶ 1. Use for which intended—plans—underground work.
¶ 2. Subject to ordinances—closing up.

An ordinance granting permission to Marshall Field to construct and maintain a passageway under Quincy street. (Passed October 11, 1886.)

¶ 1. Use for which intended—plans—underground work.] Be it ordained by the city council of the city of Chicago: § 1. That whereas, Marshall Field is the owner of the square bounded by Adams, Quincy, Fifth avenue and Franklin streets, Chicago, and has in course of construction thereon a building covering said square, and has purchased the building known as the "Newsboys' Home," on the south side of said Quincy street, covering a lot 46x80 feet, and is desirous to construct and maintain a passage way across and under said Quincy street, between his said building and said "Newsboys' Home" property, for the passage of steam pipes and other purposes; permission and authority be and the same is hereby granted to said Marshall Field (at his own expense) to construct, maintain and use such passage way; Provided, said Field shall construct and build such passage way and the cover thereto according to plans submitted to and authorized by the department of public works and engineering department of the city; and Provided further, that water, gas and other pipes be made to accommodate themselves to such passage way, at the expense of said Field, under proper supervision, and that such passage way does not interfere with or injure present sewers or other permanent underground fixtures in said street.

¶ 2. Subject to ordinances—closing up.] § 2. This permission and authority and the passage way to be constructed thereunder shall be subject to all ordinances, present and future, relating to underground fixtures on said street; and this ordinance be subject

to revocation and said passage way subject to be closed up and removed at any time by ordinance of the present or any future city council.

Note.—See following ordinance amendatory of above.

§ 149. Quincy street.

¶ 1. Non-interference with underground work.

An ordinance amending ordinance of October 11, 1886, providing for a passage way under Quincy street. (Passed October 18, 1886.)

¶ 1. Non-interference with underground work.] Be it ordained by the city council of the city of Chicago: That the ordinance passed October 11, 1886, granting permission to Marshall Field to construct and maintain a passage way across and under Quincy street, between Franklin street and Fifth avenue, be and the same is hereby amended, as follows: Strike out the whole of the second proviso to section 1, and insert in lieu thereof the following: "And provided, further, that such passage way shall not interfere with, or injure present sewers, water pipes, gas pipes, or other underground fixtures now in said street; and provided, further, that water, gas and other pipes to be hereafter laid in said street may be made to accommodate themselves to such passage way (at the expense of said Field) under the supervision of the commissioner of public works.

§ 150. Marshall Field.

Preamble—1. Description.
¶ 2. Subject to revocation.

An ordinance granting permission to Marshall Field to build out store front on State and Washington streets. (Passed July 8, 1889.)

Preamble.] Whereas, by paragraph 14 of section 1, article 5, of the act for the incorporation of cities, adopted by the city of Chicago, April 23rd, 1875, the city council has power to regulate the use of sidewalks, and has provided by section 1922 of article 58, entitled sidewalks, that no more than four (4) feet in width of the sidewalk space shall be used for stairs to areas, and by section 1940 that no person shall use more than three feet of such space next his building or boundary line for the storage of merchandise; and whereas, by section 1920 it is provided that on streets of 100 feet and upward the sidewalks shall be 20 feet in width, and the sidewalk on the east side of State street, north of Washington, is 25 feet in width; and whereas, it is desired by Marshall Field to improve the fronts of his retail store at the northeast corner of State and Washington streets, by the erection of ornamental storm doors and show windows, none of which will approach nearer the State street curb than 20 feet; Now therfore,

¶ 1. Description.] § 1. Be it ordained by the city council of the city of Chicago that permission and authority be, and the same

is, hereby granted to said Marshall Field to construct, maintain and use such storm doors and show windows on the State street front within such limits, and show windows upon the Washington street front within the limits applied by ordinance to the storage of goods.

¶ 2. **Subject to revocation.**] § 2. This permission and authority to be subject to revocation at any time by ordinance of the present or any future city council.

JOSEPH FISH.

§ 151. Joseph Fish.
¶ 1. Description of premises—protection.
¶ 2. When in force.

An ordinance granting permission to Joseph Fish to construct basement entrance. (Passed January 22, 1896.)

¶ 1. **Description of premises—protection.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby given to Joseph Fish to construct on the south side of Monroe street, beginning at a point not less than fifteen feet east of the building line on State street, a stairway and basement entrance leading from the street to the basement of the premises situated on the southeast corner of State and Monroe streets, in said city; Provided, that such stairway or entrance shall not exceed four feet in width from the building line on the south side of Monroe street, at said point, and shall be protected by a good and sufficient metal railing.

¶ 2. **When in force.**] § 2. This ordinance shall take effect and be in force from and after its passage.

GREAT NORTHERN THEATER AND HOTEL COMPANY.

§ 152. Great Northern Theater and Hotel company.
¶ 1. Dimensions—use limited.
¶ 2. Annual rental—underground work—plans—bond—acceptance.
¶ 3. When in force.

An ordinance granting the Great Northern Theater and Hotel company permission to excavate and use space under Quincy street for storage of coal. (Passed June 4, 1896.)

¶ 1. **Dimensions—use limited.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority

are hereby granted to the Great Northern Theater and Hotel Company, a corporation organized under the laws of Illinois, which is the owner or lessee of the property having a frontage of one hundred feet on the south side of Quincy street, the west line of which is one hundred feet east of Dearborn street, to excavate the space underneath that portion of the sidewalk on Quincy street adjoining said property, and also the space underneath the surface of that portion of Quincy street abutting said property south of the center line of said street, and to use such space when excavated for the storage of coal, and for no other purpose whatever.

¶ 2. Annual rental—underground work—plans—bond—acceptance.] § 2. The permission hereby given is upon the following express conditions, to-wit:

1st. Said permission shall be subject to all ordinances of the city of Chicago now in force or which may hereafter be passed respecting streets or sidewalks, or the use thereof, or of the space underneath the same; and provided, further, the said Great Northern Theater and Hotel Company shall pay an annual rental of five hundred (500) dollars to the city for the privileges herein granted.

2nd. All sewer, gas and water pipes, electric wires or conduits now existing in that portion of said street authorized to be excavated, as aforesaid, shall be moved and relaid in the north half of said street and the proper and necessary connections made. But if, in the judgment of the commissioner of public works, it is necessary or advisable such pipes, wires and conduits to the whole length of said Quincy street, between Dearborn and State streets, shall be moved and relaid as aforesaid, such moving, relaying and reconnecting shall be done at the sole expense of said company. So much of the surface of said Quincy street as shall be disturbed by the excavation herein authorized and by the relaying of pipes and wires as herein required shall be repaved at the sole expense of said company. The sidewalk and the surface of the street over such excavation shall be supported in such manner as shall be prescribed by the commissioner of public works.

3rd. The excavation herein authorized and all work required to be done hereunder shall be done in such manner and method and within such time or times as shall be prescribed by the commissioner of public works. No work shall be done until plans and specifications thereof shall have been first submitted to the said commissioner and approved by him and a permit issued therefor.

4th. The said Great Northern Theater and Hotel Company, its successors and assigns, shall be and become the tenants at will of the city of Chicago with respect to the occupany of the aforesaid space underneath the said street and sidewalk. Said city hereby expressly reserves the right to revoke the permission herein grantd, and to ter-

minate such tenancy and to repeal or amend this ordinance at any time.

5th. The permission herein granted is upon the further express condition that said company shall forever indemnify and save harmless the city of Chicago from and against any and all damages of every kind and character, and from and against any and all judgments, decrees and costs, and expense of the same, which it may suffer or which may be recovered or obtained against said city, for or by reason of the passage of this ordinance, or the performance of the work herein authorized or required, or the use of said space by said company or it assigns; and the said company shall execute a good and sufficient bond to said city, with one or more sureties to be approved by the mayor, in the penal sum of ten thousand (10,000) dollars, conditioned to indemnify and save harmless said city as stated. Said company shall also within thirty days file its acceptance of this ordinance in writing with the city clerk, together with the bond as above stated.

¶ 3. **When in force.**] § 3. This ordinance shall be in force from and after its passage and the filing of the bond and acceptance as above provided.

T. A. GRIFFIN AND OTHERS.

§ 153. T. A. Griffin and others.

Preamble.
¶ 1. Grant—subway—construction.
¶ 2. Property of city.
¶ 3. Conditions—acceptance—bond.

An ordinance granting permission to T. A. Griffin and his associates to construct a subway in Kinzie street under the tracks of the Chicago & Northwestern Railway company. (Passed December 28, 1892. Accepted January 27, 1893.)

Preamble.] Whereas, it is desirable that that part of Sacramento avenue north of the line of the Chicago and Northwestern railroad, on what is called Kinzie street, should be connected with that part of Sacramento avenue south of the line of said railroad by a subway under the tracks of the Chicago and Northwestern Railway Company, and T. A. Griffin and his associates have offered to construct such subway and its approaches on behalf of the city of Chicago at their own cost; now,

¶ 1. **Grant—subway—construction.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and hereby are given to said T. A. Griffin and his associates to construct for the city, but at their own cost, and complete the same

within eight months after the passage of this ordinance a good and sufficient subway in what is known as Kinzie street, under the tracks of said Chicago and Northwestern Railway Company, with approaches in Sacramento avenue north and south of said Kinzie street or railroad tracks, in accordance with the plans and specifications approved by the commissioner of public works of the city of Chicago on the 21st day of November, A. D. 1892, such construction to be under the supervision of said commissioner of public works.

¶ 2. **Property of city.**] § 2. That so much of said subway and approaches as now forms a part of any public street shall continue to be a part thereof, and that so much of said subway and approaches as now belongs to the Chicago and Northwestern Railway Company shall, when constructed, form a part of Sacramento avenue and become the property of and, together with the whole of said approaches, be maintained as a public street by the city of Chicago.

¶ 3. **Conditions—acceptance—bond.**] § 3. This ordinance is passed upon the condition that the said Thomas A. Griffin shall, within thirty (30) days after the taking effect of this ordinance, file with the city clerk his acceptance of this ordinance and a bond, with good and sufficient sureties to be approved by the mayor, in the sum of fifty thousand (50,000) dollars, conditioned to comply with the provisions of this ordinance and to save, keep harmless and indemnify the city of Chicago from all damages, costs and expenses that may accrue or in any way arise or grow out of the privileges hereby granted.

CARL HENRICI.

§ 154. Carl Henrici.
¶ 1. Route.
¶ 2. Bond.
¶ 3. Right of city to remove.

An ordinance granting permission to Carl Henrici to maintain an electric wire across Madison street. (Passed July 20, 1896.)

¶ 1. **Route.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same is hereby given to Carl Henrici to lay down, maintain and use a wire across Madison street, from his premises known as No. 183 Madison street, to premises known as 186 Madison street, with the consent of the owner of said premises; said wire to be placed under the surface of said street and to be used for the transmission of electricity for the purpose of furnishing light and for no other purpose.

¶ 2. **Bond.**] § 2. This ordinance shall not take effect until said Carl Henrici shall execute to the city of Chicago, and file with the city clerk, a bond in the penal sum of $2,000.00, with two good and sufficient sureties to be approved by the mayor, conditioned to indemnify the city of Chicago of and from all damages which may accrue or in any way arise from or grow out of the exercise of the privileges hereby granted.

¶ 3. **Right of city to remove.**] § 3. The right is hereby reserved to the city of Chicago, upon due notice to remove or cause the removal of said wire, whenever in the opinion of its commissioner of public works it shall be deemed advisable.

PAUL C. JUST.

§ 155. Paul C. Just.

¶ 1. Grant—route—construction.
¶ 2. Location of wires.
¶ 3. Permit—restoration of streets.
¶ 4. Bond.
¶ 5. Term of grant—rates for service.
¶ 6. Compensation.
¶ 7. When in force—bond.

An ordinance granting permission to Paul C. Just to construct, maintain and operate a system of underground wires for burglar alarm, electric call and watch signal service. (Passed April 10, 1896. Accepted May 8, 1896.)

¶ 1. **Grant—route—construction.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby granted to Paul C. Just, his successors and assigns, to construct, maintain and operate in the streets and alleys of that portion of the north division of the city of Chicago, bounded as follows: On the north by center line of Fullerton avenue, on the west and south by the Chicago river, and on the east by Lake Michigan, a system of underground wires for the purpose of furnishing a system of burglar alarm, electric call and watch signal service. All such lines or wires shall be underground, properly insulated, and shall be constructed under the supervision and to the satisfaction of the commissioner of pubic works. No wires shall be laid unless a plat shall be filed with the commissioner of public works designating the streets and alleys in which it is proposed to locate the same, and a plat of the circuit of wires completed shall be filed with the commissioner of public works before the same are used. The pipes or conduits in which the said wires are to be laid shall be placed as nearly as practicable at right

angles with the streets or alleys intersected, and shall be laid by excavating from the surface and not by driving or tunneling.

¶ 2. **Location of wires.**] § 2. All conduits and wires built and laid under the provisions of this ordinance shall be placed in alleys as far as practicable, and no street or alley shall be unnecessarily incumbered or obstructed by the laying or maintenance of said conduits and wires.

¶ 3. **Permit—restoration of streets.**] § 3. Said Paul C. Just shall not do any work in any street or alley, or in any way disturb the surface thereof, without first receiving from the commissioner of public works a permit therefor, and shall not in any manner interfere with any sewers, pipes, cables, wires or conduits which are now laid in any of said streets, alleys and public ways except by the consent of the commissioner of public works of said city; and whenever said Paul C. Just shall open any street, alley or interfere with any pipe, cable, wire or conduit therein the same shall be forthwith restored to as good condition as before said opening, disturbance or interference by and at the expense of said Paul C. Just, and under the direction and to the satisfaction of the commissioner of public works; and in case said Paul C. Just shall fail to make such restoration the same may be done by said city, and said Paul C. Just shall be liable to the city for the cost thereof.

¶ 4. **Bond.**] § 4. This ordinance shall not take effect until the said Paul C. Just shall have executed a bond to the city of Chicago, in the penal sum of $5,000, with sureties satisfactory to the mayor of said city, conditioned to pay to the city of Chicago the sum and sums of money hereinafter provided to be paid to said city, and to indemnify and save harmless the city of Chicago of and from all damages which may grow, or which in any way may arise or grow out of the exercise of said Paul C. Just of the privileges herein granted. None of the wires hereby authorized to be maintained shall be attached to roofs or houses, or on or over any other property except upon the written permission and consent of the owners of the same.

¶ 5. **Term of grant—rates for service.**] § 5. The rights and privileges hereby granted shall at the expiration of twenty years from the passage of this ordinance absolutely cease and determine, it being the true meaning and intent of this ordinance to grant the said rights and privileges only for the term of twenty years from its passage.

The said Paul C. Just shall not charge any person or corporation using the said system of burglar alarm, watch service and call service authorized in this ordinance, a sum exceeding $2.00 a month for each box for the system of burglar alarm calls; $1.00 a month for each call box in the watch service system, and fifty ($0.50) cents a month for each call box in the electric call messenger service.

¶ 6. **Compensation.**] § 6. At the expiration of five years from the date of the passage of this ordinance the said Paul C. Just shall annually pay to the city of Chicago a sum equal to five per cent of the gross receipts from all revenues derived from the privileges hereby granted, said payments to commence, as aforesaid, five years after the passage of this ordinance, and thereafter at the expiration of every six months the said Paul C. Just shall make such payment. Said payment shall be accompanied by an affidavit, subscribed and sworn to by said Paul C. Just to the effect that the amount of such payment is equal to five per cent of the gross receipts required by this ordinance, and the city comptroller of the city of Chicago shall within a reasonable time after the filing of said affidavit have the right to examine the books and accounts of said Paul C. Just for the purpose of verifying the correctness of the statement contained in such affidavits accompanying such payments.

¶ 7. **When in force—acceptance—bond.**] § 7. This ordinance shall take effect and be in force on and after its passage and the filing of a written acceptance by said Paul C. Just of the terms and conditions of this ordinance, together with a good and sufficient bond as hereinbefore provided for, within thirty days from the passage of this ordinance.

KEELEY BREWING COMPANY.

§ 156. Keeley Brewing Company.

¶ 1. Across Twenty-eighth street—specifications.
¶ 2. Indemnity—acceptance.
¶ 3. When in force.

An ordinance granting permission to the Keeley Brewing Company to construct a covered passageway over Twenty-eighth street and also a tunnel under the same street. (Passed November 21, 1887.)

¶ 1. **Across Twenty-eighth street—specifications.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and is hereby given to the Keeley Brewing Company and its assigns, to construct and use, until the further order of the city council, a bridge or covered passage way across 28th street, at a point between the east line of Groveland avenue, and the right of way of the Illinois Central Railroad; Provided, that the lowest portion of said bridge or passage way shall not be less than eighteen feet above the grade of said street, and shall be so constructed that free and unobstructed passage may be had under the same; and, Provided, that said bridge or passage way shall be constructed of in-

combustible material, permission and authority is also hereby given to the said Keeley Brewing Company, to construct a tunnel underneath and across said 28th street, between the points above mentioned, the said bridge or passage way and the said tunnel to be constructed under the supervision and to the satisfaction of the commissioner of public works.

¶ 2. Indemnity—acceptance.] § 2. The said Keeley Brewing Company and its assigns, successors, lessees, and any and all persons who shall occupy the buildings which said bridge and said tunnel are to connect, shall indemnify and save harmless the city of Chicago of and from any and all damages of every kind for which it may become liable for or by reason of the passage way and tunnel hereby granted, and said Keeley Brewing Company shall, before extending said bridge and tunnel, file with the department of public works its acceptance of the conditions herein contained.

¶ 3. When in force.] § 3. This ordinance shall be in force from and after its passage.

L. KIPER AND SONS.

§ 157. L. Kiper and Sons.
¶ 1. Premises described—plans not to interfere with underground work.
¶ 2. Revocation of permission.
¶ 3. When in force.

An ordinance granting permission to L. Kiper and Sons to construct and maintain a coal vault. (Passed January 14, 1895.)

¶ 1. Premises described—plans not to interfere with underground work.] Be it ordained by the city council of the city of Chicago: § 1. That, whereas, L. Kiper & Sons are the owners of the premises numbered .... Peoria street, in the city of Chicago, and are desirous to construct and maintain a vault or coal chute under the alley in the rear of said premises for the passage and storage of coal and other purposes and to connect with said premises, permission and authority be and is hereby granted to the said L. Kiper & Sons (at their own expense) to construct, maintain and use said vault or coal chute; Provided, said L. Kiper & Sons shall construct and build said vault or coal chute and the cover thereto according to the plans herewith submitted; and, Provided further, that water, gas and other pipes be made to accommodate themselves to said vault or coal chute at the expense of said L. Kiper & Sons under proper supervision, and that

said vault or coal chute does not interfere with or injure present sewers or other permanent underground fixtures in said alley.

¶ 2. **Revocation of permission.**] § 2. This permission and authority and the vault or coal chute constructed thereunder shall be subject to all ordinances present or future, relating to underground fixtures in said alley, and this ordinance is subject to revocation, and the said vault or coal chute subject to be closed up and removed at any time, by ordinance of the city council.

¶ 3. **When in force.**] § 3. This ordinance shall be in force and take effect from and after its passage.

JAS. S. KIRK & CO.

§ 158. Jas. S. Kirk & Co.
¶ 1. Subway—points between.
¶ 2. Construction, dimensions and repairs.
¶ 3. Restoration of street after construction.
¶ 4. Use of, limited to Jas. S. Kirk & Co. only.
¶ 5. Bond.
¶ 6. Grant twenty years—discontinuance.

An ordinance granting permission to Jas. S. Kirk & Co. to construct and maintain a subway or tunnel under and across North Water street. (Passed March 2, 1896.)

¶ 1. **Subway—points between.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted to James A. Kirk, John B. Kirk and Milton W. Kirk, composing the firm of Jas. S. Kirk & Company, and their successors in business, to construct, maintain and use a subway or tunnel, in accordance with the provisions hereinafter expressed, through, under and across North Water street, in the city of Chicago, between the following points, to wit:

Commencing in the north line of said North Water street, at a point not less than one hundred feet nor more than one hundred and fifty feet east of the east line of Pine street, and extending in a southerly direction to a point in the north line of Water lot 25, in Kinzie's addition to Chicago, not less than one hundred feet nor more than one hundred and fifty feet east of the east line of said Pine street produced.

¶ 2. **Construction, dimensions and repair.**] § 2. The said subway shall be constructed in substantial conformity to the plan hereto attached, with walls of masonry supporting steel I beams of eight inch section, set not more than twenty-two inches apart, and roofed

with iron plates in such manner as to make a firm and secure foundation for the pavement in the street. Said subway shall not exceed five feet in width in the clear, and seven feet six inches in height in the clear, and shall at all times be kept in sound and perfect repair by the owners thereof, who shall be liable for any loss or damage by reason of a failure to keep the same in repair, and shall indemnify and hold harmless the city of Chicago against any and all liability, damage or expense in that behalf.

¶ **3. Restoration of street after construction.**] § 3. Said subway shall be constructed with the least practicable interruption to traffic along and over said North Water street, and in such manner as shall not at any time wholly interrupt or close said street to traffic, and when such construction is completed, the said Jas. S. Kirk & Company shall at once cause said street to be restored to as good condition as before such construction was commenced.

¶ **4. Use of, limited to Jas. S. Kirk & Co. only.**] § 4. The purpose of said subway being to relieve the street of traffic passing between property owned and used by said Jas. S. Kirk & Company on the north side and south side of said North Water street, the same shall be used only for purposes of access between such properties and in connection with the business of said firm, or its successors.

¶ **5. Bond.**] § 5. No construction shall be commenced hereunder until the said Jas. S. Kirk & Company shall have filed with the city clerk a bond in the sum of $10,000, with good and sufficient sureties, conditioned for the performance of all the obligations imposed by this ordinance.

¶ **6. Grant 20 years—discontinuance.**] § 6. This ordinance shall be in force for a period of twenty years from and after its passage, provided that the construction, maintenance and use of said subway shall at all times be subject to the control of the city of Chicago and to the right of said city to make such use of said North Water street upon, above or below the surface, as said city may find necessary or convenient, and shall be subject also to the right of said city, which is hereby expressly reserved, to revoke said permission and authority and to require that said subway be closed up and discontinued at the expense of said James S. Kirk & Company whenever the public interests of said city shall require.

McAVOY BREWING COMPANY.

§ 159. McAvoy Brewing company.

¶ 1. Premises described—plans—indemnity—pay for use.
¶ 2. When in force.

An ordinance granting permission to the McAvoy Brewing company to construct and maintain a tunnel under South Park avenue. (Passed April 8, 1896.)

¶ 1. Premises described—plans—indemnity—pay for use.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and it hereby is given and granted to the McAvoy Brewing Company, a corporation organized and existing under and by virtue of the laws of the state of Illinois, its successors and assigns, to construct and maintain a tunnel under, across and through South Park avenue, Chicago, Cook county, Illinois, between the premises known and described as follows, to wit:

Lot thirty-three (33), in block two (2), of Walker Bros.' addition to Chicago, being a subdivision of part of the northeast quarter of section twenty-seven (27), township thirty-nine (39) north, range fourteen (14) east of the third principal meridian; said lot thirty-three (33) lying on the east side of said South Park avenue, between Twenty-third street and Twenty-fourth street; and the premises known and described as follows, to wit: that unsubdivided part of block twenty-seven (27), in the canal trustees' subdivision of the west half of section twenty-seven (27), township thirty-nine (39) north, range fourteen (14) east of the third principal meridian, lying on the west side of said South Park avenue, between Twenty-third street and Twenty-fourth street, and directly opposite said lot thirty-three (33), in block two (2), of said Walker Bros.' addition to Chicago, for the purpose of conduits, pipes and communication between the said premises, for the use of the said McAvoy Brewing Company. Said tunnel to be constructed in accordance with plans and specifications hereto attached and made a part of this ordinance, and to be constructed under the direction, control and supervision of the commissioner of public works, and said tunnel to be so constructed as not to interfere with travel upon or the use of said street or any part thereof.

This permission and authority is upon the express condition that the McAvoy Brewing Company aforesaid, its successors and assigns, constructing or using said tunnel, by availing themselves hereof, agree to and shall indemnify and save harmless the said city of Chicago from any and all damages that may result or occur by reason of the construction, existence or using of said tunnel. It is further agreed by said McAvoy Brewing Company that said corporation, its successors or assigns, hold said tunnel at all times as tenants at will of the city of Chicago. Provided said company shall annually pay the city of Chicago the sum of one hundred (100) dollars for the use of said tunnel while the city allows the use of same.

¶ 2. When in force.] § 2. This ordinance shall take effect and be in force from and after its passage.

JAMES A. MILLER.

§ 160. James A. Miller.

¶ 1. Premises described—plans—discontinuance.
¶ 2. Indemnity—acceptance.
¶ 3. When in force.

An ordinance granting permission to James A. Miller to construct and maintain a passageway under an alley. (Passed January 6, 1896. Accepted February 8, 1896.)

¶ 1. Premises described—plans—discontinuance.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and is hereby given to James A. Miller and his assigns to construct, maintain and use a passage way across and under the alley running between lot nine (9), except the north twenty (20) feet thereof, on the one side, and lot six (6) on the other, both in Wesencraft's subdivision of lots three (3), four (4), five (5) and six (6), in block forty-seven (47), in School section addition to Chicago, Cook county, Illinois; Provided, that the said James A. Miller shall construct and build such passage way and the cover thereto according to plans submitted to and authorized by the department of public works, and to the satisfaction of said department; and, Provided further, that the construction, maintenance and use of said subway shall at all times be subject to the control of the city of Chicago and to the right of said city to make such use of said alley upon, above or below the surface, as said city may find necessary or convenient, and shall be subject also to the right of said city, which is hereby expressly reserved, to revoke said permission and authority and to require that said passage way be closed up and discontinued at the expense of said Miller and his assigns whenever the city council of said city shall think proper.

¶ 2. Indemnity—acceptance.] § 2. That the said James A. Miller and his assigns and lessees, and any and all persons who shall occupy the buildings which said passage way is to connect, shall indemnify and save harmless the city of Chicago of and from all damages of every kind for which it may become liable for or by reason of the passage way hereby granted; and the said James A. Miller shall, before constructing said passage way, file with the city clerk within thirty days from the passage hereof, his written acceptance of the conditions herein contained.

¶ 3. When in force.] § 3. This ordinance shall be in force from and after its passage.

MORGAN & WRIGHT.

§ 161. Morgan & Wright.

¶ 1. Route.
¶ 2. Disturbance of street—restoration.
¶ 3. Permit for work.
¶ 4. Grant ten years.
¶ 5. Acceptance—bond.
¶ 6. When in force.

An ordinance granting permission to Morgan & Wright to lay down underground wire or wires. (Passed March 8, 1897.)

¶ 1. Route.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same are hereby granted to the firm of Morgan & Wright, to lay an underground wire or wires, properly insulated, and to be carried in a three and one-half (3½) inch iron pipe, for the purpose of furnishing electric light for said Morgan & Wright's use only, said wires to be laid along the following route: From said Morgan & Wright's factory, on the southeast corner of Lake and May streets, in the city of Chicago, across Lake street, and thence westerly along and underneath the curb of Lake street to May street; thence northerly along and underneath the curb of May street to an alley crossing May street, between Carroll avenue and Fulton street; thence westerly underneath the surface of said alley to said Morgan & Wright's factory, on the southwest corner of Carroll avenue and May street.

¶ 2. Disturbance of street—restoration.] § 2. It is hereby made the duty of the said Morgan & Wright, whenever they have disturbed the surface of any of the streets or alleys named, for the purpose of laying such wires as they are hereby authorized to lay, to at once restore such street or alley to as good a condition as the same was in before being disturbed, and any sidewalk or other structure disturbed by said Morgan & Wright, for the purpose of laying such wires, shall be restored and repaired by said Morgan & Wright in such manner as to suffer no injury.

¶ 3. Permit for work.] § 3. Before commencing any work under this ordinance, the said Morgan & Wright shall obtain a permit therefor from the commissioner of public works, and any work done by said Morgan & Wright, under the permission and authority of this ordinance, shall be done under the supervision and to the satisfaction of the commissioner of public works.

¶ 4. Grant ten years.] § 4. The rights and privileges hereby granted shall expire at the end of ten (10) years from and after the passage of this ordinance, and this ordinance is granted upon express condition that the wires herein authorized to be laid shall be used only for the purpose of furnishing electric light for the private use of said Morgan & Wright.

¶ 5. **Acceptance—bond.**] § 5. Said Morgan & Wright shall be entitled to no rights or privileges under this ordinance until they shall file with the city clerk an acceptance thereof, in writing, and shall also have filed a bond in the penal sum of five thousand (5,000) dollars, conditioned to indemnify and save harmless the city of Chicago from any and all expense, costs, damages, charges or liabilities of any kind whatsoever in any way arising from or growing out of the provisions of this ordinance or out of the exercises of the rights and privileges hereby conferred upon said Morgan & Wright.

¶ 6. **When in force.**] § 6. This ordinance shall be in force and effect from and after its passage and the filing of said acceptance and bond as hereinbefore provided for.

JOHN M. PASHLEY.

(MARSHALL FIELD.)

§ 162. John M. Pashley.

¶ 1. Premises described—specifications.
¶ 2. Indemnity—acceptance.
¶ 3. When to take effect.

An ordinance granting permission to construct and use a bridge or covered passageway across a certain alley therein described. (Passed June 6, 1892.)

¶ 1. **Premises described—specifications.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and is hereby given to John M. Pashley and his assigns to construct and use a bridge or covered passage way across the alley running between lots 9, 10 and 11 on one side and lot 6 in assessor's subdivision of lots 6, 7 and 8 &c., on the other, all in block 13, Fort Dearborn addition to Chicago; Provided, the lowest portion of said bridge or passage way shall not be lower than eighteen feet above grade of alley and shall be so constructed that free and unobstructed passage may be had under the same; and Provided that said bridge or passage way shall be constructed of incombustible material and to the satisfaction of the commissioner of buildings.

¶ 2. **Indemnity—acceptance.**] § 2. The said John M. Pashley and his assigns and lessees, and any and all persons who shall occupy the buildings which said bridge is to connect, shall indemnify and save harmless the city of Chicago of and from all damages of every kind for which it may become liable for or by reason of the passage way hereby granted; and said John M. Pashley shall, before extending said bridge or passage way, file with the department of public works his acceptance of the conditions herein contained; Provided

said bridge or passage way be used exclusively as a passage way between said buildings and that no goods shall be stored or sold in said passage way.

¶ 3. When to take effect.] § 3. This ordinance shall be in force from and after its passage.

F. W. PECK.

§ 163. F. W. Peck.
¶ 1. Premises described—bond—use limited.

An ordinance granting permission to F. W. Peck to construct a coal vault in an alley. (Passed April 24, 1882.)

¶ 1. Premises described—bond—use limited.] Be it ordered by the city council of the city of Chicago: § 1. That the department of public works issue a permit to F. W. Peck to excavate under and to the middle line of the alley in rear of the building known as Nos. 218 and 220 Randolph street, in the city of Chicago, for the purpose of making a place to store coal in, and for no other use or purpose whatever; provided, that the said F. W. Peck shall first execute a bond, with good and sufficient sureties, to the city of Chicago, satisfactory to the commissioner of public works, in the penal sum of five thousand dollars ($5,000), conditioned that the said F. W. Peck will restore the roadway of said alley to as good a condition as before the making of said excavation, and will keep and maintain the same in a good condition and safe for public travel and will not use said excavation except for the purpose hereinbefore described; also, that he will not disturb or injure any water, sewer or gas pipe in said alley, and will do all of said work under the superintendence and direction and to the satisfaction of the department of public works.

PRODUCE COLD STORAGE EXCHANGE.

§ 164. Produce Cold Storage Exchange.
¶ 1. Grant—bond.
¶ 2. When to take effect.

An ordinance granting permission to the Produce Cold Storage Exchange to construct an elevated roadway 290 feet long over a certain alley therein designated. (Passed March 14, 1892.)

¶ 1. Grant — bond.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same

is hereby granted to the Produce Cold Storage Exchange to construct an elevated roadway over the alley situated between West Water street and Canal street, and extending from West Lake street to West Randolph street; said elevated roadway to be constructed over the said alley extending from West Lake street southward 290 feet, beginning at the present grade of West Lake street and continued at such proper elevation as will permit of the free use of the alley below such elevated roadway, with entrance to same from West Randolph street as at present, all in accordance with the accompanying tracing to be filed with the department of public works of the city of Chicago and to be constructed according to plans which shall be approved by the said department of public works of the city of Chicago; provided, however, that said Produce Cold Storage Exchange shall execute to the city of Chicago a good and sufficient bond in the penal sum of five thousand dollars ($5,000), to be approved by the mayor, conditioned to save the city harmless from all damages which may result from the passage of this ordinance.

¶ 2. **When to take effect.**] § 2. This ordinance shall be in force from and after its passage.

RAND, McNALLY & CO. AND OTHERS.

§ 165. Rand, McNally & Co. and others.
¶ 1. Specifications.
¶ 2. Acceptance by property holders—liability.
¶ 3. Disposition of underground work.
¶ 4. Bond by property owners.
¶ 5. When in force.

An ordinance granting permission to Rand, McNalley & Co. to excavate and use space underneath Quincy street. (Passed August 1, 1889. Accepted by Rand, McNally & Co. August 20, 1889. Accepted by Royal Insurance Company December 3, 1889. Accepted by John H. Loomis December 18, 1889.)

¶ 1. **Specifications.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby granted to Rand, McNally & Company, a corporation, and others, the owners and holders of property abutting on both sides of Quincy street, commencing at the west line of La Salle street and running thence west two hundred and ten (210) feet, to excavate Quincy street in front of said 210 feet, and use the space underneath the surface of said Quincy street for purposes in connection with the buildings now built or that may hereafter be built on said 210 feet frontage; Provided, that the space of eight (8) feet shall be left in the center of said street for

the purpose of placing therein sewer, gas, water pipes, electric wires, conduits and for any other use the city may desire. The pavement over said area space to be relaid and all other work to be done at the expense of said property owners, according to plans and specifications to be submitted to the commissioner of public works, who shall issue a permit authorizing such excavation in conformity with said plans.

¶ 2. **Acceptance by property holders—liability.**] § 2. The said property holders shall, before commencing such excavation, accept all the provisions and conditions of this ordinance, and shall be liable to the city for all costs which it may incur by reason of the passage of this ordinance, or damages which may be recovered against the city by reason of the rights granted under this ordinance.

¶ 3. **Disposition of underground work.**] § 3. The present sewer, gas and water pipes now on the part of Quincy street to be so excavated shall be placed in the center of said Quincy street, at the expense of the property holders who shall accept the provisions of this ordinance; which acceptance shall be filed with the city clerk within thirty (30) days from the passage hereof.

¶ 4. **Bond by property owners.**] § 4. Any property owner or lessee, who shall accept of the provisions of this ordinance, shall file a bond with the city clerk, to be approved by the mayor and comptroller, in the penal sum of ten thousand dollars ($10,000), to indemnify and save harmless the city against any loss or damage that may occur by reason of the passage of this ordinance.

¶ 5. **When in force.**] § 5. This ordinance shall be in force from and after its passage and acceptance as herein provided.

ALBERT RUSSELL.

§ 166. Albert Russell.
¶ 1. Location.
¶ 2. When in force.

Ordinance granting permission to Albert Russell to erect a shelter shed. (Passed April 8, 1897.)

¶ 1. **Location.**] Be it ordained by the city council of the city of Chicago: § 1. That permission is hereby given to Albert Russell to erect on the dock property on the north side of Chicago avenue, between Halsted street and the Chicago avenue bridge, to-wit: On lots 3, 4 and 5, block 99, Elsdon's addition to the city of Chicago, a frame shelter shed for lumber, 88 feet by 198 feet, and not more than 24 feet high, the roof of which may have an elevation extending along its en-

tire length about 18 feet from the edge, which shall not exceed 4 feet in height above the remaining portions of the roof, and shall not be more than 12 feet wide.

¶ 2. **When in force.**] § 2. This ordinance shall be in force from and after its passage.

SANITARY DISTRICT OF CHICAGO.

§ 167. Sanitary District.
¶ 1. Grant.
¶ 2. Temporary channel and roadway.
¶ 3. Western avenue bridge.
¶ 4. When in force—acceptance.

An ordinance granting permission to the sanitary district of Chicago to excavate its main drainage channel across Western avenue. (Passed July 11, 1895. Accepted October 7, 1895.)

¶ 1. **Grant.**] Be it ordained by the city council of the city of Chicago: § 1. That permission is hereby given and granted to the sanitary district of Chicago to excavate its main drainage channel across Western avenue to a width of 183.26 feet at bottom, with side slopes of two (2) feet horizontal, to one foot vertical, and the center line of said channel to cross the center line of said Western avenue (the same being the range line between ranges thirteen (13) and fourteen (14), east of the third principal meridian, in Cook county), about seventy-nine (79) feet north of the intersection of the said center line of Western avenue and the center line of 31st street.

¶ 2. **Temporary channel and roadway.**] § 2. Said sanitary district may cause to be cut across said Western avenue at once a channel sixty (60) feet wide, so as to give access to excavation to the west of said avenue while the abutments to the permanent bridge provided for in section 3 hereof are being constructed; Provided, that a temporary roadway suitable for heavy traffic shall first have been constructed to the west of said avenue to accomodate travel while said channel is being so excavated, and that after such excavation said channel shall be spanned by a pontoon or other temporary bridge of such construction as to meet the requirements of traffic on said avenue until said permanent bridge has been provided in the line of Western avenue.

¶ 3. **Western avenue bridge.**] § 3. Said sanitary district shall construct in the line of said Western avenue, over the channel provided for in section 1, a fixed bridge not less than two hundred and fifty (250) nor more than three hundred (300) feet in length. The lowest projection of iron work on said bridge shall not be less than twenty-

two (22) feet above datum, and the grades of the approaches thereto shall not exceed one foot in twenty-five feet. The trusses and floor system shall be proportioned for a live load of one hundred (100) pounds per square foot, in addition to the weight of the iron in the structure and the weight of the floor. The quality of the material used in said bridge and the tensile and compressive strains thereof shall conform to the specifications in use by the city of Chicago for metallic bridge structures. Said bridge shall have sufficient width for and shall provide two roadways, each eighteen feet in width in the clear, with head-room not less than fourteen (14) feet.

Provided, however, that the plans and specifications for said bridge shall be first submitted to and be approved by the department of public works, and that the construction of said bridge, and all the acts provided for by this ordinance, shall be under the supervision and direction of the commissioner of public works.

And provided further, that the said sanitary district of Chicago, and its successors, shall indemnify and save harmless the city of Chicago of and from any and all damages of every kind for which it may become liable through or by reason of the acts by this ordinance authorized, or in the maintenance of the bridge hereby granted.

The cost of constructing said bridge, and of all repairs thereof, together with the expenses of maintaining and caring for the same, and the cost of building an approach to each end of said bridge from the level at the established grade of said street, and the cost of paving said approaches and keeping the same in good repair, shall be wholly paid by said sanitary district. The grade of said approaches to be one foot in twenty-five feet. Provided, however, that rights and privileges in this ordinance enumerated, are granted upon the express condition that the city of Chicago may at any time require any change in said bridge, or in the approaches thereto, that the needs or convenience of the public may require, and the cost or expense of the same shall be paid by said sanitary district; and upon the further express condition that whenever the channel of said canal shall be enlarged so as to be capable of being used for navigation, the said sanitary district shall substitute and pay for a swing or lift bridge, in place of the bridge herein provided for, which shall be constructed on such plan and in such manner as the city of Chicago shall direct, and shall thereafter be maintained and operated at the expense of said sanitary district; and nothing herein contained shall be construed in any manner to release the control and authority over any part of said Western avenue vested in said city under any law defining the powers of municipalities over streets.

¶ **4. When in force—acceptance.**] § 4. This ordinance shall take effect upon the passage of a resolution by said sanitary district accepting the provisions and agreeing to comply with the conditions of the same.

SCHLESINGER & MAYER.

§ 168. Schlesinger & Mayer.

¶ 1. Tunnel specifications.
¶ 2. Bridge specifications.
¶ 3. City to supervise construction.
¶ 4. Covenant—indemnity.
¶ 5. Pay for use.
¶ 6. When in force—acceptance.

An ordinance granting permission to Schlesinger & Mayer to construct and maintain a tunnel and three bridges. (Passed July 6, 1896. Accepted July 15, 1896.)

¶ 1. Tunnel specifications.] Be it ordained by the city council of the city of Chicago: § 1. That the commissioner of public works be and he is hereby directed to issue a permit to Schlesinger and Mayer, their successors and assigns, for the construction and maintenance by said Schlesinger and Mayer, their successors and assigns, of a tunnel built of masonry retaining walls and covered with steel beams and concrete, asphalted on top, underneath, across and through the alley between the premises known as numbers 141 and 143 Wabash avenue, otherwise known and described as the north one-half of lot five (5), in block two (2), in fractional section fifteen (15), addition to Chicago, in Cook county, Illinois; and 141 and 143 State street, otherwise known and described as sub-lots eight (8) and nine (9) of B. S. Morris' subdivision of certain lots in block two (2) in fractional section fifteen (15), addition to Chicago, in Cook county, Illinois, for the purpose of conduits, pipes and communication between the said premises; said tunnel to be so constructed as not to interfere with travel upon said alley.

¶ 2. Bridge specifications.] § 2. That the commissioner of public works be and he is hereby directed to issue a permit to said Schlesinger and Mayer, their successors and assigns, for the construction and maintenance by said Schlesinger and Mayer, their successors and assigns, of three bridges connecting the rear of the second, third and fourth floors of the buildings located on said premises and known as numbers 141 and 143 Wabash avenue and said premises known as numbers 141 and 143 State street, said bridges to be supported on plate girders or trusses spanning the said alley and suitably supported at the ends; the floors thereof to be constructed of steel beams filled in between with fireproof material; the roofs and sides to be of glass or fireproof material. The floor of the bridge connecting said second floors of said premises shall be at least 17½ feet in the clear above the surface of said alley.

¶ 3. City to supervise construction.] § 3. Said tunnel and bridges shall be of the general plan and design as contemplated on plans hereto attached, and shall be constructed under the supervision of the commissioner of public works and be in compliance with the fire ordinances of the city of Chicago. And said Schlesinger and

Mayer are hereby given the right and authority to construct and maintain such tunnel and bridges in accordance with the provisions hereof.

¶ 4. **Covenant—indemnity.**] § 4. This ordinance and the permission thereby granted to said Schlesinger and Mayer, their successors and assigns, is based upon the express condition that said Schlesinger and Mayer, their successors and assigns, by availing themselves thereof covenant and agree to and with the said city of Chicago, for themselves, their heirs, executors, administrators, successors and assigns, that they will forever indemnify and save harmless the said city of Chicago and its officers and each and every one of them from any and all loss, damage and expense whatever for which it or they or any of them may become liable, or which may at any time be awarded or adjudged against said city or its officers, by reason of or in consequence of the construction and maintenance of said tunnel and bridges or any of them, or by reason of or in consequence of any act or thing whatever by said Schlesinger and Mayer or any of their agents, servants, contractors or workmen, done, permitted or suffered to be done, in making, excavating, constructing, using, maintaining or doing any other act or thing in, upon or about said tunnel and bridges or any of them; that said Schlesinger and Mayer will cause said tunnel to be strongly and firmly covered and will forever keep it so covered so as in no manner to interfere with the use of said alley or any portion thereof as a public highway, and so as to make the same safe for persons, carriages, teams and all animals and vehicles to pass and repass over and above the same, upon the established grade.

¶ 5. **Pay for use.**] § 5. This ordinance is granted upon the express condition that said Schlesinger and Mayer, their heirs, executors and assigns, shall pay to the city of Chicago $100 per annum for permission to use the space hereby granted by this ordinance, and on their failure to do so all rights and privileges hereby granted shall become null and void.

¶ 6. **When in force—acceptance.**] § 6. This ordinance shall take effect and be in force from and after its passage and acceptance, provided the acceptance be filed with the city clerk within thirty days from the passage of this ordinance.

HENRY SCHOELLKOPF.

§ 169. Henry Schoellkopf.
¶ 1. Description and specifications.
¶ 2. Subject to control of city—discontinuance.
¶ 3. Bond.
¶ 4. When in force.

An ordinance granting permission to Henry Schoellkopf to construct and use space in an alley for coal vault. (Passed March 22, 1897.)

¶ 1. **Description and specifications.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same are hereby given to Henry Schoellkopf, of the city of Chicago, county of Cook, and state of Illinois, to excavate, use and maintain a space not to exceed thirty-seven (37) feet six (6) inches long by nine (9) feet wide and ten (10) feet in depth, under the surface of the alley running east and west between Market and Franklin streets and Indiana and Illinois streets, in the city of Chicago, for the purpose of storing coal and other like purposes; said excavation to be within the following points: Beginning at the north line of the alley at a point immediately south of the east line of lot three (3) of block five (5), in Butler, Wright and Webster's addition to Chicago, in the N. E. quarter, sec. 9, town thirty-nine (39) north, range fourteen (14), east of the third P. M.; thence nine (9) feet south to the center line of said alley; thence thirty-seven (37) feet and six (6) inches west on the center line of said alley, and thence north nine (9) feet to the north line of said alley, and thence east along the north line of said alley to the place of beginning; all of said space abutting on and being immediately south of the premises owned by the said Henry Schoellkopf. Provided, however, that said Henry Schoellkopf shall make such excavation, cover the same and construct it according to plans to be submitted to and to be authorized by the department of public works, and in every way to the satisfaction of said department; and provided, further, that the surface of said alley over the space so excavated shall be restored in as short a time as possible to as good condition for public traffic as before such excavation was made; such restoration to be made under the supervision and to the satisfaction of the department of public works.

¶ 2. **Subject to control of city — discontinuance.**] § 2. The construction, maintenance and use of said excavated space shall at all times be subject to the control of the city of Chicago, and said city shall have the right to a reasonable use of said space, free of charge, for the running or laying of city wires or mains or conductors, and the permission and authority herein given is given subject to the right of the city of Chicago, which said right is hereby expressly reserved, to revoke said permission and authority and to require that the use of said space be discontinued and that said space be filled up at the expense of the said Henry Schoellkopf, whenever the public interests of said city shall require it.

¶ 3. **Bond.**] § 3. No excavation or construction shall be begun hereunder until the said Henry Schoellkopf shall have filed with the city clerk a bond in the sum of five thousand ($5,000) dollars, with sureties to be approved by the mayor, conditioned for the performance of all the obligations of this ordinance, and also conditioned to indemnify, save and keep harmless the city of Chicago from any and all damages, costs or expense which may accrue against said city by reason of the grant herein.

¶ 4. **When in force.**] § 4. This ordinance shall be in force and take effect from and after its passage and approval of the bond herein required.

SEARS, ROEBUCK & COMPANY.

§ 170. Sears, Roebuck & Company.

¶ 1. Construction—plans.
¶ 2. Indemnity—acceptance.
¶ 3. When in force.

An ordinance granting permission to Sears, Roebuck & Company to construct a fixed awning. (Passed January 4, 1897.)

¶ 1. **Construction—plans.**] Be it ordained by the city council of the city of Chicago: § 1. That Sears, Roebuck & Co., incorporated, be and it is hereby allowed and permitted to construct a fixed awning over its store front, Nos. 82 and 84½ Fulton street, as a protection to the entrance to its building there located; such awning to be constructed according to plans and specifications to be submitted to the commissioner of public works, and to his entire satisfaction and approval.

¶ 2. **Indemnity—acceptance.**] § 2. That said Sears, Roebuck & Co., incorporated, and its assigns and lessees, shall indemnify and save harmless the city of Chicago of and from all damages of every kind for which the city may become liable by reason of the erection or maintenance of the awning hereby granted, and said Sears, Roebuck & Co., incorporated, shall, before erecting said awning, file with the commissioner of public works its acceptance of the conditions of this ordinance.

¶ 3. **When in force.**] § 3. This ordinance shall be in force from and after its passage.

DANIEL SHELBY.

§ 171. Daniel Shelby.

¶ 1. Academy of Music.
¶ 2. When in force.

An ordinance granting permission to Daniel Shelby to erect a weather porch, etc. (Passed July 19, 1886.)

¶ 1. **Academy of Music.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and

the same is hereby granted to Daniel Shelby to erect, under the supervision and subject to the approval of the commissioner of public works, a weather porch and storm door at the front entrance of the Academy of Music, on South Halsted street.

¶ 2. **When in force.**] § 2. This ordinance shall be in force from and after its passage.

HENRY STRONG.

§ 172. Henry Strong.
¶ 1. Specifications—bond—removal.
¶ 2. Supervision.
¶ 3. When in force.

An ordinance granting permission to construct an iron bridge across an alley therein designated. (Passed December 5, 1881.)

¶ 1. **Specifications—bond—removal.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and are hereby given to Henry Strong, and his assigns, to construct and use an iron bridgeway between the front and rear buildings of the premises numbers 183, 185 and 187 East Monroe street, in the city of Chicago, and crossing the branch alley between the said buildings; Provided, however, that the bottom of the said bridgeway shall not be lower than the floor line of the second story of the said buildings, so that free and unobstructed passage under the same may be had in the said branch alley.

And provided also, that the said Henry Strong shall give a good and sufficient bond, conditioned to hold the city of Chicago harmless from any and all claims for damages arising from such construction, and provided, further, that the said bridgeway may and shall be removed at the expense of the said Henry Strong, or his assigns, whenever so ordered by the city council.

¶ 2. **Supervision.**] § 2. The work authorized in the preceding section shall be done under the direction and supervision of the department of public works of the city of Chicago, and the expense thereof shall be borne by the said Henry Strong.

¶ 3. **When in force.**] § 3. This ordinance shall take effect and be in force from and after its passage.

THOMSON & TAYLOR SPICE COMPANY.

§ 173. Thomson & Taylor Spice company.

¶ 1. Premises described—plans—removal.

An ordinance granting permission to the Thomson & Taylor Spice company to maintain a steam pipe across and under an alley. (Passed October 25, 1886.)

¶ 1. Premises described—plans—removal.] Be it ordained by the city council of the city of Chicago: § 1. That whereas, The Thomson & Taylor Spice Company is the occupant of the premises known as 34, 36, 38 and 40 South Water street in the city of Chicago, and has leased the building known as 30 and 32 of the same street, and is desirous to place and maintain a steam pipe across the alley between numbers 32 and 34 South Water street for the purpose of heating the said building by steam, permission and authority be and the same is hereby granted to the said Thomson & Taylor Spice Company (at their own expense), to place, maintain, and use such steam pipe; Provided, said Thomson & Taylor Spice Company shall lay such steam pipe according to plans submitted to and authorized by the department of public works of the city; and

Provided further, that the said steam pipe shall be so placed as to accommodate itself to all other fixtures underground;

And provided further, that said pipe may and shall be removed at any time when ordered so to do by the city council or by the mayor and commissioner of public works.

TOBEY & BOOTH.

§ 174. Tobey & Booth.

¶ 1. Specifications—bond—removal.

An ordinance authorizing Tobey & Booth to construct a bridge across Grove street. (Passed November 8, 1880.)

¶ 1. Specifications — bond — removal.] Be it ordained by the city council of the city of Chicago: § 1. That Messrs. Tobey & Booth be and they are hereby authorized and permitted to construct a bridge across Grove street, north of Eighteenth street, from their packing house to their market; said bridge to be twenty-eight feet above the grade of the street, and to be not more than seven feet wide; Provided, that said bridge shall be constructed as directed by and under the superintendence of the department of public works; and Provided further, that said Tobey & Booth shall give a good and sufficient bond in the penal sum of $10,000, to be approved by the mayor, to save the city harmless from any and all damages to any person or persons arising out of, or resulting from, the privileges hereby granted, and to remove said bridge whenever ordered so to do by the city council.

WAHL BROTHERS.

§ 175. Wahl Brothers.

¶ 1. Over south branch of the Chicago river—watchmen and bridge-tenders—bond.

¶ 2. When in force.

An ordinance granting permission to Wahl Brothers to construct a swing bridge over the south branch. (Passed June 14, 1875.)

¶ 1. Over south branch of Chicago river — watchmen and bridge-tenders—bond.] Be it ordained by the common council of the city of Chicago: § 1. That permission be and is hereby granted to Wahl Brothers to construct a swing bridge over the south branch of the Chicago river between Thirty-first street and Thirty-third street, said bridge to be built, maintained and kept in repair, and all expenses of watchmen and bridge tenders to be paid by said Wahl Brothers; Provided, however, that this ordinance shall not take effect until said Wahl Brothers shall have entered into a good and sufficient bond, to be approved by the mayor and the board of public works, to indemnify said city against any and all damages, cost and expenses which may be incurred by reason of granting said permission.

¶ 2. When in force.] § 2. This ordinance shall take effect and be in force from and after its passage and the approval of the bond, provided for in section 1 of this ordinance.

E. C. WALLER.

§ 176. E. C. Waller.

¶ 1. Premises described—use of space—plans—alley to be kept in repair.

An ordinance granting permission to E. C. Waller to use certain underground space in an alley. (Passed May 18, 1885.)

¶ 1. Premises described—use of space—plans—alley to be kept in repair.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and are hereby granted unto the lessee, under the ordinance passed May 12, 1885, of lots thirty-three (33) to thirty-nine (39), inclusive; the east eight (8) feet of lots forty (40), and forty-three (43), and lots forty-four (44) to fifty (50), inclusive; all in block one hundred and sixteen (116) in School section addition to Chicago; to use such space under the alley east of and adjoining said premises, and under the court or street south of and adjoining said premises, for and during the term of said lease, as may be required for boilers, engines, machinery, etc., to be used in connection with the building to be erected upon said premises,

the plans for such work to be submitted to and approved by the commissioner of public works, and the improvement to be made under his supervision.

This ordinance, however, to be upon condition that the said court and alley shall be at all times kept in a safe condition for public use, and that the city of Chicago be held harmless from any damages accruing by reason of this permission.

Note.—The ordinance referred to is as follows:

Be it ordained by the city council of the city of Chicago: § 1. That the proposal of E. C. Waller, dated March 24th, 1885, to lease for a term of ninety-nine (99) years, lots thirty-three (33) to thirty-nine (39), inclusive, the east eight (8) feet of lots forty (40) and forty-three (43) and lots forty-four (44) to fifty (50), inclusive, all in block one hundred and sixteen (116) in the School section addition to Chicago, and being bounded by Adams, La Salle and Quincy streets, and by a wide alley on the east and having a dimension of one hundred and seventy-eight and five tenths (178.5) feet by one hundred and seventy-seven and six tenths (177.6) feet, be and the same is hereby accepted, and the mayor and comptroller are hereby instructed to make, execute and deliver, under the seal of the city of Chicago, a lease in accordance with the terms of said proposal and the advertisement of the mayor and comptroller.

Passed May 12, 1885.

Approved by the mayor May 16, 1885.

WESTERN ELECTRIC COMPANY.

§ 177. Western Electric Company.
¶ 1. Grant twenty years—specifications.
¶ 2. Indemnity bond.
¶ 3. When to take effect.

An ordinance authorizing the Western Electric Company to construct two bridgeways and a tunnel between certain buildings on South Clinton street. (Passed February 8, 1892. Accepted February 19, 1892.)

¶ 1. Grant 20 years—specifications.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and is hereby granted to the Western Electric Company, its successors and assigns, to construct, maintain and use, for the period of twenty years, two bridge ways or covered passages over and across the alley commonly known as West Congress street, and not less than twenty-five feet west from the west line of South Clinton street; Provided, that said bridge ways shall be constructed of incombustible material and shall be not more than eight feet in height

and five feet in width; and Provided, also, that the lowest portion of one of said bridgeways shall not be less than thirty feet above the grade of said street, and the lowest portion of the other of said bridge ways shall not be less than eighteen feet above the grade of said street, and that neither of them shall in any manner obstruct the free passage through said alley or street.

Permission and authority is, also, hereby granted to the said Western Electric Company, its successors and assigns, to construct a tunnel not exceeding seven feet in diameter underneath and across said alley or street and to use the same for a like period of time; Provided, that it shall in no manner interfere with the use of said alley or street as a passage way, and Provided, further, that the construction of said bridge ways and tunnel shall be subject to the approval of the commissioner of public works.

¶ 2. **Indemnity — bond.**] § 2. The said Western Electric Company, its successors or assigns, shall, by a good and sufficient bond in the sum of five thousand dollars, indemnify and save harmless the city of Chicago of and from any and all damage of every kind for which said city may become liable for or by reason of the construction or use of said bridge ways and tunnel hereby granted.

¶ 3. **When to take effect.**] § 3. This ordinance shall be in force from and after its passage and the approval of the bond provided for in section 1 hereof.

WILLIAM A. WIEBOLDT.

§ 178. William A. Wieboldt.

¶ 1. Use intended for—plans.
¶ 2. Power of city council.

An ordinance granting permission to William A. Wieboldt to construct and use an underground passageway through an alley for steam pipes and other purposes. (Passed March 7, 1892.)

¶ 1. **Use intended for—plans.**] Be it ordained by the city council of the city of Chicago: § 1. That, whereas, William A. Wieboldt is the owner of premises numbered 941 Milwaukee avenue and is, also, the owner of the premises across the alley therefrom, known as No. 33 Bowman street, in the city of Chicago, and is desirous to construct and maintain a passage way across and under the alley separating his said premises, for the passage of steam pipes and other purposes, and to connect his said premises 941 Milwaukee avenue with his said premises 33 Bowman street, permission and authority be and the same is hereby granted to the said William A. Wieboldt (at his

own expense) to construct, maintain and use said passage way; Provided said Wieboldt shall construct and build said passage way and the cover thereto, according to plans submitted and authorized by the department of public works engineering department of the city; and, Provided further, that water, gas and other pipes be made to accommodate themselves to such passage way at the expense of said Wieboldt, under proper supervision, and that said passage way does not interfere with or injure present sewers or other permanent underground fixtures in said alley.

¶ 2. **Power of city council.**] § 2. This permission and authority, and the passage way to be constructed thereunder, shall be subject to all ordinances present and future relating to underground fixtures on said alley, and this ordinance is subject to revocation and said passage way subject to be closed up and removed at any time by ordinance of the present or any future city council.

R. A. VIALL.

§ 179. R. A. Viall.

¶ 1. Route—permit not permanent.
¶ 2. When in force.

An ordinance granting permission to R. A Viall to maintain a private telephone wire. (Passed May 11, 1896.)

¶ 1. **Route—permit not permanent—bond.**] Be it ordained by the city council of the city of Chicago: § 1. That the commissioner of public works be and is hereby directed to issue a permit to R. A. Viall for the continuance of his private telephone wire now strung in the alleys and private grounds as specified below.

Commencing at the office of the said R. A. Viall at Michigan avenue near the Eastern Illinois Railroad tracks; thence following through the alley between the said railroad and private property, in a northwesterly direction to alley between State and Dearborn streets; thence in that alley south to within 300 feet north of 118th street; thence west, on private property, to alley between Clark and Dearborn streets; thence south to alley between 118th and 119th streets; thence west through said alley to Halsted street and office at 118th and Halsted streets.

This permit is specifically granted upon the following express conditions, to wit:

1st. That this order shall in no wise insure a permanent retention of the herein described telephone wire but shall be removed at any time when ordered so to do by the commissioner of public works

and at the sole expense of the said R. A. Viall, or his executors or assigns; and

2nd. That the said R. A. Viall shall first execute a sufficient bond, as the commissioner of public works may direct, to hold the city of Chicago from all harm and damage which might accrue from and by this permit granted.

¶ **2. When in force.**] § 2. This ordinance shall take effect and be in force from and after its passage.

CHAPTER VIII.—RAILROADS.

§ 180. Atchison, Topeka & Santa Fe Railroad company.
§ 181. Chicago & Southern Railroad company (Atchison, Topeka & Santa Fe Railroad company).
§ 182. Chicago & Southern Railroad company (Atchison, Topeka & Santa Fe Railroad Company).
§ 183. Chicago & Southern Railroad company (Atchison, Topeka & Santa Fe Railroad company).
§ 184. Atchison, Topeka & Santa Fe Railroad company.
§ 185. Atchison, Topeka & Santa Fe Railroad company.
§ 186. Atchison, Topeka & Santa Fe Railroad company.
§ *186. Atchison, Topeka & Santa Fe Railroad company.
§ 187. Atchison, Topeka & Santa Fe Railroad company.
§ 188. Baltimore & Ohio & Chicago Railroad company.
§ 189. Baltimore & Ohio & Chicago Railroad company.
§ 190. Baltimore, Pittsburg & Chicago Railway company.
§ 191. Blue Island Railroad company.
§ 192. Bridgeport & South Chicago Railroad company.
§ 193. Calumet & Blue Island Railway company.
§ 194. Calumet River Railway company.
§ 195. Calumet River Railway company.
§ 196. Calumet River Railway company.
§ 197. Chicago & Alton Railroad company.
§ 198. Chicago, St. Charles & Mississippi Air-line railroad.
§ 199. Chicago & Mississippi Railroad company.
§ 200. Joliet & Chicago Railroad company.
§ 201. De Puyster street.
§ 202. Joliet & Chicago Railroad company.
§ 203. Chicago, Alton & St. Louis Railroad company.
§ 204. Chicago & Alton Railroad company.
§ 205. Chicago Belt Railway & Transfer company.
§ 206. Chicago, Burlington & Quincy Railroad company.
§ 207. Chicago, Burlington & Quincy Railroad company.
§ 208. Chicago, Burlington & Quincy Railroad company.
§ 209. Chicago, Burlington & Quincy Railroad company.
§ 210. Chicago, Burlington & Quincy Railroad company.
§ 211. Chicago, Burlington & Quincy Railroad company.
§ 212. Chicago, Burlington & Quincy Railroad company.
§ 213. Chicago, Burlington & Quincy Railroad company.
§ 214. Chicago, Burlington & Quincy Railroad company.
§ 215. Chicago, Burlington & Quincy Railroad company.
§ 216. Chicago, Burlington & Quincy Railroad company.
§ 217. Chicago, Burlington & Quincy Railroad company.
§ 218. Chicago, Burlington & Quincy Railroad company.

ATCHISON, TOPEKA & SANTA FE RAILROAD COMPANY.

(Successors to Chicago & Southern Railroad company.)

§ 180. Atchison, Topeka & Santa Fe Railroad company.

¶ 1. Grant—route.
¶ 2. Indemnity—speed—street repairs—fare—depots.
¶ 3. Acceptance.
¶ 4. Viaduct.
¶ 5. Time limit for completion.

An ordinance granting right of way to Chicago & Southern Railroad company in the town of Lake. (Adopted June 20, 1874.)

¶ 1. Grant — route.] Be it ordained by the board of trustees of the town of Lake: § 1. That permission and authority be, and the same is hereby given and granted to the Chicago and Southern Railroad Company, to lay down, maintain and operate a double railway track, with all necessary side tracks, not to exceed two tracks, at the crossing of public highways that may be crossed by said railroad, along any and all the public highways dedicated along the north and south center lines of sections 2, 11, 23, 24, 26 and 35 in said town of Lake.

¶ 2. Indemnity — speed — street repairs — fare — depots.] § 2. The permission and authority hereby granted to said company are upon the following express conditions, to-wit:

First. That the rights herein conferred are subject to whatever rights any other person or corporation may have along said line in said town of Lake.

Second. That said railway company shall indemnify and save harmless said town of Lake from all expenses, costs, damages and suits arising from the occupation of such dedicated streets as may be upon said line by said railroad company. Provided, that the rights, powers and privileges hereby granted are not intended to extend to any other grounds, either of individuals or corporations, than the dedicated streets which may be crossed or lie on the line or route of said road as above described.

Third. That the privileges hereby granted shall be enjoyed subject to the provisions of the charter of said town of Lake, and to all ordinances that now are or may be in force in said town of Lake, in regard to all railroads therein.

Fourth. The board of trustees of the town of Lake shall have the right to impose such rules and regulations upon the use of said tracks, in reference to speed and manner of running cars and locomotives, as they shall deem necessary for the safety and convenience of the residents of said town of Lake; such rules and regulations to be imposed by general ordinance in regard to all railways in said town.

Fifth. The said railroad company shall at all times grade, fill, plank or macadamize the portion of said street used by said company, and the approach thereto at the intersections of said streets crossing

said railway, or may be laid by the authorities in such a way as to allow of free and easy passage of carriages and wagons across and alongside of its tracks at all points; said work to be done in such a manner and at such times as the board of trustees of said town of Lake shall direct; also culverts to be built at such crossings as shall not impede the natural flow of water, when so ordered by the said board of trustees.

Sixth. The rate of passenger fare on said railway out of Chicago through the town of Lake shall not exceed the rate of any other road running out of the city of Chicago for the same distances, and shall issue commutation tickets therefor, not to exceed, by commutation, twelve and a half cents from the south line of section thirty-five (35) to their depot in the city of Chicago, and ratable at all other points, and two and one-half cents per mile for transient travel for five years from the date of this ordinance, and two cents per mile thereafter.

Seventh. Said railroad company shall establish not less than six depots in the town of Lake, at each of which all passenger trains shall stop.

Eighth. The foregoing conditions, rights and privileges shall apply to and be binding upon the assignees, grantees and lessees of said railroad company, and all rights or powers conferred upon the town of Lake, or its officers or trustees, shall vest in and be exercised by the municipal corporation, or its officers or trustees or authorities within whose limit said streets, or any part thereof, may at any time be situated.

Ninth. That in the event that said railway company shall break or fail to comply with any provisions of the ordinance, and shall fail to make good such break and comply with the provisions of this ordinance within thirty days after service of notice of such breach or failure upon any general officer of said company in the city of Chicago, then said railway company shall forfeit to the town of Lake an amount in double the sum of such damages, which the said company agrees to pay to the town of Lake, whenever adjudged guilty of such breach by any court of competent jurisdiction in the county of Cook, or otherwise if agreed upon; which sum may be recovered by said town in an action of assumpsit in any court of general jurisdiction in the county of Cook; and if the said railroad company shall neglect or refuse to make good this default, and to comply with the provisions of this ordinance within ninety days after final judgment shall be rendered in favor of said town, by any court of competent jurisdiction, for said penalty, then all the rights of said company under and by virtue of this ordinance shall forthwith cease and determine.

¶ 3. **Acceptance.**] § 3. This ordinance shall not be in force, nor shall any rights or privileges be acquired or enjoyed by virtue hereof, until said railway company shall have filed a written acceptance of its terms and conditions with the clerk of said town of Lake.

¶ 4. **Viaduct.**] § 4. If the corporate authorities of the town

of Lake at any time deem it necessary that a viaduct shall be constructed over the railway tracks at the intersections of any street crossing said railway, then said railway company is to contribute its equitable share of the cost of such viaduct, upon the basis that the entire cost of said viaduct shall be paid by the railway companies owning tracks at such crossings, each company paying an equal share of such costs; or if each company do not pay as aforesaid, then the town of Lake or individuals shall pay such proportionate share; said railway companies shall nevertheless pay its equitable share as aforesaid.

¶ 5. **Time limit for completion.**] § 5. Unless said railway company shall have entered upon and completed the construction of said railway track or tracks through the town of Lake within nine months from the passage of this ordinance, and put the same in operation within fifteen months from the passage thereof, these ordinances granted shall cease and determine.

CHICAGO & SOUTHERN RAILROAD COMPANY.

§ 181. Chicago & Southern Railroad company.

¶ 1. Grant—route—conditions.
¶ 2. Penalty clause.
¶ 3. When in force.

An ordinance granting to the Chicago & Southern Railroad company the privilege of laying its track along the center line of section 35, T. 39 N., R. 13, from Egan avenue to the Illinois & Michigan canal. (Passed June 29, 1874.)

¶ 1. **Grant—route—conditions.**] Be it ordered and ordained by the board of trustees of the town of Cicero: § 1. That the privilege of laying its track along the street known as Central Park avenue, being the center line of section 35, T. 39 N., R. 13, from Egan avenue north to the Illinois and Michigan canal, in the town of Cicero, be and the same is hereby granted to the Chicago and Southern Railroad Company, subject to the provisions of the ordinances and resolutions of this board relating to the obstructions of streets by railroad companies and railroad crossings, and such other ordinances and resolutions relating thereto as this board may hereafter adopt, and subject to the further condition that said railroad company keep all its crossings in good repair, and construct culverts whenever this board may order the same so as to leave the street, ditches and drains and sewers open and unobstructed, and keep all culverts so constructed in good repair and lead their railroad ditches into the Illinois and Michigan canal.

¶ 2. **Penalty clause.**] § 2. Upon the violation by said Chicago and Southern Railroad Company of any of the foregoing pro-

visions or conditions, or of any ordinances or resolutions of this board, the privilege herein granted shall terminate and cease and said railroad company shall forthwith remove its tracks from said streets.

¶ 3. **When in force.**] § 3. This ordinance shall be in force from and after its passage.

§ 182. Chicago & Southern Railroad company.

¶ 1. Grant—route—commencement.
¶ 2. Connection with Chicago & Northwestern Railroad company.
¶ 3. Route continued.
¶ 4. Route continued.
¶ 5. Subject to ordinances.
¶ 6. Paving and repair of streets.
¶ 7. Motive power—horse railroad not authorized.
¶ 8. Crossings and viaducts.
¶ 9. Indemnity.
¶ 10. Side tracks.
¶ 11. Provision for tenant companies.
¶ 12. When in force.

An ordinance concerning the Chicago & Southern Railroad company. (Passed October 26, 1874.)

¶ 1. **Grant—route—commencement.**] Be it ordained by the common council of the city of Chicago: § 1. That permission and authority be, and is hereby, granted to the Chicago and Southern Railroad Company to introduce its road into the city of Chicago, commencing near where the center line of section thirty-five (35), township thirty-nine (39), range thirteen (13), east of the third (3d) principal meridian, crosses the Illinois and Michigan canal; thence bearing northeasterly between the river and canal, crossing Kedzie avenue to Thirty-first street; thence east on Thirty-first street to the canal.

¶ 2. **Connection with C. & N. W. R. R. Co.**] § 2. Said company may also lay down tracks on the east side and adjoining the Columbus, Chicago and Indiana Central Railway, from the Illinois and Michigan canal north to a connection with the Chicago and Northwestern Railroad on Ogden avenue.

¶ 3. **Route continued.**] § 3. Said company may also lay a track or tracks from Western avenue to the south side of Illinois and Michigan canal, and within not to exceed four hundred (400) feet of it, to the east end of it; may also lay a track across or in the vicinity of Market place, occupying not more than thirty (30) feet of the westerly side thereof, across Thirty-first (31st) street and Ashland avenue, and across any intersecting streets, alley or alleys.

¶ 4. **Route continued.**] § 4. Said company may lay a track from where the center line of section thirty-five (35), township thirty-nine (39), range thirteen (13), east of the third (3d) principal meridian, crosses the canal northerly to the north side of the Chicago River; thence northeasterly, crossing the Bridewell grounds in section twenty-five (25) at such point as the bridewell commissioners may direct;

thence easterly on Twenty-sixth (26th) street to intersection of Railroad street.

¶ 5. **Subject to ordinances.**] § 5. And said company may operate its tracks, the construction of which is authorized as subject to all ordinances of the city governing railroad corporations, now in force or which may hereafter be passed.

¶ 6. **Paving and repair of streets.**] § 6. Permission and authority is hereby granted to said Chicago and Southern Railroad Company to construct, maintain and operate its railroad, with single or double tracks and all necessary switches and turn-outs along the line, as may be necessary to transact the ordinary business of said railroad company, said track or tracks, switches and turn-outs to be laid, built and constructed subject to the directions of the board of public works of the city; and the paving and keeping in repair of so much of said streets, alleys and crossings as may be occupied by said railroad company with its tracks, switches and turn-outs, shall be under the direction of the board of public works, and shall be paved and repaired when ordered by said board.

¶ 7. **Motive power—horse railroad not authorized.**] § 7. Said Chicago and Southern Railroad Company is hereby authorized to run its cars over and along said tracks with steam or such other motive power as said company may deem best; subject, however, to all laws and ordinances of the city of Chicago to railroad companies now in force or which may hereafter be passed; but this section shall not be so construed as to authorize said company to construct or operate what is commonly known as a horse railroad, transporting passengers and baggage to and fro within the city of Chicago.

¶ 8. **Crossings and viaducts.**] § 8. Permanent crossings, viaducts or other structures shall be made and maintained by said Chicago and Southern Railroad Company where said track or tracks cross any street or alley within the limits of the city of Chicago, according to the direction of the board of public works, or as may be ordered and directed by the common council of the city, at any and all times during the continuance of the franchise hereby granted.

¶ 9. **Indemnity.**] § 9. The permission and authority hereby granted are upon the further express condition that the said Chicago and Southern Railroad Company shall and will forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs, and expenses of the same, which it may suffer, or which may be recovered or obtained against the city by reason of the granting of such privileges and authority, or for or by reason of, or growing out of, or resulting from, the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted.

¶ 10. **Side tracks.**] § 10. Said company shall permit any corporation, person or persons, duly authorized by ordinance of said

city, to construct side tracks to intersect any track or tracks of said railroad company, within the limits of said city, for the purpose of conveying property to and from said railroad, to any warehouse, lumber yard, coal yard or manufactory situated within one thousand (1,000) feet of such railroad, and upon reasonable compensation being made therefor, shall at all times permit the owners or lessees of any such side track, or the consignees of any property, to take the cars containing such property to him or them consigned, to any such warehouse, lumber yard, coal yard or manufactory situated upon any such side track; and that such owner, lessee or person conducting or carrying on any such warehouse, lumber yard, coal yard or manufactory, over any such side track, to and upon the track of said railroad, under the directions and regulations of said Chicago and Southern Railroad Company, without unreasonable delay; Provided, however, that any cars so taken shall be returned without any unnecessary delay.

¶ 11. **Provision for tenant companies.**] § 11. Said company shall permit any other two railroad companies to use the tracks hereby authorized to be laid, upon such fair and equitable terms as may be agreed upon and between said other companies, jointly and severally, and said Chicago and Southern Railroad Company; and in event of a disagreement as to such terms, the same shall be settled and determined by three disinterested persons, one to be named by such other railroad companies, and the other by the Chicago and Southern Railroad Company, and the two so chosen to choose a third person, and the terms and conditions which shall be agreed upon and determined by such three persons so chosen, or a majority of them, shall be the terms and conditions upon which such other railroad companies respectively shall be allowed to use and occupy the tracks hereby authorized to be laid, and such other railroad companies shall, in such case, have the same privileges to run cars upon and across all streets, avenues, alleys and highways as are herein granted to said Chicago and Southern Railroad Company, and shall be subject to all the terms, conditions and restrictions contained in this ordinance to the same extent as said Chicago and Southern Railroad Company.

¶ 12. **When in force.**] § 12. This ordinance shall take effect and be in force from and after its passage and due publication.

§ 183. Chicago & Southern Railroad company.

¶ 1. Use of Kedzie or Homan avenue.
¶ 2. West Twenty-sixth street.
¶ 3. Subject to conditions of ordinance of October 26, 1874.
¶ 4. When in force.

An ordinance concerning the Chicago & Southern Railroad company. (Passed August 16, 1876.)

¶ 1. **Use of Kedzie or Homan avenue.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and is hereby granted to the Chicago and Southern

Railroad Company to lay down tracks in the center of Kedzie avenue from its intersection with Swift street northerly to the crossing of said avenue by the Chicago, Burlington and Quincy Railroad. Or if the said Chicago and Southern Railroad Company shall so elect, it may, with the consent of parties owning property fronting on Homan avenue, lay down tracks on said avenue from the crossing of said Chicago and Southern Railroad to the crossing of the Chicago, Burlington and Quincy Railroad. But nothing in this ordinance shall be so construed as to permit said Chicago and Southern Railroad Company to lay tracks on both Kedzie avenue and Homan avenue.

¶ 2. **West Twenty-sixth street.**] § 2. Said Chicago and Southern Railroad Company may also lay down tracks on West Twenty-sixth street, from its intersection with Homan avenue, in an easterly direction, to the track of said company as at present located in said street.

¶ 3. **Subject to conditions of ordinance of October 26, 1874.**] § 3. That all the rights and privileges hereby given are subject to the same terms and conditions as are contained in an ordinance concerning the Chicago and Southern Railroad Company, passed by the common council of the city of Chicago, October 26, A. D. 1874.

¶ 4. **When in force.**] § 4. This ordinance shall take effect and be in force from and after its passage and due publication.

ATCHISON, TOPEKA & SANTA FE RAILROAD COMPANY.

§ 184. Atchison, Topeka & Santa Fe Railroad company.

¶ 1. Grant—route.
¶ 2. Route continued.
¶ 3. Route continued.
¶ 4. Track connections.
¶ 5. Crossings—repair of sidewalks, etc.—damages.
¶ 6. Underground telegraph—use limited.
¶ 7. Twelfth street viaduct—damages—depression of tracks.
¶ 8. Indemnity—judgment.
¶ 9. Side tracks.
¶ 10. Motive power—horse car line prohibited.
¶ 11. Fences, gates, etc.
¶ 12. Time for construction.
¶ 13. Bond—acceptance.

An ordinance granting permission and authority to the Atchison, Topeka & Santa Fe Railroad company to construct and maintain a railroad. (Passed August 1, 1887. Accepted August 9, 1887. Accepted August 26, 1887.)

¶ 1. **Grant—route.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby given and granted to the Atchison, Topeka & Santa Fe Railroad Com-

pany in Chicago, its lessees and successors, to construct, maintain and operate a railroad with one or more railroad tracks, with the necessary and convenient side tracks, turnouts, switches and appurtenances, over, upon and along such lands as it now holds or has acquired the right to lay railroad tracks upon, or which it may hereafter acquire by purchase, lease, condemnation or otherwise, and over, along and upon the following route:

Beginning upon the line of the western limits of the city of Chicago upon what is known as Crawford avenue, at a point about three hundred and fifty (350) feet northwesterly from, and measured at right angles to, the north line of the Illinois and Michigan canal as constructed; thence northeasterly generally parallel with and about three hundred and fifty (350) feet northwesterly from the said north line of the said canal across section thirty-five (35), and a part of thirty-six (36), in township thirty-nine (39) north, range thirteen (13), east of the third P. M.; thence upon the same line continued, across blocks five (5), six (6), seven (7) and eight (8) and one (1) of Manchester, being a subdivision of that part north of the Illinois and Michigan canal of the east half of the northeast quarter (¼) of section thirty-six (36), township thirty-nine (39) north, range thirteen (13), east of the third P. M., lying north of the Illinois and Michigan canal and resubdivisions thereof as the same are surveyed and platted; thence northeasterly across the west half of the northwest quarter of section thirty-one (31), township thirty-nine (39) north, range fourteen (14), east of the third P. M., to a point on the east line thereof, said point being within two hundred (200) feet northwesterly of and measured at right angles to the said north line of the Illinois and Michigan canal; thence northeasterly and generally parallel with the said northerly line of the said canal across the east half of the northwest quarter of section thirty-one (31) of the east half of the northwest quarter of section thirty (30), and the southeast quarter of section thirty (30), in said township thirty-nine (39), to the east line thereof, and across Ashland avenue, and thence northeasterly upon the most practicable route to the southerly bank of the west fork of the south branch of the Chicago river.

And permission and authority are further given to said company to construct one or more tracks and maintain and operate the same on the following branch line:

Beginning at a point upon the above described line in the east half (½) of the southwest quarter of section thirty-five (35), township thirty-nine (39) north, range thirteen (13), east of the third P. M., and thence upon a regular and practicable curve southwestward to and across the Illinois and Michigan canal.

¶ 2. **Route continued.**] § 2. That permission and authority are hereby given and granted to the Atchison, Topeka & Santa Fe Railroad Company in Chicago, its lessees and successors, to construct, maintain and operate a railroad with one or more railroad tracks with

the necessary and convenient side tracks, turnouts, switches and appurtenances, over, upon and along such land as it now holds or has acquired the right to lay railroad tracks upon, or which it may hereafter acquire by purchase, lease, condemnation or otherwise, and over, along and upon the following route: Beginning at a point upon the railroad tracks now laid and operated along Twenty-sixth street, in the city of Chicago, said point being at or near what is known as Crown place, thence northeasterly across blocks fourteen (14) and ten (10), and northerly across the eastern portion of blocks seven (7) and two (2) of S. J. Walker's subdivision of the northeast quarter of section twenty-five (25), township thirty-nine (39) north, range thirteen (13), east of the third P. M., and re-subdivisions thereof as the same are surveyed and platted; thence northerly across the eastern portion of blocks fourteen (14), eleven (11) and five (5), and northwesterly across block two (2) of Walker's Douglass park addition, being a subdivision of the east half of the southeast quarter, and the east half of the west half of the southeast quarter (except railroad lands) of section twenty-four (24), township thirty-nine (39) north, range thirteen (13), east of the third P. M. and re-subdivisions thereof as the same are surveyed and platted; thence northerly across the eastern portion of blocks four (4) and three (3) of T. W. Jordan's re-subdivision of lots thirteen (13), fourteen (14), fifteen (15), seventeen (17) and eighteen (18), of Ogden's subdivision of the east half of the northeast quarter of section twenty-four (24), township thirty-nine (39) north, range thirteen (13), east of the third P. M.; thence northerly across the eastern portion of the west half of block seven (7) and across block five (5) of a subdivision of lots two (2), three (3), five (5), six (6), seven (7), eight (8), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17) and eighteen (18), of Ogden's subdivision of part of section twenty-four (24) as last above described; thence northwesterly across lot or block four (4) of Ogden's subdivision of part of section twenty-four (24); also, as above described; thence northwesterly across the northeasterly portion of block four (4) of a re-subdivision of lots two (2), three (3), five (5), six (6), seven (7), eight (8), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17) and eighteen (18) of Ogden's subdivision of part of section twenty-four (24) as above described, and re-subdivision of the above as the same are surveyed and platted; thence northwesterly across the northeasterly portion of block one (1) in Cook & Anderson's subdivision of the west half of the northeast quarter of section twenty-four (24), township thirty-nine (39) north, range thirteen (13), east of the third P. M., and re-subdivisions if any thereof, as the same is surveyed and platted; thence northward to a practicable connection with the tracks laid along what is known as Rockwell street, north of Twelfth street.

¶ 3. **Route continued.**] § 3. That permission and authority are hereby given and granted to the Atchison, Topeka & Santa Fe Railroad Company in Chicago, its lessees and successors, to construct,

maintain and operate a railroad with one or more railroad tracks, with the necessary and convenient side tracks, turnouts, switches and appurtenances, over, upon and along such land as it now holds, or has acquired the right to lay railroad tracks upon, or which it may hereafter acquire by purchase, lease, condemnation or otherwise, and over, along and upon the following route:

Beginning at some point upon the tracks of the Chicago and Western Indiana R. R. Co. where the same are located and operated across the South Scandinavia addition to Chicago, being a subdivision of blocks thirty-one (31) and thirty-two (32) of the Canal Trustee's subdivision of the west one-half (½), and so much of the southeast quarter (¼) as lies west of the south branch of the Chicago river, of section twenty-one (21), township thirty-nine (39) north, range fourteen (14), east of the third P. M.; thence across blocks forty-one (41), twenty-four (24), twenty-five (25), twenty-one (21), nine (9) and six (6), [and all subdivisions thereof] of the Canal Trustee's new subdivision of blocks in the east fraction of southeast fractional one-quarter (¼) of said section twenty-one (21); thence across lots or blocks thirty-five (35), thirty-four (34), thirty-three (33), thirty-two (32) and thirty-one (31) of Assessor's second division of the east fraction of northeast one-quarter (¼) of said section twenty-one (21) and across Wilder's south addition to Chicago, and lots or blocks twenty-five (25), and twenty-four (24) of Assessor's second division of said east fraction of northeast one-quarter (¼) of section twenty-one (21) and lots eight (8) to one (1), inclusive, of Walker, Greer and others' subdivision of Uhlich tract and lot or block twenty (20) of Assessor's second division of said fractional northeast one-quarter (¼) of section twenty-one (21) and lots fifty-six to fifty-two (52), inclusive, and lots four (4) to one (1), inclusive, of Laflin's subdivision of a part of said east fraction of northeast one-quarter (¼) of section twenty-one (21) and lots twenty-one (21) to fifteen (15), inclusive, of J. Gurley's subdivision in said east fraction of northeast one-quarter (¼) of section twenty-one (21) and sub-lots five (5) and four (4), of lot or block nine (9) of Assessor's second division of said east fraction of northeast one-quarter (¼) of section twenty-one (21), and lots one (1) to twenty-four (24), inclusive, three (3) to one (1), inclusive, and twenty-seven to one (1), inclusive, of M. Laflin's subdivision of blocks six (6) and eight (8) and B. Wilder's subdivision of block seven (7) of Assessor's second division of said east fractional northeast one-quarter (¼) of section twenty-one (21); thence across blocks one hundred and thirty-one (131) and one hundred and thirty-two (132) and that portion between Third avenue and the alley east thereof of blocks one hundred and thirty-three (133) and one hundred and thirty-four (134) [and all subdivisions thereof] in school section addition to Chicago, being a subdivision of section sixteen (16), township thirty-nine (39) north, range fourteen (14), east of the third principal meridian.

Permission and authority are hereby given and granted to said

railroad company to lay down and operate railroad tracks in such part of the east half of Grove street, between the north line of Twenty-first street and south line of Sixteenth street as are not occupied by the railroad tracks of other railroad companies, and also to lay down and operate railroad tracks in Blackwell street, from Eighteenth street to Twentieth street. This permission is given upon the express condition that said Atchison, Topeka & Santa Fe Railroad Company in Chicago, its lessees and successors, shall not build any freight houses upon the line of its road or that of its lessees, within twenty-five (25) feet of the west line of State street, in the city of Chicago.

¶ **4. Track connections.**] § 4. Where any of the routes described in any of the foregoing sections, 1, 2 and 3, cross the track or tracks of other railroad companies, connections may be made with such tracks upon regular and practicable curves and grades, and said railroad company may establish a gradient approaching the same, not exceeding one (1) foot in vertical height in two hundred (200) feet in the horizontal distance.

¶ **5. Crossings—repair of sidewalks, etc.—damage.**] § 5. The said railroad company may cross at grade any and all intervening streets and alleys along the line of said routes as designated in the first, second and third sections of this ordinance, together with the side tracks, turnouts and switches as above provided, said company to be subject at all times to the supervision of the department of public works or other proper department or officer of said city in the construction of its said tracks and road and the keeping in repair of so much of said streets, alleys and crossings as may be occupied by the said railroad company by its tracks, switches and turnouts, provided the spaces between such tracks shall be brought to a level with said streets and alleys, by planking the same or paving same. When the tracks of the said railroad company shall cross or intersect any sidewalk it shall keep the sidewalk in the spaces between its tracks in good repair and in safe condition; and when new sidewalks are ordered at such crossings or intersections by the city council, the said company shall construct the same as ordered; and if the said company shall neglect to repair such sidewalk or to construct new sidewalk when ordered as aforesaid, the city may cause such work to be done and the said company shall be liable to said city for the cost of the same, and shall also be liable for all damages which may be occasioned to any person or persons by reason of its neglect or failure to keep any sidewalk in repair as aforesaid required. That if, in the construction and building of said railroad, viaducts, approaches or telegraph system, any damage or injury shall result to any of the sewers, water pipes, private drains or conduits in said city, then the said company shall pay and be liable to said city for any such damage or injury.

¶ **6. Underground telegraph—use limited.**] § 6. That permission and authority are hereby further given and granted to the Atchison, Topeka & Santa Fe Railroad Company in Chicago, its les-

sees and successors, to construct, maintain and operate for its use and benefit, lines of underground telegraph along the several lines of railway described in sections 1, 2 and 3 of this ordinance; also from the point of beginning described in the second section of this ordinance at or near what is known as Crown place, thence southwesterly along the tracks of the Chicago and Grand Trunk Railway Company to the city limits; also from a point near Crown place along the tracks of the Chicago and Grand Trunk Railroad Company eastward to Western avenue; also beginning at a point upon the tracks of the Chicago & Western Indiana Railway Company, being the point first described in section 3 of this ordinance, thence south along the tracks of the Chicago & Western Indiana Railway Company to the city limits. The permission and authority given in this section are subject to the conditions and provisions of all ordinances of the city of Chicago regulating the manner of construction of telegraph lines in said city, and are given subject to the condition that the said company shall pay all damages occasioned to such streets and alleys by the construction herein authorized. Provided, that the telegraph privileges herein granted shall be used solely for the transaction of the necessary and customary business of the Atchison, Topeka & Santa Fe Railroad Company in Chicago, its lessees and successors; and the said railroad company shall not lease, transfer or assign the telegraph privileges herein granted to any person or corporation, for any additional use, other than the necessary and customary business of the Atchison, Topeka & Santa Fe Railroad Company in Chicago, its lessees and successors. Provided, further, that the city of Chicago shall have the right to use said conduits in laying wires necessary for the police and fire departments, without any expense to the city for said privilege, other than the cost of laying the said wires.

¶ 7. **Twelfth street viaduct—damages—depression of tracks—change of grade.**] § 7. The permission, authority and privileges hereby granted are upon the express condition that the Atchison, Topeka & Santa Fe Railroad Company in Chicago, its lessees and successors, shall, subject to the provision hereinafter expressed in this section, pay to the city of Chicago the cost and expense of the construction and maintenance of a viaduct and approaches on Twelfth street from the terminus of the viaduct on Clark street, in accordance with plans, to be approved by the mayor and commissioner of public works, and of such viaducts and approaches over any of its said tracks, at any street or streets of said city, which may be crossed by its said tracks, as the city council may require; and it shall be so declared and understood that the city council requires a viaduct to be built from the present terminus on Twelfth street upon the acceptance of this ordinance, said construction and maintenance be under the supervision of the commissioner of public works; and the said company shall pay all damages to lots, lands and buildings, and any title to or interest therein or to the occupancy or possession

thereof, which may be recovered or obtained against said city of Chicago, in consequence of the construction of said viaducts and approaches; and shall also pay all damages that may accrue to property owners fronting on streets whereon such viaducts or approaches may be erected, by reason of the construction and erection of said viaducts and approaches. Provided, that at points where viaducts are so ordered and constructed, then the Atchison, Topeka & Santa Fe Railroad Company in Chicago, its lessees and successors, is permitted, and authority is in consideration thereof hereby given, to sink its tracks, wherever practicable in the opinion of the commissioner of public works, below the established city grades, and may establish its grades approaching the same upon a gradient not exceeding one (1) foot in vertical height to two hundred (200) feet in horizontal distance, and may cross all intervening streets and alleys upon such altered grade lines; Provided, that the change of grade at such viaduct shall not in any manner affect the grade at any other public street or alley.

¶ 8. **Indemnity—judgments.**] § 8. The permission and authority hereby granted are upon the further express condition that said company shall and will forever indemnify and save harmless said city of Chicago against and from any and all damages, judgments, decrees, land and other damages as hereinbefore mentioned, costs and expenses of the same which it may suffer, or which may be recovered or obtained against said city for or by reason of the granting of such privileges and authority or for, or by reason of, or growing out of, or resulting from the passage of this ordinance, or from any act or acts of the said company under or by virtue of the privileges of this ordinance.

And it is hereby further provided that upon the recovery of any final judgment or judgments against the said city, as aforesaid, the said company shall immediately and without prior payment of such judgment or judgments by said city, be liable to pay and shall pay the amount or amounts thereof to the said city; and the fact that the said city may not have paid such judgment or judgments shall constitute no defense on the part of said company.

¶ 9. **Side tracks.**] § 9. The permission and authority hereby granted are upon the further express condition, to wit: That the said Atchison, Topeka & Santa Fe Railroad Company in Chicago, its lessees and successors, shall permit any corporation, individual or person, duly authorized by ordinance of said city, to construct side tracks to intersect any track or tracks of said railroad company within the limits of said city, for the purpose of conveying property to and from said railroad to any warehouse, lumber yard, coal yard or manufactory situated within one thousand (1,000) feet of said railroad, and upon reasonable compensation being made therefor, shall at all times permit the owners or lessees of any such side tracks or the consignees of any property to take all cars containing such property to him or them consigned, to any such warehouse, lumber yard, or coal yard,

or manufactory, situated upon any such side track; provided, however, that any cars so taken shall be returned without any unnecessary delay, and that any such owner, lessee or persons constructing and carrying on any such warehouse, lumber yard, coal yard or manufactory, shall be entitled to have any property taken from any such warehouse, lumber yard, coal yard or manufactory from any such side track, to and from the tracks of said railroad, under the directions and regulations of said railroad company, without any unreasonable delay.

¶ 10. **Motive power—horse car line prohibited.**] § 10. Said Atchison, Topeka & Santa Fe Railroad Company in Chicago, its lessess and successors, is hereby authorized to run its cars over and along said tracks, with steam or such other motive power as said company may deem best; subject to all laws and ordinances of the city of Chicago relating to railroad companies now in force or which may hereafter be passed; but this section shall not be so construed as to authorize said company to construct or operate what is commonly known as a horse railroad, transporting passengers and baggage to and fro within the city of Chicago.

¶ 11. **Fences—gates—etc.**] § 11. The permission, authority and privileges hereby granted are given upon the express condition that the said railroad company will, when as it may be required by the city council, erect and forever maintain at its own expense substantial fences of wood or iron or brick, and of a design, size and material to be determined by the department of public works, along the routes hereby authorized to be laid by this ordinance, together with such suitable and necessary gates and bells for the protection of the public at the several street crossings along the routes authorized in this ordinance, with necessary attendants in charge thereof, during the hours of each and every day, as may be required by the department of public works or the city council of the city of Chicago.

¶ 12. **Time for construction.**] § 12. The privilege and authority hereby granted are so granted upon the further express condition that the tracks authorized by sections 1, 2 and 3 of this ordinance shall be laid down and constructed within two years from the passage of this ordinance, and if not so constructed and in operation all the rights and privileges granted by this ordinance shall cease and be null and void; provided, that if said company shall be delayed in the construction of said tracks by legal proceedings against said company or by the act of said city of Chicago, its officers, agents and servants, then the two years herein mentioned shall be exclusive of any and all such delays.

¶ 13. **Bond—acceptance.**] § 13. That the said railroad company, before exercising any of the rights hereby granted, shall execute to the city of Chicago a good and sufficient bond, in the penal sum of one hundred thousand ($100,000) dollars, with surety or sureties to be approved by the commissioner of public works, conditioned that

it will observe, perform and carry out all the provisions of this ordinance, and will forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees, costs and expenses which it may suffer, or which may be recovered or obtained against said city, for or by reason, or growing out of, or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges or any of them hereby granted, or from any act or acts of the said company under or by virtue of the provisions hereof. Provided, that this ordinance shall not take effect and be in force until the same shall have been duly accepted by said Atchison, Topeka & Santa Fe Railroad Company in Chicago; and unless said acceptance and said bond as hereinbefore provided, shall be duly executed and filed with the city clerk, within thirty (30) days from the passage hereof, this ordinance shall be null and void.

§ 185. Atchison, Topeka & Santa Fe Railroad company.

¶ 1. Route—four tracks across Archer avenue and Forty-seventh street.
¶ 2. Telegraph line.
¶ 3. Motive power—rights of private property owners.
¶ 4. Crossing streets, etc.—track connections—opening streets—viaducts.
¶ 5. Dedication of streets—roundhouses and repair shops.
¶ 6. Construction of drains, etc.—waiver of damage.
¶ 7. Bond—renewal of.
¶ 8. Acceptance.
¶ 9. Time limit of construction.

An ordinance granting certain rights to the Atchison, Topeka & Santa Fe Railroad company in the town of Lake. (Passed September 11, 1888. Accepted September 18, 1888.)

¶ 1. Route—four tracks across Archer avenue and Forty-seventh street.] Be it ordained by the president and board of trustees of the town of Lake, as follows: § 1. That permission and authority are hereby given and granted to the Atchison, Topeka and Santa Fe Railroad Company in Chicago, its successors and assigns, to construct, maintain and operate a railroad with one or more main tracks and with necessary and convenient side tracks, turnouts, switches and appurtenances on such land in the town of Lake as it now has the right, or may hereafter acquire the right, to lay tracks upon, across, along and upon the following routes:

1st. Beginning on the north line of Archer avenue in the west half (½) of section two (2), township thirty-eight (38) north, range thirteen (13), east of the third (3rd) principal meridian, in Cook county, Illinois, within one hundred and fifty (150) feet of the east line of said west half (½) of section two (2); thence southwardly and generally parallel with and within one hundred and fifty (150) feet west of said east line extended, across the west half of section eleven (11), the west half of section fourteen (14), the west half (½) of section twenty-three (23) and the northwest quarter (¼) of section twenty-six (26), all in

the same township and range, and all subdivisions thereof as the same are surveyed and platted along the foregoing route. It being understood, however, that not more than four tracks, not including the tracks formerly known as the Grand Trunk Railway, and now owned by the said Atchison, Topeka and Santa Fe Railway in Chicago, are to be laid across what is known as Archer avenue or across 47th street or 47th street extended.

2nd. Also beginning at a point on the west line of section ten (10), township thirty-eight (38) north, range thirteen (13), east of the third (3rd) principal meridian, the same being at a point six hundred and sixty-five (665) feet south of the center line of what is known as Archer road; thence northeasterly in a direct line, as near as possible, keeping south of the south line of what is known as Archer road, to the junction of the south line of 49th street or 49th street extended, and the west line of the right of way of the said Atchison, Topeka and Santa Fe Railroad in Chicago, described in part 1st of this section, over such lands as said railway company now owns or may hereafter acquire by lease, purchase, condemnation or otherwise, in the southwest quarter (¼) and the east half (½) of said section ten (10) and the northwest quarter of section eleven (11) of same township and range, including all subdivisions thereof; thence eastwardly and south of what is known as 49th street or 49th street extended, and between the south line of said street and the tracks of the Grand Trunk Junction Railway Company, across the northeast quarter (¼) of section eleven (11) and the north half (½) of section twelve (12) of same township and range; thence eastwardly and south of what is known as 49th street or 49th street extended, and between the south line of said street and the tracks of said Grand Trunk Junction Railway Company, across the north half (½) of sections seven (7) and eight (8) and the northwest quarter (¼) of section nine (9), of township thirty-eight (38) north, range fourteen (14), east of the third principal meridian, and all the subdivisions thereof, as the same are surveyed and platted to a practicable connection with the tracks of the Chicago & Western Indiana Railroad Company at some point south of 48th street or 48th street extended, and north of 49th street or 49th street extended.

¶ 2. **Telegraph line.**] § 2. Permission and authority are hereby further granted to the said Atchison, Topeka and Santa Fe Railroad Company in Chicago to erect and operate for its sole use and benefit on its right of way herein granted, a line of telegraph, subject, however, to the conditions and provisions of all ordinances of the town of Lake that now are or hereafter may be in force, regulating the manner of constructing of telegraph lines in said town. Provided, that none of said poles shall be erected or maintained upon any street or public highway that is now or hereafter may be opened across the said company's tracks or right of way.

¶ 3. **Motive power — rights of private property owners.**] § 3. It is hereby provided that the said Atchison, Topeka and Santa

Fe Railroad Company in Chicago may use and operate its said railroad with locomotive engines and cars under such general regulations and rules as the president and board of trustees of the town of Lake may from time to time impose and make, and the rights and privileges hereby granted shall be enjoyed, subject to all general ordinances that now are or hereafter may be in force concerning railroads in said town, and it is expressly understood that the president and board of trustees of said town do not hereby grant the right to enter upon or use private property without the consent of the owner or owners thereof first being had and obtained by said company.

¶ 4. Crossing streets, etc.—track connections—opening streets—viaducts.] § 4. The tracks authorized by this ordinance may cross at grade any and all intervening streets, highways and alleys along the line of the routes herein described, and at such points as it may become necessary to cross the tracks of other railway companies; a gradient approaching the same may be established of one (1) foot of vertical height to three hundred (300) feet of horizontal distance, and when to accomplish this it becomes necessary to raise the grade of any street, the expense thereof shall be borne by the railroad company, and the said railroad company shall pay and forever discharge the said town from any and all damages that may result to said town, and any and all damages and claims for damages that may result to persons or property growing out of, or resulting from the construction of any such gradient, or growing out of any act or acts in connection therewith.

When the tracks laid under the authority of this ordinance cross or run parallel with, and within one hundred and fifty (150) feet of the tracks of this or any other railway company or companies, connections may be made with the same upon regular and practicable curves, provided, that no street or alley of said town shall be crossed or entered upon in making such connections by more than two tracks without special permission from the president and board of trustees of said town, and that no frog or switch shall be placed in any street or alley of said town. The rights and privileges hereby granted are upon the further express condition that the said Atchison, Topeka and Santa Fe Railroad Company in Chicago, its successors and assigns, shall and will permit said town, without any compensation or claim for damages, to open and extend any street or streets across its said tracks, side tracks, switches, turnouts and right of way along the line of the routes described in section 1, and also across the tracks, side tracks, switches, turnouts and right of way in said section 2 at its intersection with the east line of the west half of said section two (2), south of the north line of Archer road, of any other railroad company or companies which are now owned by said Atchison, Topeka and Santa Fe Railroad Company in Chicago, and that the said Atchison, Topeka and Santa Fe Railroad Company in Chicago, its successors and assigns, shall and will plank all crossings and build approaches and

keep the same in good condition and repair at any and all streets which now are or which may hereafter be intercepted by its said tracks or the tracks of any other railroad company or companies south of the intersection of the north line of said Archer avenue with the east line of the west half of said section two (2) which are now owned by said Atchison, Topeka and Santa Fe Railroad Company in Chicago, and that said crossings shall be planked and approaches built and maintained under the direction of the superintendent of the department of public works of said town, and upon the further express condition that whenever the public necessities of said town shall require the said railroad company, its successors and assigns, will construct and maintain, under the supervision of the superintendent of the department of public works of said town, two viaducts over its said tracks and right of way and the tracks and right of way south of the intersection of the north line of said Archer avenue with the east line of the west half of said section two (2), of any other railroad company or companies that said Atchison, Topeka and Santa Fe Railroad Company in Chicago may now own, at such streets of said town which now are or which hereafter may be intercepted by its said tracks or the tracks of any other railroad company or companies which are now owned by said Atchison, Topeka and Santa Fe Railroad Company in Chicago, as the president and board of trustees of said town may order or require. Provided, however, that where any such viaduct cannot be built at any such street crossing without the same being built over the track or tracks of some other railroad company or companies not now owned by said Atchison, Topeka and Santa Fe Railroad Company in Chicago, then the said Atchison, Topeka and Santa Fe Railroad Company in Chicago, its successors and assigns, shall only be obliged to join with such other railroad company or companies in the construction and maintenance of such viaduct or viaducts, and pay its fair proportion of the costs of such viaduct or viaducts and the maintenance thereof; and if such other railroad company or companies shall not join in the erection and maintenance of any such viaduct or viaducts, then when the fair proportion of said cost of such other company or companies shall be otherwise provided for, the said Atchison, Topeka and Santa Fe Railroad Company in Chicago, its successors and assigns, shall pay its fair proportion of the cost of such viaduct or viaducts. Provided, further, that in case the said Atchison, Topeka and Santa Fe Railroad Company in Chicago, its successors or assigns, shall refuse or neglect to construct or maintain any such viaduct or viaducts, when requested so to do by the said town, or shall refuse or neglect to pay for the same, or its just proportion thereof, then the said town of Lake may construct or pay for the same, and recover the cost thereof, or the amount paid therefor, from the said Atchison, Topeka and Santa Fe Railroad in Chicago, its successors and assigns, by such suit or action as it may deem advisable. Nothing herein contained, however, shall compel

said railroad company, its successors or assigns, to construct or to bear, or share in the cost of constructing or maintaining either, or any of the approaches to said viaducts.

¶ 5. **Dedication of streets—roundhouses and repair shops.**] § 5. The rights and privileges herein granted are granted upon the further condition that before the said Atchison, Topeka and Santa Fe Railroad Company in Chicago shall have the right to lay any of the tracks authorized by this ordinance, and as a condition precedent thereto, the said Atchison, Topeka and Santa Fe Railroad Company in Chicago shall lay out and dedicate for street purposes the south thirty-three (33) feet of the east half (½) of the southwest quarter (¼) of said section two (2) for the extension of 47th street and the north thirty-three (33) feet of the east half (½) of the northwest quarter (¼) of said section two (2) for the extension of 39th street, so far as said Railroad Company now owns the same; and upon the further express condition that the said Atchison, Topeka and Santa Fe Railroad Company in Chicago shall and will establish and maintain round houses and repair shops on the property it now owns in said section two (2).

¶ 6. **Construction of drains, etc.—waiver of damage.**] § 6. The rights and privileges herein granted are granted upon the further express condition that the said Atchison, Topeka and Santa Fe Railroad Company in Chicago, its successors and assigns, shall and will construct and maintain all drains, culverts, sewers and ditches that the superintendent of the department of public works of the town of Lake may deem necessary for carrying off the water and sewage that may accumulate by reason of the construction of said railroad, and for preventing the accumulation of water and sewage by reason of the construction of said railroad, and the town of Lake hereby reserves the right to construct and maintain such sewer, gas and water mains, across, along and under the streets and alleys crossed by the right-of-way herein granted, as the superintendent of the department of public works of said town may deem necessary and said railroad company by the acceptance of this ordinance expressly waives all claim to compensation or damages by reason of the construction of such mains by said town.

¶ 7. **Bond—renewal of.**] § 7. The rights and privileges hereby granted, are granted upon the further express condition that the said Atchison, Topeka and Santa Fe Railroad Company in Chicago will first enter into a bond with the town of Lake, to be approved by the president and board of trustees of said town, with good and sufficient sureties in the penal sum of one hundred thousand ($100,000) dollars, conditioned to indemnify and save harmless the said town against and from any and all damages, or claims for damages, judgments, decrees, costs and expenses of the same (except land damages to private property, if any, resulting from the construction of the viaducts, or either of them provided for in this ordinance), which said town of Lake may suffer, or which may be recovered or obtained

against the said town for or by reason of, the granting of the rights and privileges in this ordinance contained, or for or by reason of or growing out of or resulting from the passage of this ordinance or from any act or acts of the said company under or by virtue of the authority herein granted, or the failure, refusal or neglect of said company to perform each and every of the said conditions upon which this ordinance is granted, and it is hereby further provided that upon the recovery of any such final judgment or decree against said town as aforesaid, said company shall immediately and without prior payment of such judgment or decree by said town, be liable to pay and shall pay, the amount or amounts thereof to said town, and the fact that the said town may not have paid such judgment or decree shall constitute no defense on the part of said company, and it is hereby further expressly provided that in case of the failure of the said Atchison, Topeka and Santa Fe Railroad Company in Chicago to perform any of the conditions or provisions of this ordinance, the said town of Lake shall not be limited to an action upon the bond of said company, but may proceed at once against said company, in any suit or action at law or in equity, which it may deem advisable or necessary for the recovery of any money, damages, or costs, which it may have sustained by reason of such breach or failure; and it is hereby further provided that the said Atchison, Topeka and Santa Fe Railroad Company in Chicago, its successors and assigns, shall renew said bond and sureties thereon whenever and so often as the said town of Lake may desire, or require.

¶ 8. **Acceptance.**] § 8. This ordinance shall not be in force until its written acceptance by the said Atchison, Topeka and Santa Fe Railroad Company in Chicago shall be duly filed with the clerk of the town of Lake, together with the bond as hereinbefore provided, and unless said acceptance and bond shall be duly executed and filed with the town clerk within thirty (30) days from the passage thereof, this ordinance shall be null and void, and in case of a failure on the part of the said company its successors and assigns, to keep and observe each and every of the conditions of this ordinance, the town of Lake shall have the right to repeal this ordinance, and to forfeit all rights acquired hereunder; and all rights, power and authority conferred upon the town of Lake, or its officers and trustees shall rest in, and be exercised by the municipal corporation or its officers or trustees or authorities within whose limits said right-of-way herein granted or any portion thereof may be situated.

¶ 9. **Time limit of construction.**] § 9. The privilege and authority hereby granted are so granted upon the further express condition that the main track authorized by section 1 of this ordinance shall be laid down and constructed within four years from the taking effect of this ordinance, and if not so constructed and in operation, all the rights and privileges granted by this ordinance shall cease and be null and void; Provided, that if said company shall be delayed in the construction of said main track by legal proceedings against said com-

pany, or by the act of the said town of Lake, its officers, agents and servants, then the four years herein mentioned shall be exclusive of any and all such delays.

§ 186. Atchison, Topeka & Santa Fe Railroad company.

¶ 1. Fifteenth street—bond.
¶ 2. Subject to ordinances.
¶ 3. When in force—acceptance.

An ordinance granting permission to the Atchison, Topeka & Santa Fe Railroad company to lay a switch track across Fifteenth street to connect with the D. B. Shipman White Lead Works. (Passed March 6, 1890. Accepted March 29, 1890.)

¶ 1. Fifteenth street—bond.] Be it ordained by the city council of the city of Chicago: § 1. That the right is hereby granted to the Atchison, Topeka and Santa Fe Railroad Company, its successors and assigns, to construct, maintain and operate for a period of ten years a switch track from the works of the D. B. Shipman White Lead Works, now located at the southeast corner of Dearborn and Fifteenth streets in the city of Chicago, across Fifteenth street one hundred (100) feet, more or less, east from the east line of Dearborn street, to a point of connection with the tracks of the said Atchison, Topeka and Santa Fe Railroad Company in Chicago, as shown by the track marked "A" in red ink on the plat hereto attached, and made a part of this ordinance; Provided, however, that the Atchison, Topeka and Santa Fe Railroad Company shall within thirty (30) days after the passage of this ordinance enter into a bond with the city of Chicago, to be approved by the mayor, in the penal sum of $10,000, conditioned to indemnify and save harmless the city of Chicago against and from all damages, judgments, decrees, costs and expenses of the same which said city may suffer or which may be recovered or obtained against said city for or by reason of, or resulting from the passage of this ordinance, or from any act or acts under or by virtue thereof.

¶ 2. Subject to ordinances—repair of street.] § 2. The rights hereby granted shall be subject to all present or future ordinances concerning railroad tracks and the track hereby authorized shall be constructed and maintained, and Fifteenth street where crossed by said track shall be maintained in good condition and repair, under the direction and supervision of the department of public works of the city of Chicago.

¶ 3. When in force — acceptance.] § 3. This ordinance shall be in force from and after its passage and acceptance by said Atchison, Topeka and Santa Fe Railroad Company, of its terms and conditions, which acceptance shall be filed with the city clerk within thirty (30) days of the passage hereof.

§ *186. Atchison, Topeka & Santa Fe Railroad company.

¶ 1. Preamble—space defined.
¶ 2. Alteration of walks—curbing—cost.
¶ 3. Improvement of street.
¶ 4. Remain in force.

An ordinance defining and setting apart the portions of Twelfth street to be used for sidewalks, driveway and railroad tracks under ordinance passed October 26, 1874. (Passed December 19, 1892. Accepted January 23, 1893.)

¶ 1. Preamble—space defined.] Whereas, the Atchison, Topeka and Santa Fe Railroad Company, in Chicago, as successor to the Chicago and Southern Railroad Company, is owning and operating two railroad tracks in West Twenty-sixth street, from a point immediately east of Sacramento avenue to the east line of Western avenue, under and by virtue of the ordinance granting rights to the Chicago and Southern Railroad Company, adopted October 26, 1874, and the supplements thereto; and, whereas, it is desirable to define and set apart the particular portions of said West Twenty-sixth street, which are to be used for sidewalks, driveway and railroad tracks, respectively; now, therefore,

Be it ordained by the city council of the city of Chicago: § 1. That, from the east line of Western avenue to the east line of Sacramento avenue, the sidewalk on the north side of said West Twenty-sixth street, be established at the width of fifteen feet; that the roadway be established at the width of thirty-eight feet, immediately south of and adjoining said north sidewalk; that the space to be occupied by the tracks of said railroad company be established at twenty-two and one-half feet, immediately south of and adjoining said roadway, and that the sidewalk space on the south side of Twenty-sixth street be established at a width of seven and one-half feet, immediately south of and adjoining the railroad strip aforesaid.

¶ 2. Alteration of walks — curbing — cost.] § 2. That the changes in the location of the railroad track required by the provisions hereof, and the reduction of width of any existing sidewalk, and the replacing and resetting of curbing incident thereto, in accordance herewith, shall be made by and at the expense of said railroad company and under the supervision and direction of the commissioner of public works of the city of Chicago.

¶ 3. Improvement of street.] § 3. Nothing herein contained shall be held to repeal any portion of said ordinance of October 26th, 1874, or the supplements thereto or the ordinances providing for the improvement of said street, or to release the said railroad company, or its successors, from any of the obligations thereby imposed.

¶ 4. Remain in force.] § 4. This ordinance shall remain in force and effect from and after its passage.

§ 187. Atchison, Topeka & Santa Fe Railroad company.

¶ 1. Grant—route defined.
¶ 2. Conform to all grades.
¶ 3. Laying out streets across right of way.
¶ 3½. Cars not to stand upon street crossings.
¶ 4. Motive power.
¶ 4½. Conditions.
¶ 5. Indemnity.
¶ 6. Provision for elevation of tracks.
¶ 7. Time limit for construction.
¶ 8. Bond.
¶ 9. When in force—acceptance.

An ordinance granting permission to the Atchison, Topeka & Santa Fe Railroad company (grantee or lessee of the Grand Trunk Junction Railway company) to construct, maintain and operate a railroad. (Passed April 8, 1896. Accepted April 16, 1896.)

¶ 1. Grant — route defined.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby given and granted to the Atchison, Topeka and Santa Fe Railroad Company in Chicago, its successors and assigns, to construct, maintain and operate a railroad, with one or two main tracks, and with necessary and convenient side tracks, turnouts, switches and appurtenances, on such land in the city of Chicago as it now has the right, or may hereafter acquire the right, to lay tracks upon, across, along and upon the following route:

Beginning at the western terminus of the right of way of the Atchison, Topeka and Santa Fe Railroad Company in Chicago, at the north and south center line of section eleven (11), township thirty-eight (38) north, range thirteen (13) east of the third principal meridian, immediately south of 49th street, upon which right of way the said company is authorized to construct its railroad, as grantee or lessee of the Grand Trunk Junction Railway Company, under and by virtue of an ordinance of the town of Lake, adopted May 6, 1881, entitled an ordinance granting right of way to the Grand Trunk Junction Railway Company; thence southerly to a point between 53rd and 54th streets, and thence westerly to the western limits of the city; and for that purpose to cross intervening streets and alleys, with the right to erect and operate, on said right of way, a line of telegraph, for its own use.

¶ 2. Conform to all grades.] § 2. Said Atchison, Topeka and Santa Fe Railroad Company in Chicago, in the construction of the tracks hereby authorized shall conform to all grades in the streets to be so crossed, by said railway, as they now exist, or which may be hereafter adopted by the city of Chicago.

¶ 3. Laying out streets across right of way.] § 3. The city of Chicago shall have the right, at any time, to lay out streets across the right of way of said company, without compensation to said company, and said company hereby agrees to make no resistance in court or otherwise to the extension of any street across such right of way as the city of Chicago may by ordinance provide.

¶ 3½. **Cars not to stand upon street crossings.**] § 3½. No cars shall at any time be permitted by said company to remain standing upon the street crossing so as to interfere with the passage of persons or vehicles upon or along said street.

¶ 4. **Motive power.**] § 4. Said Atchison, Topeka and Santa Fe Railroad Company in Chicago is authorized to operate its trains upon said tracks with steam power.

¶ 4½. **Conditions.**] § 4½. The privileges in and by this ordinance granted to said railroad company are granted upon the express condition that said company shall well and truly keep, perform and observe all and singular the agreements, stipulations and requirements on its part to be kept and performed, and if it shall fail or neglect so to do then, and in that case, all the privileges hereby granted shall at once cease and determine, and said company shall thereafter no longer have any right to occupy any part or portion of any public street.

¶ 5. **Indemnity.**] § 5. This ordinance is granted upon the express condition that said railroad company shall save, protect and indemnify the city of Chicago against any and all damages resulting from the construction of said tracks and the operation of cars thereon.

¶ 6. **Provision for elevation of tracks.**] § 6. The franchises and privileges herein granted shall be subject to all general ordinances of the city of Chicago now in force or hereafter to be passed affecting railways and their operation.

Provided, also, that whenever the plated streets crossed by the tracks hereby authorized shall be accepted and improved by the city, and shall become sufficiently traveled to necessitate the elevation of said tracks, such elevation shall be made by said company as may be required by ordinance of the city of Chicago, provided therefor.

¶ 7. **Time limit for construction.**] § 7. The tracks hereby authorized shall be constructed and cars thereon in operation within eighteen (18) months from the passage of this ordinance.

¶ 8. **Bond.**] § 8. The said Atchison, Topeka and Santa Fe Railroad Company in Chicago, shall give a bond, with sureties to be approved by the mayor, in the sum of twenty-five thousand ($25,000) dollars, to protect and indemnify the city of Chicago against any and all damages resulting from the passage of this ordinance and the construction and operation of the tracks herein authorized, and conditioned also that such tracks shall be constructed and in operation within eighteen months from the passage hereof.

¶ 9. **When in force — acceptance.**] § 9. This ordinance shall be in force and take effect from and after its passage, and upon the filing with the city clerk of said bond and the acceptance by the Atchison, Topeka and Santa Fe Railroad Company, in Chicago, hereof, provided that said bond and said acceptance shall be filed with the city clerk within thirty days from the passage hereof.

BALTIMORE & OHIO AND CHICAGO RAILROAD COMPANY.

§ 188. Baltimore & Ohio and Chicago Railroad company.

¶ 1. Permission to lay temporary tracks—route.

An ordinance authorizing the Baltimore & Ohio and Chicago Railroad company, or its lessees, to lay and maintain temporary tracks across South Chicago avenue and Harbor avenue. (Passed June 5, 1893.)

¶ 1. Permission to lay temporary tracks—route.] Be it ordained by the city council of the city of Chicago: § 1. That whereas, it is necessary for the purpose of accommodating passenger traffic between the World's Fair grounds and points in and west of West Chicago that additional railroad facilities be provided, it is therefore ordered that permission be and is hereby granted to the Baltimore and Ohio and Chicago Railroad Company, and its lessees, to lay down, maintain and operate until November 1st, 1894, two railroad tracks of standard gauge over and across South Chicago avenue and the southwest corner of Harbor avenue where it intersects with said Chicago avenue as shown upon the plat hereto attached. Said tracks to enter upon said South Chicago avenue from block 107, nearly opposite the westerly line of Harbor avenue, thence crossing said South Chicago avenue in a northerly direction and entering lot No. 31, of block No. 90 at or near the intersection of the northwest line of Harbor avenue with the northeasterly line of said South Chicago avenue, the easterly of said tracks to pass not further than ten feet southeasterly of said point of intersection, and to enter said lot No. 31 at or about sixty-five feet northeasterly of said point of intersection.

Note.—See following ordinance extending term of grant.

§ 189. Baltimore & Ohio and Chicago Railroad company.

¶ 1. Term of foregoing ordinance extended on conditions.
¶ 2. Subject to track elevation ordinance.
¶ 3. Acceptance.

An ordinance to continue the permission to the Baltimore & Ohio and Chicago Railroad company, and its lessees, to maintain tracks across South Chicago and Harbor avenues. (Passed July 12, 1894. Accepted July 30, 1894.)

¶ 1. Term of foregoing ordinance extended—conditions.] Be it ordained by the city council of the city of Chicago: § 1. Whereas, the Baltimore and Ohio and Chicago Railroad Company, and its lessees, were heretofore operating trains between points in the west of West Chicago and points north and east of South Chicago avenue, and in so doing it was necessary where the crossing was made of South Chicago avenue and Harbor avenue, in the city of Chicago, to do considerable switching, so that said avenues were more or less obstructed; and to relieve such obstruction, an ordinance was passed by the city council of said city on or about June 5th, A. D. 1893, permitting said railroad company, and its lessees, to maintain and operate two railroad tracks of standard gauge over and across said avenues, as shown

upon the plat thereto and hereto attached, for the period ending November 1st, A. D. 1894, so as to allow such trains to be operated across said avenue without such switching; and said railroad company, and its lessees, are desirous of having such permission continued for the term of twenty years, and offers for such privilege and permission the consideration hereinafter named. Now, therefore, in consideration of the agreement by said Baltimore and Ohio and Chicago Railroad Company to furnish, upon the ground, the necessary filling for building up to the established grade Ninety-fifth street, between the tracks of said company and the easterly line of the right of way of the Lake Shore and Michigan Southern Railway Company, whenever requested by the said city of Chicago so to do, and the further consideration of the agreement on the part of said Baltimore and Ohio and Chicago Railroad Company to permit the opening and extension across its tracks and right of way of said Ninety-fifth street, and to execute and deliver to said city any deed of conveyance necessary for that purpose, the said permission granted, on or about June 5th, A. D. 1893, to said Baltimore and Ohio and Chicago Railroad Company, and its lessees, is hereby extended and continued to November first, A. D. 1914.

¶ 2. **Subject to track elevation — ordinances.**] § 2. The above and foregoing permission is granted, subject to the enforcement of any and all ordinances that may be hereafter duly passed by the city council of said city relating to the elevation of tracks, railroads or railroad property.

¶ 3. **Acceptance.**] § 3. The permission granted in section 1 is upon the further condition that the said Baltimore and Ohio and Chicago Railroad Company will within thirty days after the passage of this ordinance duly accept all of the provisions thereof in writing.

BALTIMORE, PITTSBURG & CHICAGO RAILWAY COMPANY, ILLINOIS DIVISION.

§ 190. Baltimore, Pittsburg & Chicago Railway company, Illinois division.
¶ 1. Route—conditions.
¶ 2. Bond.

An ordinance granting a right of way to the Baltimore, Pittsburg & Chicago Railway company, (Illinois division) in the village of Hyde Park. (Passed and approved August 31, 1874)

¶ 1. **Route — conditions.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission

be and is hereby granted to the Baltimore, Pittsburg and Chicago Railroad Company, Illinois division, to construct and lay one or more railroad tracks upon that certain strip of land, not exceeding one hundred feet in width, which said company may acquire in said village, commencing on the line of said railway, at a point on the boundary line between the states of Indiana and Illinois, thirty-three feet north of the north line of the right of way of the Lake Shore and Michigan Southern Railway Company; thence running northwesterly, crossing the Calumet river in blocks one hundred and nine and one hundred and eight of the subdivision of the Calumet and Chicago Canal and Dock Company, in sections five and six, south of the Indiana boundary line in town thirty-seven north, range fifteen, east third principal meridian; thence northwesterly through block one hundred and seven, and through the center of blocks ninety, eighty-six, sixty-eight, fifty-six, thirty-nine, twenty-six and seven, of said subdivision; thence northwesterly through section thirty-one, town thirty-eight north, range fifteen, east third principal meridian; and thence northwesterly through sections thirty-six and twenty-five, town thirty-eight north, range fourteen, east third principal meridian, crossing Stony Island avenue, and thence northwesterly through blocks two, seven, eight and nine, of Ingraham's subdivision of the northeast quarter of section twenty-six, town thirty-eight north, range fourteen, east third principal meridian, known as Oakwood Park; thence through blocks four, five and three, in Scammon and Dickey's subdivision of west half southeast quarter, section twenty-three, town thirty-eight north, range fourteen, east third principal meridian, to the Illinois Central Railroad right of way south of the center line of sections twenty-three and twenty-four in town thirty-eight north, range fourteen, as well as across any street or alley in their line of road within the boundaries aforesaid; Provided, said company shall pay any and all damages arising from, or in any way growing out of such taking or using such portion of said streets or alleys or any of them, to any and all persons injured or damaged by the same; And Provided, said railroad company shall construct and maintain good and convenient crossings and sidewalks, and upon such grade or grades as may be from time to time required by the board of trustees, as well as cattle guards, culverts and warning tables across their tracks and grounds at the intersection of all streets and alleys now existing, or which may hereafter be authorized or opened by said board, and comply with, and be subject to all laws and ordinances of said village now in force, or which may hereafter be adopted.

¶ 2. **Bond.**] § 2. This ordinance shall not take effect until after said company shall have entered into a bond with, or to said village of Hyde Park, in the penal sum of one hundred thousand dollars conditioned for the payment of all damages for which the said village may become liable to any person or persons by reason of the said road entering or running through a portion of said village, or by reason of said company constructing, laying down, using or occupying said rail-

road track or tracks within said village, and conditioned also for the payment of all damages which may arise to the said village of Hyde Park, and to any person or persons whomsoever by reason of said company constructing, laying down, maintaining, using and occupying said railroad track or tracks, or crossing said streets or alleys within the said village of Hyde Park.

BLUE ISLAND RAILROAD COMPANY.

§ 191. Blue Island Railroad company.

¶ 1. Grant—route.
¶ 2. Supervision.
¶ 3. Bond—conditions.
¶ 4. Subject to laws and ordinances.
¶ 5. Acceptance—when in force—conditions.

An ordinance granting to the Blue Island Railroad company authority to construct, maintain and operate a railroad in the city of Chicago. (Passed July 20, 1891. Accepted August 19, 1891.)

¶ 1. Grant — route.] Be it ordained by the city council of the city of Chicago: § 1. That the right is hereby granted to the Blue Island Railroad Company, its lessees, successors and assigns, to construct, maintain and operate a railroad with two or more main tracks and the necessary side or connecting tracks, turnouts, switches and appurtenances, in, upon and along one hundred and twenty-first street, from the east line of Michigan avenue to the west line of the east half (E. ½) of the northeast quarter (N. E. ¼) of section twenty-eight (28), township thirty-seven (37) north, range fourteen (14) east of the third principal meridian and, also, upon and across such lands as said company shall hereafter by purchase acquire, or upon or over which it may acquire a right of way.

¶ 2. Supervision.] § 2. The said company shall be subject to the supervision of the department of public works of said city in the construction of said tracks.

¶ 3. Bond — conditions.] § 3. Before exercising any of the rights hereby granted, the said Blue Island Railroad Company shall execute to the city of Chicago a bond in the penal sum of five (5) thousand dollars, to be approved by the mayor and comptroller, conditioned that said company shall and will forever indemnify and save harmless the said city of Chicago against and from any and all damages, judgments, decrees, costs and expenses of the same which said city may suffer or which may be recovered or obtained against said city for or by reason of or growing out of or resulting from the passage of this ordinance, or from any act or acts of said company under or by

virtue of the privileges of this ordinance; Provided, however, that the said bond shall not be construed to limit the liability of said company to five (5) thousand dollars, but the said company shall be liable to the full extent of every liability it may legally incur, notwithstanding the amount thereof may exceed five (5) thousand dollars. And, it is hereby further provided that upon the recovery of any final judgment or judgments against the said city, as aforesaid, the said company shall immediately and without prior payment of such judgment or judgments by said city be liable to pay and shall pay the amount or amounts thereof to the said city, and the fact that the said city may not have paid such judgment or judgments shall constitute no defense on the part of said company.

¶ 4. **Subject to laws and ordinances.**] § 4. The privileges and rights herein granted shall be subject to all laws and ordinances governing railroads now in force or which shall hereafter be passed by the legislature of this state or by the city council.

¶ 5. **Acceptance—when in force—conditions.**] § 5. This ordinance shall not take effect unless on acceptance thereof by the Blue Island Railroad Company and the bond hereinbefore provided for shall be filed with the city clerk within thirty (30) days from the passage hereof, and two of said railroad tracks shall be laid and the other work which is to be done under this ordinance by said company shall be done and completed within one year from the passage hereof, unless delayed by injunction or other cause beyond the control of said company; provided the same is not collusive; otherwise the permission hereby granted shall be forfeited.

BRIDGEPORT & SOUTH CHICAGO RAILROAD COMPANY.

§ 191. Bridgeport & South Chicago Railroad company.
¶ 1. Grant—route.
¶ 2. Indemnity.
¶ 3. Compensation to city.
¶ 4. When in force—acceptance.

An ordinance concerning the Bridgeport & South Chicago Railroad company. (Passed November 12, 1887.)

¶ 1. **Grant — route.**] Be it ordained by the board of trustees of the town of Cicero: § 1. That permission and authority be and the same are hereby granted to the Bridgeport and South Chicago Railroad Company, its successors or assigns, to lay down, maintain and operate a railroad with one single track over property which said railroad company may hereafter own or control and in, along and upon Egan

avenue, otherwise called Thirty-ninth street, in the town of Cicero, from the east limits of said town of Cicero, westerly to the west line of Crawford avenue, with the right to cross all necessary streets, alleys and public places and the right to form connections with other railroads upon property which said company may hereafter own or control.

¶ 2. **Indemnity.**] § 2. Said railroad company shall save and keep harmless the town of Cicero from any and all damages that may arise by reason of the construction or operation of said road.

¶ 3. **Compensation to city.**] § 3. The rights and privileges hereby given and granted, are given and granted upon the further express condition that the said company, its successors and assigns, shall for six years annually, on or before the first day of January in each year pay into the treasury of the town of Cicero, the sum of five hundred dollars; the first payment to be made on the acceptance of this ordinance by the said company and the total sum not to exceed the sum of three thousand dollars; and this section shall be binding and obligatory on said company, whether the territory mentioned in the first section hereof remains within the limits of the said town or not.

¶ 4. **When in force — acceptance.**] § 4. This ordinance shall be in full force and effect from and after its passage, and after the filing of a written acceptance of the same with the clerk of the town of Cicero.

Note.—See following repealing ordinance.

§ 192. Bridgeport & South Chicago Railroad company.

¶ 1. Repeal of foregoing ordinance.
¶ 2. Refund of money.
¶ 3. When in force.

An ordinance repealing an ordinance entitled "An Ordinance concerning the Bridgeport & South Chicago Railroad company," passed November 12, 1887. (Passed April 21, 1888.)

¶ 1. **Repeal of foregoing ordinance.**] Be it ordained by the board of trustees of the town of Cicero: § 1. That an ordinance entitled, "An ordinance concerning the Bridgeport and South Chicago Railroad Company," passed by this board on the 12th day of November, A. D. 1887, and granting to said company the permission to lay down and operate a single track railroad in, along and upon Egan avenue, otherwise called Thirty-ninth street, be, and the same is, hereby repealed.

¶ 2. **Refund of money.**] § 2. That a warrant be drawn on the treasury of the town payable to said company for the sum of five hundred dollars, for the purpose of refunding to said company the said sum by it paid into the treasury of the town at the time of its acceptance of said ordinance.

¶ 3. **When in force.**] § 3. That this ordinance take effect and be in force from and after its passage.

CALUMET & BLUE ISLAND RAILWAY COMPANY.

§ 193. Calumet & Blue Island Railway company.

¶ 1. Grant—four tracks—routes.
¶ 2. Limitation of number and width of tracks—track elevation.
¶ 3. Crossings—grade—sidewalks—flagmen—lights.
¶ 4. Motive power.
¶ 5. Private telegraph lines—use by city.
¶ 6. Construction—supervision—permits—indemnity.
¶ 7. Land with riparian rights conveyed to city.
¶ 8. Indemnity clause—bond.
¶ 9. Subways or overhead passageways.
¶ 10. Terms enure, etc., to successors, etc.
¶ 11. When in force—acceptance—deed.

An ordinance granting permission and authority to the Calumet & Blue Island Railway company to construct, maintain and operate a railroad. (Passed July 1, 1895. Accepted July 12, 1895. Deed executed July 11, 1895. Presented to council July 15, 1895, and ordered published and placed on file.)

¶ 1. Grant—four tracks—width—routes.] Be it ordained by the city council of the city of Chicago: § 1. That, subject to the provisions of this ordinance, permission and authority are hereby granted to the Calumet and Blue Island Railway Company, its lessees, grantees, successors and assigns, to construct, maintain and operate a railroad, with one or more main tracks, not exceeding four in number, and not occupying more than sixty-four feet of space in width, and with all necessary side tracks, turn-outs, switches and appurtenances, over, upon and along any lands which it now holds or has acquired the right to lay railroad tracks upon, or which it may hereafter acquire by purchase, lease, condemnation or otherwise, and over and across all intervening streets, alleys and public grounds, along and upon the following three routes in the city of Chicago, that is to say:

The first route to begin at the existing tracks of the Calumet and Blue Island Railway Company, upon the north side of the Calumet river; thence crossing the Calumet river, as authorized by the United States government, and proceeding in a generally southeasterly direction through Taylor's second addition to South Chicago and east of Ewing avenue to Ninety-sixth street; thence continuing on the same course and turning south between Seventh avenue and Eighth avenue, and proceeding through Taylor's second addition and through Taylor's first addition to a point south of One Hundredth street, north of the right of way of the Baltimore and Ohio Railway as now located and used; and thence proceeding southeasterly parallel with the tracks of the Baltimore and Ohio Railway Company to a point on the east limit of the city of Chicago between the right of way of the Baltimore and Ohio Railway and the shore of Lake Michigan.

The second route to begin at a point on the tracks of the Calumet and Blue Island Railway in the first route as above authorized, south of One Hundredth street and west of Eighth avenue; thence proceeding in a southerly direction to a point between One Hundred and

First street and One Hundred and Second street; thence proceeding southwesterly, westerly and southwesterly again and across One Hundred and Second street to a point east of the Calumet river and west of the west line of section eight, township thirty-seven north, range fifteen, east of the third principal meridian; thence proceeding in a southerly direction through sections seven, eighteen and nineteen and a part of section thirty, all in said township and range east of the Calumet river, and not more than five hundred feet east of the tracks now used by the Pennsylvania railroad, and extending through said sections to a point in the south half of said section thirty; and thence proceeding southwesterly through a part of section thirty-one in said township range to a point on the south limit of the city of Chicago on the south line of section thirty-six in range fourteen, east of the third principal meridian in the township aforesaid.

The third route to begin at the east line of the right of way of the Chicago, St. Louis and Pittsburg Railroad Company at or near Leavitt street, between the south line of Seventy-fourth street and the north line of the right of way of the Belt Railway Company of Chicago north of Seventy-fifth street; thence proceeding westerly between the south line of Seventy-fourth street and the north line of Seventy-fifth street, and substantially parallel with said streets to a point on the present western limit of the city of Chicago between said streets.

The streets and avenues named in the above mentioned first and second routes are intended to be those which are so named in the recorded plat of Taylor's second addition to South Chicago and in the recorded plat of the re-subdivision of all of that part of Taylor's first addition to South Chicago lying east of the west twenty chains thereof.

¶ 2. Limitation of number and width of tracks—track elevation.] § 2. Said company shall not construct, maintain and operate more than four main railway tracks along any one of the routes above mentioned, and it shall not, within four years from the date of the passage of this ordinance, nor thereafter until the necessities of its business shall so require, construct, maintain and operate more than two main tracks upon either the first route or the second route above mentioned. At no time shall the main tracks authorized by this ordinance, whether four or less, occupy more than an extreme width of more than sixty-four feet between the outermost limits of its right of way. No side tracks, turn-outs, or railroad structures, other than said main tracks, shall be constructed by said company in or across any existing street, alley or public ground without the express permission granted by ordinance by the city council of the city of Chicago, previously obtained in each and every instance therefor. Any or all railway tracks owned by the said railway company, its lessees, grantees, successors and assigns, whether constructed under this ordinance or otherwise, shall hereafter be elevated at the entire expense of said company, its lessees, grantees, successors and assigns, to such height and

according to such plans and requirements as the city council of the city of Chicago may at any time by ordinance prescribe. The tracks between said points above mentioned upon said first and second routes shall be used solely for the movement of railway trains and cars, and no cars or locomotives shall at any time be stored thereon at or between said points.

¶ 3. **Crossings—grade—sidewalks—flagmen—lights.**] § 3. Wherever any of said railway tracks shall cross a street or alley such railway tracks shall be made to conform to the established city grade, and the space between the tracks and for a reasonable distance upon the outside of the outer tracks shall be planked or paved by the said company, and wherever said tracks cross any sidewalk the company shall keep the portions of such sidewalk crossing its right of way in good repair and in safe condition at its own expense; and when new sidewalks are ordered by the city council of said city said company shall construct the like portions of such new sidewalk as ordered. If and whenever the said company shall neglect or refuse to repair any sidewalk or to construct a new sidewalk when ordered as aforesaid, the said city may cause the work to be done, and the said company shall be liable to said city for the cost of the work, and shall also be liable for all damages which may be occasioned to persons or property by reason of its neglect or failure or by reason of any work so performed by said city. Wherever any of the tracks of said railway company shall cross a street or alley, the said railway company shall, at its own expense, place and maintain flagmen, or proper gates or both, for the protection of the public, as may be required by the city council of said city, and said railway company shall also light, as like authority may require, all grade crossings of its tracks over streets and alleys.

¶ 4. **Motive power.**] § 4. Cars may be run over and along the railroad tracks herein authorized, with steam or such other motive power as the said railway company, its lessees, grantees, successors or assigns may deem best, but this section shall not be construed as authorizing said company to construct, maintain or operate what is commonly known as a horse railroad, transporting passengers to and fro within the city of Chicago.

¶ 5. **Private telegraph line—use by city.**] § 5. Subject to the provisions of this ordinance permission and authority are also granted to said railway company, its lessees, grantees, successors and assigns to construct, maintain and operate for its or their exclusive benefit a line of telegraph, either underground or upon poles in the customary manner within its right of way along the railway lines described in the first section of this ordinance; Provided, however, that the said city of Chicago shall have the right to use any of said railway company's conduits or telegraph poles for the carrying of any wires desired by said city for the police or fire departments, without any ex-

pense to the said city for such privilege other than the cost of laying or stringing the said wires.

¶ 6. Construction—supervision—permits—indemnity.] § 6. The construction of all railway tracks and of the telegraph line authorized by this ordinance, and the repairing of so much of said tracks and of said telegraph line as may at any time be in or over any street or alley of the city of Chicago shall be subject to the supervision of the department of public works of said city, and no work or such construction shall be undertaken until after a permit therefor shall have been duly obtained from said department. In the exercise of the rights and privileges granted by this ordinance, the said company shall, as to all said railway tracks, be subject to all general ordinances of the city of Chicago in force from time to time regulating or relating to the maintenance or operation of railways, and shall as to said telegraph line be likewise subject to all general ordinances of said city in force from time to time regulating or relating to the maintenance or operation of telegraph lines. The said railway company shall be liable to the city of Chicago for any and all damages occasioned to any street, alley, sewer, water pipe or other property of said city resulting in any way from the construction, maintenance or operation of any railway tracks or structure, or the telegraph line, or any portion thereof authorized by this ordinance; and it shall also indemnify and protect the city of Chicago against any and all damages, liabilities and expenses of every kind which may be recovered or established against said city, and resulting in any way, directly or indirectly, from the passage of this ordinance, or from the exercise by said railway company of the rights and privileges granted by this ordinance.

¶ 7. Land with riparian rights conveyed to city.] § 7. Concurrently with its acceptance of this ordinance, said railway company shall execute and deliver to the city of Chicago a proper instrument in writing, effectual in law, to make a present conveyance to said city of a strip of ground one foot in width between Ninety-fifth street and Ninety-eighth street from north to south along the easterly side of each and every extreme easterly lot, piece or parcel of ground now owned by it east of the first route above mentioned, together with all rights and privileges incident thereto, including particularly whatever riparian rights in connection with the water of Lake Michigan and the submerged lands thereunder may attach to said strip, and effectual also to work a conveyance to said city of a similar strip of ground one foot in width from north to south along the easterly side of each and every extreme easterly lot, piece or particle of ground which may at any time hereafter be acquired by said railway company, its lessees, grantees, successors or assigns between said streets east of said first route, together with all rights and privileges incident thereto, and particularly all riparian rights. If said railway company or any other corporation or individual shall hereafter acquire by purchase,

lease, or otherwise, the control of land with riparian rights attaching thereto east of said first route, the corporation or individual so acquiring such control of riparian rights shall not be allowed to operate trains over the railway tracks along any part of said first route, or in any manner to use any of said tracks, until it or he shall have caused to be made a conveyance which shall be accepted by the mayor and the corporation counsel of the city of Chicago as effectual to grant to said city a similar strip of ground one foot in width extending from north to south along the easterly side of the extreme easterly lot, piece or parcel of land so acquired, with all the rights incident to such strip, including particularly all riparian rights, or shall otherwise have transferred to the city of Chicago in some proper manner acceptable to the city council of said city all its or his riparian rights east of the said first route. Upon and after the making of a conveyance by said railway company, or any future grantor, of any such strip or strips of land as herein required, said railway company, or such future grantor, shall be permitted to remain in the occupation and use of said land, excluding and excepting however all riparian rights thereto attached, so long as the rights and privileges conferred by this ordinance in respect to said first route shall continue; and upon the determination of said rights and privileges, the title to all such strips of land so conveyed shall revert to their respective grantors, their successors and assigns. No corporation or individual at any time owning, possessing or controlling any riparian rights along Lake Michigan between the mouth of the Calumet river and the boundary line of the state of Indiana shall be allowed to operate in any way, directly or indirectly, through lease, trackage privileges or otherwise, any of the said tracks comprising the first route above mentioned.

¶ 8. **Indemnity clause—bond.**] § 8. Said company shall forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees, costs and expenses which said city may suffer, or which may be recoverable or obtained against said city for or by reason of the granting of the privileges hereby conferred upon it, or for or by reason or growing out of, or resulting from the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance, and said company shall, within the time limited for the acceptance of this ordinance, file with the city clerk a bond to the city of Chicago in the penal sum of fifty thousand (50,000) dollars, with sureties to be approved by the mayor of the city of Chicago, conditioned upon the faithful performance and observance by said company of all the conditions and provisions of this ordinance.

¶ 9. **Subways or overhead passageways.**] § 9. The said railway company shall construct and maintain in good order, at its

own expense, either subways or overhead foot passage ways at Ninety-sixth and Ninety-eighth streets, whichever shall be determined upon by the mayor and commissioner of public works, and of such design, material and character as shall be approved by the commissioner of public works, and the same shall be constructed under his supervision and direction.

¶ 10. **Terms enure, etc., to successors, etc.**] § 10. All the conditions, restrictions, obligations and limitations of this ordinance shall extend to and be binding upon the lessees, grantees, successors and assigns of said railway company.

¶ 11. **When in force—acceptance—deed.**] § 11. This ordinance shall not take effect but shall cease and become void unless an acceptance hereof by the said railway company shall be filed with the city clerk of the city of Chicago within thirty days of the passage hereof, and unless also within the same time a proper deed as required by section 8 hereof shall be likewise delivered to said clerk.

CALUMET RIVER RAILWAY COMPANY.

§ 194. Calumet River Railway company.
¶ 1. Grant—motive power—route.
¶ 2. Authority to cross streets—route continued.
¶ 3. Maintain street crossings.
¶ 4. Conditions—bond.

An ordinance granting permission to the Calumet River Railway company to lay down and maintain a railway in the village of Hyde Park. (Passed and approved April, 1883.)

¶ 1. **Grant—motive power—route.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission be and is hereby granted to the Calumet River Railway Company, its successors and assigns, to construct, lay down and forever maintain and operate with steam power, one or more railroad tracks with all necessary branches, sidetracks, switches and turnouts; commencing at a point to be hereafter designated by said company near the present works of the North Chicago Rolling Mill Company, in fractional section five (5), township thirty-seven (37) north, range fifteen (15), east third principal meridian, on the north side of the Calumet river; thence across said river in said fractional section in a southerly direction to the line of Thornton township, passing through in whole or in part sections five (5), six (6), seven (7), eight (8), seventeen (17), eighteen (18), nineteen (19), twenty (20), twenty-nine (29), thirty (30), thirty-one (31), thirty-two (32), or any or either of them,

all in township thirty-seven, range fifteen, east third principal meridian.

¶ 2. **Authority to cross streets—route continued.**] § 2. That said company may cross with its said tracks, branches, sidetracks, switches and turn-outs, all intervening streets and alleys within the boundaries stated in section 1 of this ordinance, and may construct, maintain and operate a single or double track, upon and along any street running north and south between avenue "K" extended north and south and the Calumet river.

¶ 3. **Maintain street crossings.**] § 3. The said company, its successors and assigns, shall construct and keep in repair suitable and proper crossings over its tracks, at the intersection of all streets and alleys.

¶ 4. **Conditions—bond.**] § 4. The permission and right granted by this ordinance is upon the express condition, that said Calumet River Railway Company, its successors and assigns, shall forever keep and save harmless the said village of Hyde Park, from all and every claim for damages consequent upon the laying, operating or maintaining said road or any part of the same, and before this ordinance shall take effect, the said company shall file in the office of the clerk of the village a good and sufficient bond, with sureties to be approved by this board, in the penal sum of fifty thousand dollars, and if the board of trustees shall at any time hereafter deem the sureties upon said bond insufficient, or the said bond lacking proper form, the said company, its successors and assigns, shall upon thirty days' notice fully remedy such insufficiency.

Note.—An ordinance granting permission to the Calumet River Railway Company to lay down certain tracks, was passed and approved November 28, 1883; but such ordinance was repealed by another ordinance, passed and approved January 19, 1884. Book 4 of ordinances, pp. 383-395, 398.

§ 195. Calumet River Railway company.

¶ 1. Route—restrictions.
¶ 2. Plat of location—beginning and completion of work—supervision.
¶ 3. Viaducts.
¶ 4. Indemnity.
¶ 5. Side tracks.
¶ 6. Crossings—flagmen.
¶ 7. Compliance with ordinances—failure—forfeiture.
¶ 8. When in force—acceptance.

An ordinance granting permission to the Calumet River Railway company to lay down and operate certain tracks. (Passed and approved January 19, 1884. Accepted February 16, 1884.)

¶ 1. **Route—restrictions.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission be and is hereby granted to the Calumet River Railway Com-

pany, its successors or assigns, to construct, lay down and forever maintain and operate with steam power one or more railroad tracks, with all necessary branches, sidetracks, switches and turn-outs; commencing at a point on the line of the right of way of the Pittsburg, Fort Wayne & Chicago Railway, east of the Calumet river, to be hereafter designated by said Calumet River Railway Company in section six (6), town thirty-seven (37) north, range fifteen (15), east of the third principal meridian; thence in a southerly direction to the line of Thornton township, passing through in whole or in part, section(s) six, seven, eight, seventeen, eighteen, nineteen, twenty, twenty-nine, thirty, thirty-one and thirty-two, or any or either of them, all in township 37, range 15, east of the third principal meridian, and between the point of connection with the right of way of the Pittsburg, Fort Wayne & Chicago Railway and 106th street; said line of railway shall not be constructed east of the west line of Avenue "L" extended south to 106th street, and within said territory. Said company shall not occupy lengthwise any streets or alleys running north and south now dedicated to public use.

¶ 2. **Plat of location—beginning and completion of work—supervision.**] § 2. That said company may cross with its main tracks any of the intervening streets and alleys with railroad tracks within the boundary stated in section 1 of this ordinance: Provided, however, that before constructing its railway, said company shall file a plat showing the permanent location of its line with the board of public works of said village. Said location shall be made and plat filed on or before Just 1st, 1884. Work on the construction of said line shall be commenced within one year, and said railway shall be completed within two years from the date of the passage of this ordinance, and provided further, that said company shall be subject at all times to the reasonable direction of the department of public works, or other proper officer of said village in the construction of its main tracks with reference to making crossings of streets and alleys, and the keeping in repair so much of said streets and alleys as may be occupied by said railway company with its tracks, switches and turn-outs. And under the like direction shall also construct and keep in good order and repair all culverts, drains and ditches, necessary for carrying off the water on both sides of or under its railroad tracks in the village of Hyde Park, which may accumulate by reason of the construction of said railway; and to prevent the accumulation of water by reason of the construction of said railway in said village.

¶ 3. **Viaducts.**] § 3. The permission, authority and privileges hereby granted shall be upon the express condition, that said railway company shall erect and maintain viaducts over any of its tracks, upon any street or streets of said village which may be crossed by its tracks, whenever, in the opinion of the board of trustees, the public necessity shall require it, under the supervision of the depart-

ment of the board of public works, or other proper department or officer of said village: Provided, however, that whenever such viaduct can not be built at any such street crossing without the same be built over the track or tracks of some other company or companies, then the said Calumet River Railway Company shall only be obliged to join with such other company or companies in the construction or maintenance of such viaducts, and to pay its fair proportion of the cost of such viaduct or viaducts. And if such other railway company or companies shall not join in the erection of such viaduct or viaducts, then, when the proportion of such other company or companies shall be otherwise provided, the said Calumet River Railway Company shall pay its fair proportion of the cost of any such viaducts.

¶ 4. **Indemnity.**] § 4. The permission and authority hereby granted shall be upon the further express condition, that said Calumet River Railway Company shall and will forever indemnify and save harmless the village of Hyde Park, against all and any damages, judgments, decrees and cost and expenses of the same, which it may suffer, or which may be recovered or maintained against the said village for or by reason of the granting of such privileges and authority, or for or by reason of, or growing out of, or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted, or through any act or acts of said company under or by virtue of the privileges of this ordinance.

¶ 5. **Side tracks.**] § 5. The permission and authority hereby granted, shall be upon the further express condition, that said railway company shall permit any person or persons, duly authorized by ordinance of said village to construct sidetracks and connect the same with any track or tracks of said railway company within the limits of said village, for the purpose of having cars conveyed between the railroad of said railway company and any warehouse, lumber yard, coal yard or manufactory, situated within one thousand feet thereof, and upon reasonable compensation being made therefor. The said Calumet River Railway Company shall transport, or permit the owners or lessees of any such sidetrack to transport cars to and from any such warehouse, lumber yards, coal yard or manufactory and the said railroad of the said Calumet River Railway Company: Provided, however, that any cars so taken shall be returned without any unnecessary delay.

¶ 6. **Crossings—flagmen.**] § 6. Said railway company shall also, when required by and under the direction of the board of public works, build and maintain all crossings and sidewalks across its railway tracks, and shall keep a flagman, or shall construct or maintain gates, at such crossings as shall be required by the board of trustees of said village.

¶ 7. **Compliance with ordinances—failure—forfeiture.**] § 7. The privileges hereby granted said railway company are upon the further express condition, that said company shall be subject to all general ordinances now in force, or which may hereafter be passed concerning railroads, and a willful and continued failure on the part of said company to comply with the provisions hereof, or the provisions of any such general ordinance(s) now in force, or which may hereafter be passed, shall work a forfeiture of the rights and privileges granted by this ordinance. In which event the trustees of said village may, by giving thirty days' notice in writing, to the superintendent in charge of such railway, require the track or tracks laid under the provisons hereof, to be taken up, and upon a failure of said company to comply with the requirements of such notice, its said tracks may be removed at the expense of said company.

¶ 8. **When in force—acceptance.**] § 8. This ordinance shall be in force only from and after the written acceptance of the same by the said Calumet River Railway Company, duly executed and filed with the village clerk; and unless such acceptance be so filed within thirty days from the date of the passage hereof, this ordinance shall be null and void.

Note.—See following ordinance.

§ 196. Calumet River Railway company.

¶ 1. Preamble.
¶ 2. Route—fence.
¶ 3. When in force.

An ordinance granting rights to the Calumet River Railway company. (Passed and approved September 27, 1886. Accepted November 15, 1886.)

¶ 1. **Preamble.**] Whereas by the terms of section 1 of an ordinance entitled "An ordinance granting permission to the Calumet River Railway Company to lay down and operate certain tracks," passed January 19, 1884, said company is prohibited from occupying lengthwise any streets or alleys within the territory in said ordinance named: and whereas, the said company desires to occupy lengthwise with its tracks a portion of Second avenue, in Taylor's first addition to South Chicago, which said avenue is now occupied by railroad tracks, and the owners of property, representing more than two-thirds of the frontage on said avenue, have consented to said use by said Calumet River Railway Company.

¶ 2. **Route—fence.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission be and is hereby granted to the Calumet River Railway Company, its successors or assigns, subject to the other provisions of said ordinance, to occupy with its railway tracks the west forty feet of Second avenue in Taylor's first addition to South Chicago, between the point of intersection of said avenue with the Pittsburg, Fort Wayne & Chicago

Railway, to a point four hundred feet south of the north line of 100th street: Provided, however, that said railway company shall erect and maintain under the direction of the superintendent of public works, in the center of said avenue, within the territory aforesaid, excepting at points of intersection with other streets, a light board fence at least eight feet high, and shall place the east forty feet of said avenue, for the same distance, in good passable condition immediately upon the occupation of said street as aforesaid.

¶ 3. When in force.] § 2. This ordinance shall be in force from and after its passage.

CHICAGO & ALTON RAILROAD COMPANY.

§ 197. Chicago & Alton Railroad company.

¶ 1. Grant—district—crossings—depots.
¶ 2. Entrance—terminus—term of grant—use of streets.
¶ 3. Motive power—speed.
¶ 4. Bond—conditions.

An ordinance in relation to the Chicago, St. Charles & Mississippi Air-line railroad. (Passed April 11, 1853.)

¶ 1. Grant—district—crossings—depots.] Be it ordained by the common council of the city of Chicago: § 1. That permission be and is hereby granted to the Chicago, St. Charles and Mississippi Air-line Railroad Company to construct, in the west division of said city, one or more railroad tracks upon any land south of Madison street or north of Lake street, which they may procure by purchase or otherwise, and to lay down said track or tracks across any street within the boundaries aforesaid, wherever any such street crosses their intended line of railroad, and also to construct and use all depots which may be necessary to accommodate the business of said company; Provided, that convenient crossings be made by said company where the said track crosses the line of streets, and sufficient warning tables be erected in some conspicuous place at or near said crossings; said company to be subject to all laws and ordinances that are now in force or may hereafter be passed to regulate railroads within this city.

¶ 2. Entrance—terminus—term of grant—use of streets.] § 2. Said company may also introduce their road into said city on any street or streets in the west division of the said city, south of Polk street, and extend the same to the south branch of the Chicago river, or on any street or streets north of Fourth street (north of Kinzie street), and extend the same to the north branch of the Chicago river; and may occupy so much of said street or streets as may be necessary

for the purpose of constructing, maintaining, using and occupying a single railroad track, with the necessary switches, turn-tables and turn-outs, for the period of three years; Provided, that said company will enter into a contract with the city of Chicago to vacate said streets of their railroad track or tracks at the expiration of that time, and place the street so vacated in good order for ordinary travel, subject to the approval of the street commissioner and aldermen of the west division; Provided, the space occupied by said road, except when turn-outs, turn-tables or switches occur, does not exceed ten feet in width of the center of said street or streets; And provided, said work be so constructed that carriages may pass along either side of said road, and may conveniently cross the same.

¶ 3. **Motive power — speed.**] § 3. Said company may run their trains by locomotives, within the limits before described herein, at a speed not exceeding five miles per hour, subject to such ordinances as may from time to time be passed by the common council of said city, establishing and regulating speed and motive power within said city.

¶ 4. **Bond — conditions.**] § 4. This ordinance shall not take effect until said company shall have entered into a bond with the city of Chicago, conditioned for the payment of all damages for which the said city may become liable to any person or persons by reason of the said road entering said city, or by reason of said company constructing, laying down, maintaining, using or occupying said railroad track or tracks within said city, and conditioned also for the payment of all damages which may arise to the said city of Chicago and to any person or persons, whomsoever, by reason of said company constructing, laying down, maintaining, using and occupying said railroad track or tracks within said city of Chicago.

CHICAGO, ST. CHARLES & MISSISSIPPI AIR-LINE RAILROAD.

§ 198. Chicago, St. Charles & Mississippi Air-line railroad.

¶ 1. Grant—route—crossings—subject to ordinances.
¶ 2. Motive power—speed.
¶ 3. Bridge across river—joint use.

An ordinance to amend an ordinance in relation to the Chicago, St. Charles & Mississippi Air-line railroad. (Passed August 8, 1853.)

¶ 1. **Grant—route—crossings—subject to ordinances.**] Be it ordained by the common council of the city of Chicago: § 1. That permission be, and is hereby, granted to the Chicago, St. Charles and

Mississippi Air-line Railroad Company to construct, maintain, use and operate in the west division of said city one or more railroad tracks upon any land south of Madison street or north of Lake street, and also any other railroad track within said city west of the west line of sections twenty (20), seventeen (17) and eight (8) which said company may procure by purchase or otherwise; and to lay down said track or tracks across any street within the boundaries above described, wherever any such street crosses their intended line of railroad; and also to construct and use all depots which may be necessary to accommodate the business of said company; Provided, that convenient crossings be made by said company where the said track or tracks cross the line of streets, and sufficient warning tables be erected in some conspicuous place at or near said crossings; said company to be subject to all laws and ordinances that are now in force or may hereafter be passed to regulate railroads within said city.

¶ 2. **Motive power—speed.**] § 2. Said company may run their trains by locomotives, within the limits herein described, at a speed not exceeding five miles per hour, subject to such ordinances as may, from time to time, be passed by the common council of said city establishing and regulating speed and motive power within said city.

¶ 3. **Bridge across river—joint use.**] § 3. Said company may construct, maintain and use a railroad drawbridge across the south branch of the Chicago river, at any point south of Twelfth street in said city, for the purpose of connecting their track with the track of any other railroad company, which may be approved by the common council; Provided, said bridge shall be so constructed as not materially to interrupt or impede the navigation of said south branch. And the said company may join any other railroad company in the erection and use of any railroad bridge heretofore authorized, or which may hereafter be authorized, to be constructed across said south branch, and the said company and any other railroad company may jointly use each other's track or tracks and bridge, and form mutual connection within said city, upon such terms as may be agreed upon by the parties in interest.

CHICAGO & MISSISSIPPI RAILROAD COMPANY.

§ 199. Chicago & Mississippi Railroad company.
¶ 1. Connection with Rock Island road.
¶ 2. Location—street obstructions—right to terminate grant.

An ordinance concerning the Chicago & Mississippi railroad company. (Passed September 11, 1854.)

¶ 1. Connection with Rock Island road—depots, etc.] Be it ordained by the common council of the city of Chicago: § 1. That permission and authority is hereby granted to the Chicago and Mississippi Railroad Company to lay down and use two such side tracks as its business may require, from the track of the Chicago and Rock Island Railroad, as the same is located on block one hundred and nine (109) in the School section addition, south across Taylor street, and on block one hundred and eight (108). And said company, on its own grounds procured for that purpose, may erect such depots, stations, buildings and shops as it thinks proper.

¶ 2. Location—street obstructions—right to terminate grant.] § 2. The side tracks herein authorized shall be laid down east of Griswold street and west of Clark street, and the crossings at Taylor street shall be completed and finished under the direction of the committee on streets and alleys of the south division of the city; such tracks at the crossing of Taylor street shall be subject to all the ordinances that now are, or hereafter may be made by the city to regulate the crossing of railroads across the streets of the city; Provided, that said streets shall not at any time be obstructed by the stoppage of cars therein, nor shall the said street be obstructed longer than three minutes at any one time by the crossing of trains under way; And provided, the city council reserve the right to rescind at any time the rights hereby granted; Provided, also, the said company shall be liable for all damages that may accrue by reason of the crossing, occupying or using said tracks.

JOLIET & CHICAGO RAILROAD COMPANY.

§ 200. Joliet & Chicago Railroad company.
¶ 1. Grant—route—conditions.
¶ 2. Acceptance—contract to be executed.
¶ 3. Supervision.
¶ 4. Indemnity.
¶ 5. Subject to ordinances.
¶ 6. Side tracks—terms for use of.
¶ 7. Repair of bridges.

An ordinance in relation to the Joliet & Chicago Railroad company. (Passed January 5, 1857.)

¶ 1. Grant—route—conditions.] Be it ordained by the common council of the city of Chicago: § 1. That permission be and the same is hereby given and granted to the Joliet and Chicago Railroad Company to introduce said railroad into the city on the street

known as the Archer road, from a point commencing on the section line between sections twenty-eight and twenty-nine, to Grove street, and from thence through Grove street to the north line of North street; and to use and occupy so much of said streets as may be necessary for the purpose of constructing, maintaining and using and occupying a single or double railroad track through said streets, with such turn-outs and branches, extending to adjoining lands, as may be deemed necessary for the successful use and occupation of said road, upon the following conditions:

1st. That said company shall plank, pave or macadamize the whole surface of said streets between the points indicated above, and forever maintaining such planking, paving or macadamizing in good order and condition.

2nd. That the space occupied by said railroad shall not exceed fifteen feet in width on the Archer road, and shall not exceed twenty-four feet in width on Grove street, and shall be taken from the northwest side of Archer road.

3rd. That said company shall so construct said work that carriages may pass along said streets, and may also conveniently cross said road.

¶ 2. **Acceptance—contract to be executed.**] § 2. Upon the acceptance of this ordinance by the said company (which shall be within ninety days from the passage hereof) a contract embracing the provisions herein contained shall be executed, sealed and delivered, on the part of the city of Chicago, by the mayor thereof, and on the part of the Joliet and Chicago Railroad Company, by the president thereof, both in the usual legal form.

¶ 3. **Supervision.**] § 3. The work provided in this ordinance shall be done under the supervision of the city superintendent, or such other officer or agent as the common council may direct.

¶ 4. **Indemnity.**] § 4. Said railroad company shall save the city harmless from all costs, damages and suits arising from the occupation of said streets, by said company, from any and all persons whomsoever.

¶ 5. **Subject to ordinances.**] § 5. This permission is granted subject to all general railroad ordinances of the city of Chicago now in force, or that may hereafter be passed, in relation to crossing streets, rates of speed, and other matters of public convenience and necessity.

¶ 6. **Side tracks—terms for use of.**] § 6. Said railroad company shall afford all necessary facilities to the owners of property on said streets for doing business on said road, by putting in side tracks necessary for such purpose, and to operate said tracks so as to carry the cars of said road, and all other railroads connecting, or de-

sirous of making connections with said road, on fair and reasonable terms to and from said property.

¶ 7. Repair of bridges.] § 7. Said company shall make, maintain, and keep in good repair, all road and slip bridges between the said points.

DE PUYSTER STREET.

§ 201. De Puyster street.
¶ 1. Vacated for railroad use—rights reserved.
¶ 2. Non-user by railroads—reversion to city.

An ordinance to vacate De Puyster street. (Passed July 28, 1862.)

¶ 1. De Puyster street vacated for railroad use—rights reserved.] Be it ordained by the common council of the city of Chicago: § 1. That the street running east and west through block sixty-seven (67), School section addition to Chicago, known as De Puyster street (except a strip of the same, through the center thereof, twenty (20) feet in width, running from Canal street east a distance of one hundred and twenty (120) feet) be, and the same is hereby, vacated and discontinued; Provided, however, that such vacation and discontinuance shall continue so long, and so long only, as the same may be used for railroad purposes; And it is further provided, that the authorities of said city shall at all times have and possess, without charge or hindrance, the right to enter upon that portion of said street hereby vacated, or any part thereof, for the purpose of laying down or repairing either sewerage or water pipes.

¶ 2. Non-user by railroads—reversion to city.] § 2. That if the Pittsburg, Fort Wayne and Chicago Railway Company, and the Joliet and Chicago Railroad Company, shall at any time cease to use for railroad purposes the portion of the street hereby vacated and discontinued, or if said companies, or either of them, shall at any time refuse or neglect to fully indemnify the said city of Chicago against, and save it harmless from, all judgments or decrees, with the costs and expenses of the same, which may be recovered or obtained against said city, in any judicial proceeding which may ensue from or in consequence of the vacation and discontinuance of said street, or if said companies shall not, immediately after the passage of this ordinance, widen and dedicate to public use (without charge or cost to said city) the alley in the rear of lots sixteen (16) to twenty-six (26), inclusive, in said block, to the width of twenty (20) feet, and extend the same through a portion of said vacated street, so as to inter-

sect with that portion of said street herein before reserved or excepted, then this ordinance shall immediately become null and void, and said street shall thereupon revert to and become vested in the said city of Chicago, as before the passage of this ordinance.

JOLIET & CHICAGO RAILROAD COMPANY.

§ 202. Joliet & Chicago Railroad company.
¶ 1. Order to macadamize certain streets.
¶ 2. Plans—specifications—supervision.

An ordinance in relation to the Joliet & Chicago Railroad company. (Passed June 18, 1866.)

¶ 1. Order to macadamize certain streets.] Be it ordained by the common council of the city of Chicago: § 1. That in pursuance of the first clause of section 1 of "An ordinance in relation to the Joliet and Chicago Railroad Company," passed by the common council of the city of Chicago, January 5, 1857, and a contract made and concluded by and between the said company and the said city on the twelfth day of January, 1857, and under and in pursuance of the second section of said ordinance, the said Joliet and Chicago Railroad Company are hereby required to macadamize that portion of the street known and called as the Archer road, from a point commencing on the section line between section twenty-eight (28) and twenty-nine (29) to Grove street, and also the said Grove street from its intersection with the Archer road aforesaid to the north line of North street, now known as Sixteenth street, and forever maintain the same in good order and condition.

¶ 2. Plans — specifications — supervision.] § 2. That the board of public works of said city be, and they are hereby, instructed to cause plans and specifications for said improvement to be made as speedily as possible, and a copy thereof to be served upon the proper officer or officers of said company, together with a proper notice requiring said company to proceed and perform said work in conformity with said plans and specifications, and under the direction and supervision of the said board, within a reasonable time, to be fixed by said board.

CHICAGO, ALTON & ST. LOUIS RAILROAD COMPANY.

§ 203. Chicago, Alton & St. Louis Railroad company.
¶ 1. Grant—route.
¶ 2. Condition—use of streets.
¶ 3. Indemnity.
¶ 4. Flagmen at crossings.
¶ 5. Subject to ordinances.
¶ 6. Amendment or repeal.
¶ 7. Switches limited.
¶ 8. Street improvements.
¶ 9. Non-compliance—removal.
¶ 10. When in force.

§ 203. Chicago, Alton & St. Louis Railroad company.
¶ 1. Amending foregoing ordinance.

An ordinance concerning the Chicago, Alton & St. Louis Railroad company. (Passed April 22, 1867.)

¶ 1. **Grant—route.**] Be it ordained by the common council of the city of Chicago: § 1. That the Chicago, Alton and St. Louis Railroad Company be and is hereby authorized to lay down a railroad track (with necessary turn-outs and switches to connect with adjoining lots) and operate the same in, along and across the following streets and alleys in the city of Chicago, to wit: Across Hickory street at its intersection with Lock street, across Fuller street at its intersection with Lock street, across the alley between Hickory and Water streets, south of Fort street, and in and along the north side of Water (formerly Cologne) street, from the point where it strikes said street, south of Fort street, to a point at or about the southwest corner of lot one (1) in block twenty-three (23) of the canal trustees' subdivision of fractional section twenty-nine (29) of township thirty-nine (39) north of range fourteen (14) east—also across Quarry street about midway between said Water street and the Archer avenue.

¶ 2. **Condition—use of streets.**] § 2. The said company is hereby required, and this grant is made upon the express condition, it shall so lay down and maintain said track, turn-outs and switches, that they shall interfere as little as practicable with the usefulness of said streets and alleys for the uses for which they are intended, and shall at all times keep them in such condition as to allow the free and easy passage of vehicles along and over them. All of which shall be done under the supervision of the board of public works.

¶ 3. **Indemnity.**] § 3. This permission or grant is made upon the further condition, that said railroad company shall keep and save the city harmless from all damages, costs and expenses whatever arising out of the use and occupation of said streets and alleys by said company.

¶ 4. **Flagmen at crossings.**] § 4. This permission is granted on the further condition that said company shall keep flagmen at the

crossings of such streets as and when the common council may designate.

¶ **5. Subject to ordinances.**] § 5. This permission is granted subject to all the general ordinances concerning railroads now in force, or that may hereafter be passed.

¶ **6. Amendment or repeal.**] § 6. This ordinance shall be subject to amendment or repeal by said council, at any time after the expiration of ten years from its passage.

¶ **7. Switches limited.**] § 7. It is hereby expressly understood and this grant is made on the express condition that no switches or turn-outs shall be made or constructed in said Water or Cologne street, on the south side of the track laid therein.

¶ **8. Street improvements.**] § 8. Whenever said streets, or any of them, shall be ordered improved by the city, then and in such case the said railroad company shall improve, or pay for the improvement of twenty-four (24) feet on the south side of all streets named herein, in addition to their own road bed, as the board of public works or common council shall direct.

¶ **9. Non-compliance—removal.**] § 9. Should the said company at any time fail to comply with the conditions and provisions of this ordinance, or any of them, or the general ordinances of said city, the common council may order the said tracks, switches and turn-outs to be taken up by said company, and on its failure so to do, in a reasonable time, may direct the same to be taken up at the expense and cost of said company.

¶ **10. When in force.**] § 10. This ordinance shall take effect and be in force from and after its passage.

Note.—See following amendatory ordinance.

An ordinance to amend an ordinance concerning the Chicago, Alton & St. Louis Railroad company. (Passed September 30, 1867.)

¶ **1. Amending foregoing ordinance.**] Be it ordained by the common council of the city of Chicago: § 1. That the title of said ordinance be so amended as to read, "An ordinance concerning the Joliet and Chicago Railroad Company;" and that the first section thereof be amended by striking out the words "Chicago, Alton and St. Louis," in the first line of said section, and inserting in lieu thereof the words "Joliet and Chicago."

CHICAGO & ALTON RAILROAD COMPANY.

§ 204. Chicago & Alton Railroad company.

¶ 1. Preamble—agreement relative to street paving.
¶ 2. Acceptance by city—conditions.

An ordinance defining the agreement with the Chicago & Alton Railroad company, as to the paving or otherwise improving Archer avenue, between Grove and Halsted streets, according to the terms of a contract with the Joliet & Chicago Railroad company, referred to in an ordinance dated January 5, 1857. (Passed July 11, 1870.)

¶ 1. Preamble—agreement relative to street paving.] Whereas: A proposition has been made by the Chicago and Alton Railroad Company to the city of Chicago, as set forth in a resolution adopted by said company, June 30, 1870, which is in words and terms, as follows, viz:

Whereas, the city council of the city of Chicago has levied an assessment upon the property of this company in Archer avenue in this city, to the amount of something over eighteen thousand dollars for paving with wooden pavement that part of Archer avenue lying between Halsted street and Grove street in said city, professing to act under the terms of an ordinance passed January 5, 1857, and a contract entered into in pursuance thereof, between said city and the Joliet and Chicago Railroad Company; and,

Whereas, also, Morris K. Jessup, one of the stockholders of this company, believing said assessment to be illegal and invalid, has instituted a suit in equity in the United States Circuit Court for the Northern District of Illinois, against the directors of this company and said city, to enjoin the payment and collection of said assessment, which suit is still pending; and,

Whereas, also, it is deemed advisable for the best interests of the company that there should be a compromise of said difficulty upon fair and equitable terms; therefore,

Resolved, that the president of this company be authorized to make the following proposition to said city as a basis of compromise:

1. That this company will pay to the city of Chicago the sum of ten thousand dollars in full for all paving to be done, now or hereafter, in Archer avenue, between Weaver street and the point where the road of this company enters Grove street, and that in consideration thereof the said city shall forever release the Joliet and Chicago Railroad Company and this company from the obligation to forever maintain such pavement on any portion of said avenue.

2. That both the city and the two companies aforesaid shall reserve all rights which either may have in that portion of Grove street mentioned in said ordinance.

3. That this company will maintain in good order its track and road-bed in that portion of Archer avenue between Grove and Weaver streets.

4. That the above propositions are made subject to the rights of Mr. Jessup, the stockholder aforesaid, and that this company will, through their proper officers, suggest to Mr. Jessup the propriety of making said compromise, and upon the acceptance by the said city council of said city, of the above propositions, that they request him, the said Jessup, to withdraw the suit so instituted by him as aforesaid.

5. That, as a further consideration for said compromise, this company will, if the same is accepted by said city, forever relinquish the right to occupy so much of said Archer avenue as lies between Weaver street and Halsted street; therfore,

¶ 2. **Acceptance by city—conditions.**] Be it ordained by the common council of the city of Chicago: § 1. That the proposition of the Chicago and Alton Railroad Company, as set forth in the foregoing preamble, is hereby accepted; Provided, however, that this ordinance shall not take effect until the payment of ten thousand dollars, and the withdrawal of the suit as specified in the first and fourth sections respectively of said proposition shall first have been made.

CHICAGO BELT RAILWAY & TRANSFER COMPANY.

§ 205. Chicago Belt Railway & Transfer company.

¶ 1. Grant—route.
¶ 2. Conditions.
¶ 3. Acceptance.
¶ 4. Viaduct.
¶ 5. Right to cease and determine when.

Ordinance granting right of way to Chicago Belt Railway & Transfer company in the town of Lake. (Adopted November 24, 1873.)

¶ 1. **Grant—route.**] Be it ordained by the board of trustees of the town of Lake: § 1. That permission and authority be, and the same is hereby given and granted to the Chicago Belt Railway and Transfer Company, to lay down, maintain and operate a double railway track, with all necessary side tracks, not to exceed two, at the crossing of any public highway, of the same that may be crossed on said railway from its beginning on the boundary line of the town of Hyde Park, at the center of the east line of section thirty-three (33) of the town of Lake, thence running due west through the center of sections 33, 32, 31, 36 to the center of 35, thence north through the north half of 35, along and on the right of way of the Danville and Vincennes Railroad, through the centers of sections 26, 23, 14 and 11, and to the center of section two (2), thence west through the west half of section two (2), through the center of section three (3), to the town line between the towns of Lake and Lyons.

¶ 2. **Conditions.**] § 2. The permission and authority hereby granted to said company are upon the following express conditions, to wit:

1st. That the rights herein conferred are subject to whatever rights any other person or corporation may have along said line in said town of Lake.

2nd. That said railway company shall indemnify and save harmless said town of Lake from all expenses, costs, damages and suits arising from the occupation of such dedicated streets as may be upon said line by said railroad company; Provided, that the rights, powers and privileges hereby granted are not intended to extend to any other ground either of individuals or corporations, than the dedicated streets which may be crossed or lie on the line or route of said road as above described.

3rd. That the privilege hereby granted shall be enjoyed subject to the provisions of the charter of said town of Lake, and to all ordinances that now are or hereafter may be in force in said town of Lake in regard to all railroads therein.

4th. The board of trustees of the town of Lake shall have the right to impose such rules and regulations upon the use of said tracks, in reference to speed and manner of running cars and locomotives, as they shall deem necessary for the safety and convenience of the residents of said town of Lake; such rules and regulations to be imposed by general ordinances in regard to all railways in said town.

5th. The said railroad company shall at all times grade, fill, plank or macadamize the portion of said streets used by said company, and the approaches thereto at the intersection of streets crossing said railway, or that may be laid by the authorities, in such a way as to allow of free and easy passage of carriages and wagons across and alongside of its tracks at all points; said work to be done in such a manner and at such times as the board of trustees of said town of Lake shall direct; also culverts to be built at such crossings as shall not impede the natural flow of water when so ordered by the said board of trustees.

6th. The rate of passenger fare on said railway, out of Chicago through the town of Lake, shall not exceed the rate of any other road running out of the city of Chicago for the same distances, and shall issue commutation tickets therefor, not to exceed by commutation ten cents, from the center of section thirty-five (35), to their depot in the city of Chicago, and ratable at all other points, and two and half cents per mile for transient travel, for five years from the date of this ordinance, and two cents per mile thereafter.

7th. Said railroad company shall establish not less than six depots in the town of Lake, at each of which all passenger trains shall stop.

8th. The foregoing conditions, rights and privileges shall apply

to and be binding upon the assignees, grantees and lessees of said railroad company, and all rights or powers conferred upon the town of Lake, or its officers or trustees, shall vest in and be exercised by the municipal corporation, or its officers or trustees or authorities, within whose limit said streets or any portion thereof may at any time be situated.

9th. That in the event that said railway company shall break or fail to comply with any of the provisions of this ordinance, and shall fail to make good such breach and comply with the provisions of this ordinance within thirty days after service of notice of such breach or failure, upon any general officer of said company, at the principal office of said company in the city of Chicago, then said railway company shall forfeit to the town of Lake an amount in double the sum of such damages, which the said company agrees to pay to the town of Lake whenever adjudged guilty of such breach by a court of competent jurisdiction in the county of Cook or otherwise if agreed upon, which sum may be recovered by said town in an action of assumpsit in any court of general jurisdiction in the county of Cook; and if the said railroad company shall neglect or refuse to make good this default, and to comply with the provisions of this ordinance within ninety days after final judgment shall be rendered in favor of said town, by any court of competent jurisdiction, for said penalty, then all the rights of said company under and by virtue of this ordinance shall forthwith cease and determine.

¶ 3. **Acceptance.**] § 3. This ordinance shall not be in force, nor shall any rights or privileges be acquired or enjoyed by virtue hereof, until said railway company shall have filed a written acceptance of its terms and conditions with the clerk of said town of Lake.

¶ 4. **Viaduct.**] § 4. If the corporate authorities of the town of Lake at any time deem it necessary that a viaduct shall be constructed over the railway tracks at the intersections of any streets crossing said railway, then said railway company is to contribute its equitable share of the cost of such viaduct, upon the basis that the entire cost of said viaduct shall be paid by the railroad companies owning tracks at such crossing, each company paying an equal share of such costs; or if each company do not pay as aforesaid, then the town of Lake or individuals shall pay such proportionate share; said railway company shall nevertheless pay its equitable share as aforesaid.

¶ 5. **Right to cease and determine when.**] § 5. Unless said railway company shall have entered upon and completed the construction of said railway track or tracks through the town of Lake within nine months from the passage of this ordinance, and put the same in operation within fifteen months from the passage of this ordinance, then all rights and privileges by this ordinance granted shall cease and determine.

CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY.

§ 206. Chicago, Burlington & Quincy Railroad company.

¶ 1. Grant—route.
¶ 2. Route continued.
¶ 3. Track in North street.
¶ 4. Operation—motive power.
¶ 5. Paving North street—liability for damage.

An ordinance concerning the Chicago, Burlington & Quincy Railroad company and authorizing the laying down and maintenance of certain railroad tracks. (Passed December 15, 1862.)

¶ 1. Grant—route.] Be it ordained by the common council of the city of Chicago: § 1. That permission and authority be and the same is hereby given to the Chicago, Burlington and Quincy Railroad Company, to lay down, maintain and to operate one or more railroad tracks, together with all such turn-outs, switches and turntables as may be deemed necessary, on the alley next north of North street in said city, and on such lands as said company may acquire next south of and adjoining said alley, and in continuation of the same, from the south branch of the Chicago river to and across Mary street, and from Mary street, on such lands as it may acquire, to or near the point on the western limits of the city at which Evans street crosses said limits, with the right to cross all intervening streets.

¶ 2. Route continued.] § 2. Said company is also hereby authorized to lay down, maintain and operate one or more railroad tracks, with such turnouts and switches as they shall deem necessary, on any ground which they now own or may hereafter acquire by purchase, donation, condemnation or otherwise, from its depot grounds on North street, to South street, east of the east line of Stewart avenue, to Lumber street, and east of the east line of Lumber street, from its intersection with Stewart avenue to South street, and west of the south branch of the Chicago river, and from the south branch of the Chicago river to Stinson street, on any lands it may acquire within one block on either side of South street, and from South street to the St. Charles and Mississippi Air-line Railroad, on any lands it may acquire between Stinson street and Lisle or Reuben streets, and to lay down, maintain and operate any such track or tracks and turnouts across any street or streets or alleys within the district aforesaid, and also all such as may be necessary to the convenient use of any depot grounds the said company may now own or hereafter acquire in the vicinity of or adjoining said line of road, and the grounds of the Union track road as now laid between the said south branch of the Chicago river and the Illinois Central Railroad, and to form connections with it and other roads, and also to acquire and use all such depot grounds, and to erect thereon such buildings as said company may deem necessary for the convenient transaction of its business; Provided, that con-

venient crossings shall be made and maintained by said company, when such track or tracks across any such street or alley, and proper warning tables shall be erected in conspicuous places at or near such crossings; said company shall be subject to all laws and ordinances that are now in force, or may hereafter be passed, to regulate railroads within the said city.

¶ 3. Track in North street.] § 3. Said company is hereby authorized to lay down, maintain and operate a single railroad track in North street, and fifteen feet south of the north line thereof, from a point two hundred feet west of the west end of the freight depot of said company, on block forty-eight (48) in canal trustees' subdivision of the northwest quarter of section twenty-one (21), in township thirty-nine (39) north of range fourteen (14), east to the slip constructed in North street, at its intersection with the south branch of the Chicago river.

¶ 4. Operation—motive power.] § 4. Said company may use and operate said railroad tracks with locomotive engines and cars, under such regulations and rules with reference to speed, motive power and manner of running the same, as the common council of said city may, from time to time, impose and make.

¶ 5. Paving North street — liability for damage.] § 5. Said company shall be required to keep that portion of North street in which said track shall be laid, in good repair, and pay all damages said city may sustain by reason of suits or otherwise on account of the laying down and using said track, on said part of North street, as provided for by section three of this ordinance.

§ 207. Chicago, Burlington & Quincy railroad.

¶ 1. Route—dedication of land for opening Brown street.
¶ 2. Motive power—subject to ordinances.
¶ 3. Paving, etc., Brown street.
¶ 4. When in force.

An ordinance concerning the Chicago, Burlington & Quincy Railroad company, granting permission for tracks in Brown street. (Passed November 2, 1864.)

¶ 1. Route—dedication of land for opening Brown street.] Be it ordained by the common council of the city of Chicago: § 1. That permission and authority is hereby given to the Chicago, Burlington and Quincy Railroad Company, and its successors, to put down, construct and maintain a railroad with a single track, and with the necessary switches and turnouts, in that part of Brown street in said city, which extends from sixteenth to twenty-second street, with the right to cross said last mentioned street at the intersection of Brown street with the same, or at such other points near such intersections as may be necessary to connect said railroad with said company's main line near sixteenth street, and with a railroad track to be built by said company on the fifty feet south of and adjoining the south line of twenty-second street, and extending from the east to the west line of

Green's south branch addition to Chicago; Provided, however, and this permission and authority is given upon the express condition that said company shall procure and dedicate to said city so much land as shall be necessary to open Brown street northward from its present terminus to Sixteenth street; and in case the same or any part thereof is opened by or under the authority of said city, said company shall pay to the said city the costs and expenses of procuring land and opening the same, and shall indemnify and secure said city from any costs or expenses on account of the procuring of land for the opening of said part of said street.

¶ 2. Motive power—subject to ordinances.] § 2. Said company and its successors are hereby authorized to operate said railroad track with steam or such other motive power as it shall deem best; the privileges hereby granted, however, shall be enjoyed subject to all general ordinances that now are, or hereafter may be, in force concerning railroads in said city.

¶ 3. Paving, etc., Brown street.] § 3. The privileges granted by this ordinance are upon this express condition: That said railway company, its successors and assigns, shall as respects grading, paving, macadamizing, filling or planking, at its own expense, keep ten feet in width, exclusive of and on one side of its track, in repair on said Brown street, so far as the same is embraced in this ordinance, and keep its tracks in such condition that wagons and other vehicles can pass and repass at any and all points, and in any and all directions, and shall be subject to assessment for paving, repaving, planking, replanking, or any other kind of improvements, of ten feet in width of said street, exclusive of and on one side of its track, whenever the common council shall by ordinance order said improvement to be made.

¶ 4. When in force.] § 4. That this ordinance be in force from and after its passage.

§ 208. Chicago, Burlington & Quincy railroad company.

¶ 1. Route—dedication of land for opening Brown street.
¶ 2. Motive power.
¶ 3. Paving and repair of Brown street.
¶ 4. Conditions as to transfer of lumber.
¶ 5. When in force.

An ordinance concerning the Chicago, Burlington & Quincy Railroad company, granting permission to construct a railroad track in Brown street and across Twenty-second street. (Passed November 28, 1864.)

¶ 1. Route—dedication of land for opening Brown street.] Be it ordained by the common council of the city of Chicago: § 1. That permission and authority is hereby given to the Chicago, Burlington and Quincy Railroad Company, and its successors, to put down, construct and maintain a railroad with a single track, and with the necessary switches and turnouts, in that part of Brown street in said city, which extends from Sixteenth to Twenty-second street, with the right to cross said last mentioned street at the intersection of Brown

street with the same, or at such other points near such intersections, as may be necessary to connect said railroad with said company's main line near Sixteenth street, and with a railroad track to be built by said company on the fifty feet south of and adjoining the south line of Twenty-second street, and extending from the east to the west line of Green's south branch addition to Chicago; Provided, however, and this permission and authority is given upon the express condition, that said company shall procure and dedicate to said city so much land as shall be necessary to open Brown street northward from its present terminus to Sixteenth street; and in case the same or any part thereof is opened by or under the authority of said city, said company shall pay to said city the cost and expense of procuring land and opening the same, and shall indemnify and secure said city from any costs or expenses on account of the procuring of land for the opening of said part of said street.

¶ 2. **Motive power.**] § 2. Said company and its successors are hereby authorized to operate said railroad track with steam, or such other motive power as it shall deem best; the privileges hereby granted, however, shall be enjoyed subject to all general ordinances that now are and hereafter may be in force concerning railroads in said city.

¶ 3. **Paving and repair of Brown street.**] § 3. The privileges granted by this ordinance are upon the express condition: That said railway company, its successors and assigns, shall, as respects grading, paving, macadamizing, filling or planking, at its own expense, keep ten feet in width, exclusive of and on one side of its track, in repair, on said Brown street, so far as the same is embraced in this ordinance, and keep its tracks in such condition that wagons and other vehicles can pass and repass at any and all points, and in any and all directions, and shall be subject to assessment for paving and repaving, planking, replanking, or any other kind of improvements, of ten feet in width of said street, exclusive of and on one side of its track, whenever the common council shall by ordinance order said improvements to be made.

¶ 4. **Conditions as to transportation of lumber.**] § 4. The right hereby granted shall not be used for the purpose of building up a lumber business in one locality in said city and destroying it in another; and it is hereby expressly provided, and the authority hereby conferred is granted upon the distinct understanding that said Chicago, Burlington and Quincy Railroad Company shall receive all lumber delivered at its depot in said city for transportation over its road, and transport the same in the order of its delivery, so far as practicable, and if it shall take or send its cars off its own tracks, and to or into the lumber yards of any one locality in said city, to be loaded, it shall, in like manner, take or send its cars to and into the lumber yards of every other locality in said city which is reached by railroad, and over which railroad the said company shall have the right or privilege to run its engine and cars, and said cars, when sent, shall be taken or sent to

the respective lumber yards in said city in the order in which application shall be made for the same, so far as may be practicable; Provided, however, that said company shall have the right to refuse cars to such persons or parties as shall by their own fault or neglect detain cars delivered at their yards to be loaded, over twenty-four hours at any one time.

¶ 5. **When in force.**] § 5. That this ordinance be in force from and after its passage.

§ 209. Chicago, Burlington & Quincy railroad.

¶ 1. Route—conditions.
¶ 2. Joint user.
¶ 3. Street paving—condition of tracks in streets.
¶ 4. Indemnity.
¶ 5. Subject to ordinances.
¶ 6. Grant, twenty years.

An ordinance concerning the Chicago, Burlington & Quincy Railroad company, and granting permission to lay down and maintain a railroad track in Twenty-second street and Lumber street. (Passed January 30, 1866.)

¶ 1. **Route — conditions.**] Be it ordained by the common council of the city of Chicago: § 1. That permission and authority is hereby given to the Chicago, Burlington and Quincy Railroad Company and its successors, to lay down, maintain and operate a railroad with a single track, and with switches, turnouts and side tracks necessary to accommodate the owners and occupants of property along the same, in and upon Twenty-second street from Brown to Lumber streets; thence northeasterly on Lumber street to the right of way of the Joliet and Chicago Railroad Company; also southwesterly on Lumber street from the intersection thereof with Twenty-second street as far as the same is laid out; Provided, said track shall be laid in the center of Twenty-second street, and on the east or southeast sid of Lumber street, as nearly as practicable to the outer line of the sidewalk, the whole to be done under the supervision and to the entire satisfaction of the board of public works; And provided, further, that the city shall have the right at any time after five years shall have elapsed, to cause the track on Twenty-second street to be removed to either side of the center of said Twenty-second street; And provided further, that no car or cars shall be left standing on said main track on Twenty-second street at any time or times for loading or unloading, under a penalty of one hundred dollars.

¶ 2. **Joint user.**] § 2. Said track, side tracks, switches and turnouts, when laid, shall be open to the use of other railroad companies, whose cars come into the city, upon just, safe and equitable terms, to be agreed upon by the parties interested, and in case of disagreement to be determined by arbitration.

¶ 3. **Street paving—condition of tracks in streets.**] § 3. The privileges granted by this ordinance are upon the express condition that said company, its successors and assigns, shall fill, grade and

pave, macadamize or plank as and when directed by the board of public works or the common council, such portion of said streets as are used and occupied by said company, and also at least twenty feet in width on Lumber street and twelve feet on each side of its track on Twenty-second street; Provided, that if the track on Twenty-second street shall be moved to either side of said street that then twenty-four feet shall be improved on one side of said Twenty-second street. And shall also keep said track, side tracks, turnouts and switches in such condition that vehicles may easily and readily pass along or over the same without injury.

¶ **4. Indemnity.**] § 4. The permission hereby granted is upon the further condition that said railway company shall keep and save the city harmless from all damages, costs, expenses and suits arising out of the occupation or use of said streets by said company, it successors, assigns or lessees.

¶ **5. Subject to ordinances.**] § 5. This permission is granted, subject to all general ordinances now in force or that may hereafter be passed concerning railroads in said city.

¶ **6. Grant, 20 years.**] § 6. This grant or permission shall extend and be in force for the period of twenty years from and after the passage of this ordinance, and for no longer period, and said company shall, at the expiration of said period of twenty years, take up said track, side tracks, turnouts and switches, leaving the streets in good and safe condition.

§ 210. Chicago, Burlington & Quincy Railroad company.

¶ 1. Route—discontinuance of track now laid.
¶ 2. Grant, five years—subject to ordinances.
¶ 3. Keep tracks in repair—indemnity.
¶ 4. Cars, etc., not to stand on city property, except.

An ordinance authorizing the Chicago, Burlington & Quincy Railroad company to lay down and maintain certain tracks. (Passed May 17, 1880.)

¶ **1. Route — discontinuance of track now laid.**] Be it ordained by the common council of the city of Chicago: § 1. That permission and authority be and are hereby given to the Chicago, Burlington and Quincy Railroad Company to lay down, maintain and operate a double railroad track, together with all such switches and turnouts as may be necessary to connect their double track road on Twenty-second street, in Green's south branch addition to Chicago, with their double track road on the private railroad street in Walker's first dock addition, all in the city of Chicago, across Ashland avenue at a point near and not further south than the southwest corner of lot 249, in said Green's south branch addition, and crossing the west line of Ashland avenue at a point not further south than the northeast corner of lot one, in block ten, in Walker's first dock addition to Chicago, said lot "one" being owned by the city of Chicago, and occupied by the West Side Pumping Works.

And also a single railroad track, connecting the double tracks above authorized at such point as may be necessary to obtain a practicable curve, running thence from such connection across and along the east side of said lot one, and in said block ten, thence south along the east side of said block ten to the Chicago river.

Provided, That when the tracks hereby authorized are constructed said company shall discontinue its tracks now crossing Ashland avenue at or near the intersection of twenty-second street and Blue Island avenue, and shall take up and remove the same from said avenue.

¶ 2. **Grant, five years—subject to ordinances.**] § 2. Said railroad company may use and operate for a term of five years said railroad tracks hereby authorized to be constructed with locomotive engines and cars under such regulations and rules, in reference to speed and manner of running the same, as the city council shall from time to time impose and make, and subject to all general ordinances now in force, or that may hereafter be passed concerning railroads in said city.

¶ 3. **Keep tracks in repair—indemnity.**] § 3. Said railroad company is hereby required to keep their said tracks so to be constructed in good repair, with suitable planking between the rails, so as to make the crossing of the same safe and convenient, and the said company shall keep and save said city harmless from all damages, costs, expenses and suits arising, or which may arise out of the occupation or use of said street by said company, its successors, assigns or lessees.

¶ 4. **Cars, etc., not to stand on city property, except.**] § 4. The rights and privileges hereby granted are on the express condition that no railroad cars or locomotives shall be left standing on the part of said track to be laid on the property belonging to the city of Chicago in said block 10, to-wit, lots 1, 2, 3 and 4 in said block, to exceed fifteen minutes at any one time, except cars to be loaded or unloaded on said part of said track on behalf of said city; and also that said city shall have the free use of the part of said track to be laid on its premises, and shall not be required to pay any costs or charges for the use of the same.

§ 211. Chicago, Burlington & Quincy Railroad company.

¶ 1. Route.
¶ 2. Authority to use tracks of another company.
¶ 3. Viaduct at Polk street.
¶ 4. Indemnity.
¶ 5. When in force.

An ordinance granting permission to the Chicago, Burlington & Quincy Railroad company to construct tracks between West Harrison and West Twelfth streets. (Passed December 20, 1880.)

¶ 1. **Route.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and are hereby granted unto the Chicago, Burlington and Quincy Railroad Company, to lay down, maintain and operate one or more railroad tracks on the property owned or hereafter to be acquired by them, between West

Harrison street on the north and West Twelfth street on the south, and the tracks of the Pittsburg, Fort Wayne and Chicago Railroad Company on the east, and Canal street on the west; and for that purpose to extend such tracks across intervening streets, together with all such turnouts, switches, turn tables and other structures as may be deemed necessary to accommodate the business to be done over said tracks.

¶ 2. **Authority to use tracks of another company.**] § 2. Said railroad company shall also have the right to run its trains from its present depot grounds on Sixteenth street, over the tracks of the Pittsburgh, Fort Wayne and Chicago Railway Company, located on and adjoining Beach street and Stewart avenue, to and on to the depot grounds mentioned in said section 1, and to the depot grounds of said last named company, situated between Madison and Harrison streets; and if at any time hereafter the facilities offered by the Pittsburgh, Fort Wayne and Chicago Railway Company for such track service shall be deemed inadequate to accommodate the business of the companies using the same, and the Chicago, Burlington and Quincy Railroad Company shall purchase or lease other right of way near to or adjoining said tracks on the west, between Sixteenth and Twelfth streets, permission is hereby granted to said last named company to lay one or more tracks on the same, and to cross the intervening streets.

¶ 3. **Viaduct at Polk street.**] § 3. The permission and authority hereby granted are upon the express conditions that the said railroad company shall pay or cause to be paid to the city of Chicago the cost and expense of constructing and erecting a new viaduct on Polk street over the railroad tracks crossing said street, between Canal street and the Polk street bridge, together with all proper lateral and other approaches necessary thereto, the money necessary therefor to be paid by said company as aforesaid, as fast as required by the city in paying for the construction and erection of said viaduct, and the lateral and other approaches thereto, and shall maintain and keep the same in repair without expense or cost to the city of Chicago, such construction, maintaining and keeping in repair to be done pursuant to the direction of the city council under the supervision of the commissioner of public works, and the permission and authority hereby granted are upon the further express condition that the said railroad company shall pay to the city of Chicago the expense of constructing, erecting, maintaining and keeping in repair viaducts over any of its said tracks on any street or streets crossed by its tracks, except said Polk street above provided for, with proper approaches thereto, as the city council may from time to time require; Provided, however, that when any such viaduct, except said Polk street viaduct above provided for, cannot be constructed across the tracks of said railroad company without crossing the track or tracks of some other railroad company or companies, the said Chicago, Burlington & Quincy Railroad Company shall only be obliged to join such other railroad company

or companies in paying the expense of erecting, constructing, maintaining and keeping in repair such viaduct and approaches, and to pay its fair proportion of such expense as between it and such other company or companies; and if such other railroad company or companies shall not join said Chicago, Burlington & Quincy Railroad Company in paying said expense, then, when the proportion of said other company or companies shall be otherwise provided, the said Chicago, Burlington & Quincy Railroad Company shall pay what would be its fair proportion of said expense in case such other company or companies should join with it in the payment of said expense as aforesaid. Said viaduct or viaducts, and approaches thereto, to be constructed according to the plans and specifications of the department of public works. Said Chicago, Burlington & Quincy Railroad Company shall furnish sufficient outlets for the private property bounded by Harrison, Twelfth, Beach streets and the south branch of the Chicago river.

¶ 4. **Indemnity.**] § 4. The permission and authority hereby granted are upon the further express condition that the said railroad company shall and will forever indemnify and save harmless the said city of Chicago against and from any and all legal damages, judgments, decrees and costs and expenses of the same, which it may suffer or which may be recovered or obtained against said city, for or by reason of the granting of such privileges and authority, or for or by reason of, or growing out of, or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted, or from any act or acts of said company under or by virtue of the provisions of this ordinance.

¶ 5. **When in force.**] § 5. This ordinance shall take effect and be in force from and after its passage.

§ 212. Chicago, Burlington & Quincy Railroad company.

¶ 1. Route.
¶ 2. Discontinuance and removal.
¶ 3. Paving—removal upon order.
¶ 4. When in force.

An ordinance granting permission to the Chicago, Burlington & Quincy Railroad company for a railroad track in Union street. (Passed April 21, 1882.)

¶ 1. **Route.**] Be it ordained by the city council of the city of Chicago: § 1. That permission be and is hereby granted the Chicago, Burlington and Quincy Railroad Company to maintain and operate a railroad track in, upon and along Union street, from its intersection with Twenty-second street to the south line of Lumber street, as shown by a plat thereof accompanying this ordinance.

¶ 2. **Discontinuance and removal.**] § 2. Said grant shall cease and be inoperative and void whenever said city, by its mayor or council, shall order said track to be discontinued and removed,

and whilst its privileges are enjoyed they shall be subject to all general ordinances now inforce, or which may hereafter be passed.

¶ 3. **Paving — removal upon order.**] § 3. The privileges hereby granted are upon the express condition that said railroad company shall fill, grade and pave, macadamize or plank, as and when directed by the commissioner of public works or the city council, such portion of said streets as shall be used and occupied by said railroad company, and also at least twenty (20) feet in width outside of said track, and upon the order of discontinuance and removal by the city, as aforesaid, at any time, said railroad company shall forthwith remove said track, and repair the street according to the directions of said commissioner or said city, and in case of failure to comply within twenty (20) days with such order, the city is to have the right, with force if necessary, to remove such track and repair said street at the expense of said railroad company.

¶ 4. **When in force.**] § 4. This ordinance shall be in force from and after its passage and due publication.

§ 213. Chicago, Burlington & Quincy Railroad company.

¶ 1. Authority to excavate—viaduct.
¶ 2. Grade established.
¶ 3. Company pay cost of filling—retaining walls and viaduct.
¶ 4. Plans—supervision of work.
¶ 5. Company pay land damages—indemnity.
¶ 6. When in force.

An ordinance granting permission to the Chicago, Burlington & Quincy Railroad company to excavate in West Twelfth street, adjoining Beach street, and to lay down and maintain tracks therein. (Passed July 31, 1882.)

¶ 1. **Authority to excavate—viaduct.**] Be it ordained by the city council of the city of Chicago: § 1. That for the purpose of enabling the Chicago, Burlington & Quincy Railroad Company to lay down, maintain and operate railroad tracks below the grade of West Twelfth street, adjoining Beach street on the west, permission and authority be and are hereby given to the said Chicago, Burlington & Quincy Railroad Company to excavate said West Twelfth street to a depth of sixteen feet below the present grade of said West Twelfth street, and for the distance of eighty feet, being the eighty feet west from the west line of Beach street, and to construct a proper viaduct over said excavation on the grade hereinafter established.

¶ 2. **Grade established.**] § 2. That the grade of West Twelfth street between the points herein designated be and the same is hereby established as follows:

Commencing at the present established grade of thirteen feet above the city datum at the west line of Canal street and rising at a regular grade of one foot in thirty feet to a grade of twenty-six and two-tenths feet above city datum at a point three hundred and ninety-five feet east of said west line of Canal street, being the west line of

said excavation, thence on a level grade to the east line of Beach street.

¶ 3. **Company pay cost of filling—retaining walls and viaduct.**] § 3. The permission and authority hereby granted are upon the express conditions that the said railroad company shall pay or cause to be paid to the city of Chicago the cost and expense of the filling and paving and the abutments and retaining walls necessary for raising said grade, as provided in section 2, and shall also construct, maintain and forever keep in repair the viaduct authorized and provided for in section 1.

¶ 4. **Plans—supervision of work.**] § 4. The work authorized and provided for in the preceding sections shall be done according to plans and specifications prepared by the department of public works of the city of Chicago, and under the supervision and direction of the said department.

¶ 5. **Company pay land damages—indemnity.**] § 5. The permission and authority hereby granted are upon the further express condition that the said railroad company shall be held bound to pay all legal damages that may accrue to the owners of property fronting on West Twelfth street, between Canal street and Beach street, by reason of the changing of grade provided for in this ordinance, and shall and will forever indemnify and save harmless the city of Chicago against and from any and all legal damages, judgments, decrees and costs and expenses of the same, which it may suffer or which may be recovered or obtained against said city, for or by reason of the granting of such permission and authority, or for or by reason of or growing out of or resulting from the passage of this ordinance, or any matter or thing connected therewith or with the exercise by said company of the privileges hereby granted, or from any act or acts of said company under or by virtue of the provisions of the ordinance.

¶ 6. **When in force.**] § 6. This ordinance shall take effect and be in force from and after its passage.

§ 214. Chicago, Burlington & Quincy Railroad company.

¶ 1. Route.
¶ 2. Planking, etc.—supervision.

An ordinance granting permission to the Chicago, Burlington & Quincy Railroad company to operate a track across Eighteenth street. (Passed May 4, 1883.)

¶ 1. **Route.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and are hereby given unto the Chicago, Burlington & Quincy Railroad Company to lay down, maintain and operate a railroad track across Eighteenth street, and not more than forty feet east of the east line of Brown street, for the purpose of accommodating the manufacturing business and property adjoining Eighteenth street on the south, with a side or switch track connecting with the tracks of the said railroad company on Brown street aforesaid.

¶ 2. **Planking, etc.—supervision.**] § 2. Said railroad company shall put down and maintain, under the direction of the department of public works, all the planking necessary to be laid at the intersection of Eighteenth street with the tracks so to be laid.

§ 215. Chicago, Burlington & Quincy Railroad company.

¶ 1. Route and connections.
¶ 2. Maintaining of crossings—subject to ordinances.
¶ 3. When in force.

An ordinance granting permission to the Chicago, Burlington & Quincy Railroad company to lay down and operate a track. (Passed January 28, 1884.)

¶ 1. **Route and connections.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and are hereby given unto the Chicago, Burlington and Quincy Railroad Company, and its successors and assigns, to lay down, maintain and operate a railroad track, with necessary side tracks, switches and turnouts, from a connection with its own tracks lying north of 16th street, thence southerly with proper curve, crossing 16th street to the east side of Brown street, thence south on land owned by it on the east side of Brown street, to the south line of 21st street, thence by proper curves and switches to the south line of 22nd street, there to connect with its own tracks and with the tracks of all persons, companies and corporations now or hereafter doing business in 22nd and Lumber streets, and in Green's South Branch addition, hereby granting to said railroad company and its successors the right to cross the intervening streets.

¶ 2. **Maintenance of crossings—subject to ordinances.**] § 2. The permission and authority hereby given are upon the express condition that said railroad company shall construct and maintain convenient crossings at the intersection of streets crossed by the track or tracks hereby allowed to be laid, according to the direction of the board of public works of said city.

And provided, further, that in the operation of the above tracks, said railroad company shall be subject to all present and future general ordinances of the city of Chicago in regard to railroads.

¶ 3. **When in force.**] § 3. This ordinance shall be in force from and after its passage.

§ 216. Chicago, Burlington & Quincy Railroad company.

¶ 1. Lumber street and Twenty-second street—conditions.
¶ 2. Paving or planking Twenty-second street—exception.
¶ 3. Change of location of tracks.
¶ 4. Cars not to stand on main track.
¶ 5. Paving street intersections—repair of sidewalks.
¶ 6. Adjustment of damages—disagreement as to amount.
¶ 7. Indemnity.
¶ 8. Subject to ordinances.
¶ 9. When in force—acceptance—grant 20 years in Twenty-second street.

An ordinance authorizing the Chicago, Burlington & Quincy Railroad company to maintain and operate railroad tracks in Twenty-second street and in Lumber street. (Passed October 4, 1886. Accepted October 18, 1886.)

¶ 1. Lumber street and Twenty-second street—conditions.] Be it ordained by the city council of the city of Chicago: 1. That permission and authority be and the same are hereby given to the Chicago, Burlington & Quincy Railroad Company, its successors and assigns, to lay down, maintain and operate a single track railroad upon Lumber street, from the intersection thereof with the right of way of the Joliet and Chicago Railroad Company, southwesterly as far as said street is laid out. And also in and upon Twenty-second street, from Brown to said Lumber street, with proper curve connecting the two tracks at junction of said Twenty-second street and Lumber street, and with switches, turnouts and side tracks necessary to accommodate the owners and occupants of property, now or hereafter located on both sides of said Lumber and Twenty-second streets.

Provided, however, that said tracks shall be laid and operated as near as may be practicable to the curb on the south side of said Twenty-second street, between Brown and Halsted streets, and between the curb and the south line of the street between Halsted and Lumber streets.

And further, that the rails to be laid in said track between Brown and Halsted streets shall be of heavy street railroad rail or such other pattern of rail as shall be approved by the commissioner of public works.

¶ 2. Paving or planking 22d street—exception.] § 2. The privileges hereby granted are upon the express condition that said company shall fill, pave or plank as and when directed by the commissioner of public works, and while so occupying the same, that part of Twenty-second street, between Brown and Halsted streets, from the south curb to the center of the street, and so much of the street east of Halsted street as shall be occupied by said track, shall be planked and kept in repair by said railroad company.

Provided, however, that if at any time a track or tracks of a street or steam railway company shall be laid between the track of said company and the center of Twenty-second street, between Brown and Halsted streets, aforesaid, then said Chicago, Burlington & Quincy Railroad Company, its successors and assigns, shall be relieved from paving and keeping in repair so much of said street as shall be occupied by the track or tracks of such other company.

¶ 3. Change of location of tracks.] § 3. Said railroad company, in lieu of the above location of its said track in and upon Twenty-second street, may and it is hereby authorized to locate its said tracks south of Twenty-second street, over and upon such land as it shall acquire by purchase, lease or otherwise, and to cross the intervening streets and alleys.

¶ 4. Cars not to stand on main track.] § 4. Said railroad

company shall leave no cars standing on the main track, on Twenty-second street, at any time for loading or unloading, under penalty of one hundred ($100) dollars for each and every offense.

¶ 5. **Paving street intersections—repair of sidewalks.** § 5. Said railroad company shall keep the intersections of streets and alleys, where crossed by said tracks, graded and paved, in accordance with the directions of the commissioner of public works; and shall keep said track, side tracks and switches in such condition that vehicles may easily and readily pass along or over the same, without injury.

¶ 6. **Adjustment of damages—disagreement as to amount.**] § 6. Said Chicago, Burlington and Quincy Railroad Company shall, within ninety days after its acceptance of this ordinance, pay to and compensate the owner or owners of the lands or lots on the south side of Twenty-second street, between Brown street and Halsted street, abutting that part of said Twenty-second street along which said tracks shall be located, for all damage which may be done to his, her or their property by reason of the taking and using said street for the purposes herein provided. In the event that the said company and said owners, or any of them, cannot agree upon the amount of such compensation, then the claim, or claims, for damages shall be submitted to arbitration in manner following, to wit: The said person, or persons, so claiming damages shall, within thirty days after the acceptance hereof by said company, serve upon said company a written notice of his, her or their election to submit to arbitration the question of damages, and shall state the name and address of the person whom he, she or they shall elect to serve upon said arbitration. The company shall thereupon select and name the person whom it shall select to serve upon said arbitration, and the persons so selected shall proceed at once and without delay to make a settlement of the matter submitted to them.

In considering said damages the arbitrators shall determine the value of said property with no railroad in said street, and the value of the same with the railroad as located under this ordinance. If they cannot agree within ten days, then they shall select a third person to act with them. In case they cannot agree upon such third person, then the mayor of the city shall be called upon, and shall appoint such third person, and the arbitration so composed shall make such settlement.

When said arbitrators, appointed as hereinbefore provided, shall have reached a determination, which must be within twenty days from and after their appointment, as herein declared, they shall report in writing to each of said parties their conclusions, which shall be final. Within thirty days after such report the said company shall pay to said claimant, or claimants, the amount so found and determined to be due to him, her or them.

¶ 7. **Indemnity.**] § 7. The permission hereby granted is upon the further condition that said railroad company shall keep and save

the city harmless from all damages, costs, expenses and suits arising out of the occupation or use of said streets by said company, its successors and assigns.

¶ 8. Subject to ordinances.] § 8. This permission is granted subject to all general ordinances now in force, or that may hereafter be passed concerning railroads in said city.

¶ 9. When in force—acceptance—grant, 20 years in 22d street.] § 9. This ordinance shall take effect and be in force as soon as the same shall have been duly accepted by said company. Provided, however, that unless this ordinance shall be duly accepted within thirty days of the passage hereof, this ordinance shall be null and void; and

Provided, further, that the right to operate that portion of said railroad track in 22nd street, lying between Brown and Halsted streets, shall terminate at the end of 20 years from the date of the passage of this ordinance.

§ 217. Chicago, Burlington & Quincy Railroad company.

¶ 1. Route—plat.
¶ 2. Street improvements—failure to use—removal.
¶ 3. Bond.
¶ 4. Grant, 10 years.
¶ 5. When in force.

An ordinance authorizing the Chicago, Burlington & Quincy Railway company to maintain and operate railroad tracks in, upon and along Union and Lumber streets. (Passed July 14, 1893.)

¶ 1. Route—plat.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be, and is hereby granted the Chicago, Burlington & Quincy Railroad Company to maintain and operate railroad tracks in, upon and along Union and Lumber streets, from the intersection of said Union street with Twenty-second street to the south line of said Lumber street, as shown by a plat thereof accompanying this ordinance, and not otherwise.

¶ 2. Street improvements—failure to use—removal.] § 2. The privileges hereby granted are upon the express condition that said railroad company shall fill, grade and pave, macadamize or plank, as and when directed by the commissioner of public works or the city council, such portion of said streets as shall be used and occupied by said railway company and also at least twenty feet in width outside of said track or tracks, and upon said company failing to use said track or tracks at any time, for a period of six months, the right to use said street under this ordinance shall at once cease, and said railroad company shall forthwith remove said track or tracks and repair the street according to the directions of said commissioner of said city; and, in case of failure to comply within twenty days with such order, the city is to have the right, with force if necessary, to remove such track or tracks and repair said street or streets at the expense of said railroad company.

¶ 3. Bond.] § 3. That before laying such track said Chicago, Burlington & Quincy Railway Company shall enter into a bond to the city of Chicago, with good and sufficient sureties, in the penal sum of ten thousand ($10,000) dollars, to be approved by the commissioner of public works, conditioned to save the said city harmless from any and all damages which may arise from or grow out of the privileges hereby granted, or the laying or operating of said track.

¶ 4. Grant, 10 years.] § 4. The rights and privileges hereby granted shall cease and determine at the expiration of ten years from the passage of this ordinance.

¶ 5. When in force.] § 5. This ordinance shall be in force from and after its passage.

§ 218. Chicago, Burlington & Quincy Railroad company.

¶ 1. Preamble.
¶ 2. Dedication of land for street purposes—description.
¶ 3. Delivery of deeds—vacation of part of Twenty-second street.

An ordinance authorizing a change of route of the Chicago, Burlington & Quincy Railroad company at West Twenty-second street. (Passed March 23, 1896.)

¶ 1. Preamble.] Whereas, a long and dangerous crossing exists over the right of way and tracks of the Chicago, Burlington & Quincy Railroad Company upon West Twenty-second street, between sections 23 and 26, township 39, range 13, east of the third principal meridian; and,

Whereas, The interests of the public demand that said crossing be shortened, and its dangers thereby decreased; and,

Whereas, In order to effect a new and less dangerous crossing, the Chicago, Burlington & Quincy Railroad Company has offered to deed to the city of Chicago, without expense to it, sufficient of its land for that purpose; now, therefore,

¶ 2. Dedication of land for street purposes—description.] Be it ordained by the city council of the city of Chicago: **§ 1.** That if the said Chicago, Burlington & Quincy Railroad Company shall deed to the city of Chicago, for street purposes, sufficient land therefor, said street and crossing of Twenty-second street, over the tracks and right of way of said Chicago, Burlington & Quincy Railroad Company shall run as follows:

Beginning at the intersection of the west line of Trumbull avenue and the said right of way; thence south thirty-five and one-half degrees, east across said right of way to the south line thereof; thence northeast on the line of said right of way seventy and twenty-three hundredths feet; thence north thirty-five and one-half degrees west across said right of way to the north line thereof; thence southwest on the line of said right of way seventy and twenty-three hundredths feet to the place of beginning, opening across said right of way a street sixty-six feet wide.

¶ 3. **Delivery of deeds — vacation of part of Twenty-second street.**] § 2. When the said Chicago, Burlington & Quincy Railroad Company shall execute and deliver to the city of Chicago for street purposes good and sufficient deeds of said sixty-six-foot street across said right of way, and of a strip of land bounded and described as follows, to-wit: Beginning at the southeast corner of Twenty-second street and Trumbull avenue, thence east on south line of Twenty-second street one hundred thirty-two feet, thence southwesterly one hundred thirty-seven and three-hundredths feet to a point on said Trumbull avenue thirty-six and eighty one-hundredths feet south of point of beginning, thence north thirty-six and eighty one-hundredths feet to the place of beginning; also, that part of lots 22, 23, 24, 25 and 26 in J. C. Hyde's re-subdivision of block 2, in Traver's subdivision of the east 15 92-100 acres of the west 30 92-100 acres of that part of the southeast ¼ of section 23, town 39 north, range 13, east of the 3rd P. M., lying south of Ogden avenue, that lies south of a line parallel with the north line of the C., B. & Q. R. R. Co.'s right-of-way and 66 feet northerly therefrom—said north line of right-of-way being 47 feet north of the original main track of said railroad—all being between Trumbull avenue and St. Louis avenue; then so much of said Twenty-second street, as the same is now laid out, as crosses the right-of-way of said railroad company and is not included within the lines of said sixty-six feet street (herein provided for) be, and the same is hereby vacated.

§ 219. Chicago Circle Railway company.
§ 220. Chicago & Eastern Illinois Railroad company.
§ 221. Chicago & Eastern Illinois Railroad company.
§ 222. Chicago & Eastern Illinois Railroad company.
§ 223. Chicago & Great Western Railroad company (La Salle & Chicago Railway company).
§ 224. Chicago & Great Western Railroad company (La Salle & Chicago Railway company).
§ 225. Chicago & Great Western railroad.
§ 226. Chicago & Great Western railroad.
§ 227. Chicago & Great Western railroad.
§ 228. Chicago, Harlem & Batavia Railway company (successors to Chas. R. Vandercook and the Chicago & Western Dummy Railway company).
§ 229. Chicago & Western Dummy Railway company.
§ 230. Chicago, Harlem & Batavia Railway company.
§ 231. Chicago, Harlem & Batavia Railway company.
§ 232. Chicago & Illinois River Railroad company.
§ 233. Chicago & Indiana State Line Railroad company.
§ 234. Chicago, Madison & Northern Railroad company.
§ 235. Chicago, Madison & Northern Railroad company.
§ 236. Chicago, Madison & Northern Railroad company.
§ 237. Chicago, Millington & Western Railway company.
§ 238. Chicago, Millington & Western Railway company.
§ 239. Chicago, Millington & Western Railway company.

CHICAGO CIRCLE RAILWAY COMPANY.

§ 219. Chicago Circle Railway company.

¶ 1. Grant—motive power—route.
¶ 2. Street crossings—repair.
¶ 3. Plat of location.
¶ 4. Commencement and completion of work.
¶ 5. Grades—flagmen—maintenance of culverts, etc.
¶ 6. Subject to ordinances—forfeiture.
¶ 7. Bridge over north branch of Chicago river.
¶ 8. Opening streets across tracks.
¶ 9. Train service—stations.
¶ 10. Indemnity.
¶ 11. Who bound by provisions.
¶ 12. When in force—acceptance.

An ordinance authorizing the Chicago Circle Railway company of Chicago to build its line of railway through a portion of the village of Jefferson. (Passed June 24, 1889.)

¶ 1. Grant—motive power—route.] Be it ordained by the president and board of trustees of the village of Jefferson: **§ 1.** That

permission and authority be, and the same is hereby granted to the Circle Railway Company of Chicago, to construct, lay down, maintain and operate with steam power, a railway with one or more tracks upon land now owned or hereafter to be acquired by said railway company over and upon the following route in said village of Jefferson, to-wit:

Commencing at a point on the Milwaukee & St. Paul Railway Company's right of way at or near Cragin in said village of Jefferson, thence north and westerly through sections 33, 28, 29 and 20 in said village to a point near the Cook county farm, thence north and easterly through sections 17, 18, 8 and Caldwell's Indian Reservation near the south boundary line to a point near Forest Glen, thence east through Bowmanville and south and east along the north branch of the Chicago river to a point near Deering Station, in the city of Lake View.

¶ 2. **Street crossings—repair.**] § 2. The tracks laid across the intervening streets upon the route above described shall be laid in such manner as to interfere as little as practicable with the use of such streets by teams and pedestrians, and said railway company shall at all times keep such tracks in proper condition, to allow the free passage of vehicles across them.

¶ 3. **Plat of location.**] § 3. That before constructing its railway, said Circle Railway Company shall file a plat showing the permanent location of its line in the office of the village clerk, and said location shall be made and plat filed on or before the first day of July, 1890.

¶ 4. **Commencement and completion of work.**] § 4. Work on the construction of said line shall be commenced within two years, and at least one main track shall be completed through said village in two years from the date of the passage of this ordinance. Provided, however, that if said company shall be delayed by ordinance or resolution of the village of Jefferson, or shall be restrained or prevented by any injunction or order or decree of any court of competent jurisdiction, then the period of any and all such delays shall be added to said two years. The village of Jefferson shall, however, have the right to intervene in any suit for injunction to restrain said company as aforesaid and move for dissolution of the injunction in case such suit may be deemed collusive or for the purpose of delaying or extending the time for the completion of said tracks.

¶ 5. **Grade—flagmen—maintenance of colverts, etc.**] § 5. Said Circle Railway Company shall at the time of commencing its said railway construct and shall at all times thereafter maintain all of its tracks which lie within, upon and across any streets, highways and alleys in said village, as nearly as practicable, upon a level with the grade of the street, highways and alleys so crossed, or it shall be deemed advisable or necessary by said company to cross over and above any said streets, alleys or highways at a greater or higher elevation than that of any such streets, highways or alleys, then said com-

pany shall construct, keep and maintain proper openings and passage-ways through and under said tracks so as to obstruct said streets, alleys and highways as little as practicable. Said company shall keep a flagman and shall construct and maintain gates at such crossing as shall be required by the board of trustees of said village, and shall also at the time of constructing its said railway shall construct and put in and shall at all times thereafter maintain all necessary and proper culverts and waterways to the satisfaction of the superintendent of public works and board of trustees of said village.

¶ 6. **Subject to ordinances—forfeiture.**] § 6. The privileges hereby granted are upon the further express condition that said Circle Railway Company shall be subject to all general ordinances now in force or which may hereafter be passed in the exercise of the police powers of said village concerning railroads, and a failure on the part of said company to comply with the provisions of this ordinance, or the provisions of any such general ordinances now in force or which may hereafter be passed, for a period of 90 days after notice in writing from the board of trustees of said village to the president, superintendent or other officer in charge of said railway at Chicago, shall be sufficient cause for a forfeiture of the rights and privileges granted by this ordinance and of all its tracks, buildings and right of way in said village to the village of Jefferson.

¶ 7. **Bridge over north branch of Chicago river.**] § 7. The rights and privileges hereby granted are so granted upon the express understanding and condition that whenever the north branch of the Chicago river shall become or be made navigable at the point where the proposed line of said railway shall cross said north branch, the said railway company shall construct and thereafter maintain a swing or draw-bridge over said river, of sufficient length to allow free navigation of said stream, and free passage for vessels and steamers desiring to pass.

¶ 8. **Opening streets across tracks.**] § 8. The village of Jefferson hereby expressly reserves the right to open or extend any street or public highway across and over the right of way of said proposed line of railway at such points as said village may from time to time determine, without recompense to or hindrance from the said Circle Railway Company, its successors, grantees, lessees or assigns.

¶ 9. **Train service—stations.**] § 9. Said Circle Railway Company, its successors, grantees, lessees and assigns, shall run regularly at least two exclusively passenger trains every day each way over said railway the first year, and three or more trains the second year, which shall stop for the accommodation of passengers at every station along its right of way to some convenient depot in the city of Chicago, and shall increase the service whenever and as often as the same shall be required by the increase of travel over said railway. Stations to be erected not more than two miles apart along the line.

¶ **10. Indemnity.**] § 10. The permission and authority hereby granted shall be and is upon the further express condition that said Circle Railway Company, its successors, grantees, lessees and assigns, shall and will indemnify and save harmless the village of Jefferson against and from any and all legal damages, judgments, decrees, costs and expenses of the same, which it may suffer, or which may be recovered or obtained against the said village for or by reason of, or growing out of, or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ **11. Who bound by provisions.**] § 11. The provisions of this ordinance shall be equally binding on said Circle Railway Company, its successors, lessees and assigns.

¶ **12. When in force—acceptance.**] § 12. This ordinance shall take effect and be in force when and as soon as said company shall file with the clerk of the village of Jefferson its acceptance of this ordinance, and if said company shall not file such acceptance with said clerk within sixty days after the passage and approval of this ordinance, then this ordinance shall become and be void.

Note.—See following supplemental ordinance.

An ordinance supplemental to an ordinance authorizing the Chicago Circle Railway company of Chicago to build its line of railway through a portion of the village of Jefferson, passed June 24, 1889. (Passed July 1, 1889. Accepted July 1, 1889.)

Route amended.] Be it ordained by the president and board of trustees of the village of Jefferson: § 1. That section one of an ordinance authorizing the Chicago Circle Railway Company of Chicago to build its line of road through a portion of the village of Jefferson, passed June 24, 1889, approved June 24, 1889, and published June 29, 1889, be amended to read as follows, to wit:

§ 1. That permission and authority be and the same is hereby granted to the Chicago Circle Railway Company of Chicago to construct, lay down, maintain and operate with steam power, a railway with one or more tracks, upon land now owned or hereafter to be acquired by said railway company, over and upon the following route in said village of Jefferson, to wit:

Commencing at a point on the Chicago, Milwaukee and St. Paul Railway Company's right of way, at or near Cragin in said village of Jefferson; thence north and westerly through sections 33, 28, 29 and 20, in said village, to a point near the Cook county farm; thence north and easterly through sections 17, 18, 8 and Caldwell's Indian Reservation near the south boundary line to a point near Forest Glen; thence south and east along the north branch of the Chicago river to a point nearing Deering station in the city of Lake View.

CHICAGO & EASTERN ILLINOIS RAILROAD COMPANY.

§ 220. Chicago & Eastern Illinois Railroad company.

¶ 1. Grant—route—damages—crossings—culverts.
¶ 2. When in force—bond—conditions.

An ordinance granting permission to the Chicago & Eastern Illinois Railroad company to locate, construct and operate a line of railroad in the village of Hyde Park. (Passed and approved November 27, 1882. Bond accepted November 27, 1882.)

¶ 1. Grant—route—damages—crossings—culverts.] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission be, and is hereby granted to the Chicago and Eastern Illinois Railroad Company to locate, construct and lay down, and forever hereafter operate with steam power, a line of railroad, with one or more tracks, upon the following routes, namely: Commencing at a point in said village of Hyde Park, on the line of the Chicago and Western Indiana Railroad south of the river Calumet, and run to the distillery on said river and located at Riverdale, and cross the Thornton road at right angles, at a point about one hundred and twenty-one feet south of the south bank of the river Calumet, with the right on the part of said railroad company to occupy and cross all streets and alleys, which are necessary to be occupied or crossed in the construction of said railroad: Provided, said railroad company shall pay any and all damages arising from or in any way growing out of such taking or using such portion of such streets or alleys, or any of them, to any and all persons injured or damaged by the same; and: Provided, said railroad company shall construct and maintain good and convenient crossings and sidewalks, and upon such grade or grades as may be from time to time required by the board of trustees, as well as cattle guards, culverts and warning boards across the tracks and grounds at the intersection of all streets and alleys now existing, or which may hereafter be authorized or opened by said board, and comply with, and be subject to, all laws and ordinances of said village now in force, or which may hereafter be adopted.

¶ 2. When in force—bond—conditions.] § 2. This ordinance shall not take effect until after said railroad company shall have entered into a bond with said village of Hyde Park, in the penal sum of twenty-five hundred dollars, conditioned for the payment of all damages for which said village of Hyde Park may become liable to any person or persons, by reason of the said railroad entering or running through a portion of said village of Hyde Park, or by reason of said railroad company constructing, laying down, using or occupying said railroad track or tracks in said village of Hyde Park, and conditioned, also, for the payment of all damages which may arise to the said village of Hyde Park, and to any person or persons whomsoever, by reason of said railroad company constructing, laying down, maintaining, using and occupying said railroad track or tracks, or crossing said streets or alleys within said village of Hyde Park.

§ 221. Chicago & Eastern Illinois Railroad company.

¶ 1. Ditch to be made and kept open.
¶ 2. Supervision.
¶ 3. Penalty for failure to complete.
¶ 4. Penalty for failure to keep open.

An ordinance requiring the Chicago & Eastern Illinois Railroad company to make and keep open a ditch along its track. (Passed February 28, 1887.)

¶ 1. Ditch to be made and kept open.] Be it ordained by the president and board of trustees of the village of Fernwood: § 1. That the Chicago and Eastern Illinois Railroad Company be and is hereby required to make, within two months after this ordinance shall take effect, and to keep open and in repair a ditch on the west side of and along its railroad track from Tracy avenue to Ninety-ninth street in the village of Fernwood; which ditch shall be not less than four feet wide on the bottom, and shall be of uniform and regular grade and descent throughout the whole length thereof, from the grade of the present ditch at the north side of Tracy avenue on the west side of said track, to that of the ditch on Ninety-ninth street, where it is crossed by said railroad.

¶ 2. Supervision.] § 2. That said work shall be done under supervision of the street commissioner of the village of Fernwood.

¶ 3. Penalty for failure to complete.] § 3. That the Chicago and Eastern Illinois Railroad Company shall be liable to pay to the village of Fernwood a penalty of ten dollars per day for every day said ditch shall remain incomplete after the expiration of two months from the time this ordinance shall take effect, to be recovered by suit in any court of competent jurisdiction.

¶ 4. Penalty for failure to keep open.] § 4. That said railroad company shall be liable to pay to the village of Fernwood a penalty of not less than five nor more than twenty dollars per day, for every day that it shall neglect or fail to keep open or in repair the said ditch when made, after the expiration of five days from the giving of written notice by the street commissioner of said village to any officer of said railroad company to so keep the said ditch open or in repair, to be recovered by suit in any court of competent jurisdiction.

§ 222. Chicago & Eastern Illinois Railroad company.

¶ 1. Grant—Fourth avenue—conditions—removal of tracks.
¶ 2. When in force.

An ordinance authorizing the Chicago & Eastern Illinois Railroad company to lay a track and two switches in Fourth avenue south of Twelfth street. (Passed November 12, 1888. Accepted December 3, 1888.)

¶ 1. Grant—Fourth avenue—conditions—removal of tracks.] Be it ordained by the city council of the city of Chicago: § 1. That the Chicago & Eastern Illinois Railroad Company be, and is hereby authorized and empowered to lay down, maintain and operate a single railroad track together with two switches necessary to operate said

track crossing Fourth avenue, south of Twelfth street, as hereinafter specifically designated, to wit: Commencing with a single track at a point of connection with the track now on said avenue, about 135 feet southerly from a point directly opposite the northeast corner of what is known as Severn's elevator, thence extending north and west and branching into three tracks connecting with a system of tracks on the grounds known as the Chicago, Rock Island & Pacific Railroad Company's freight house grounds. Said tracks shall not be laid so as to interfere with public travel in said street.

Provided, however, that said Chicago & Eastern Illinois Railroad Company shall cause to be laid the track and switches heretofore designated in the first section of this ordinance within thirty (30) days from the acceptance of this ordinance; and, provided, further, the said Chicago & Eastern Illinois Railroad Company shall remove, or cause to be removed, the track across Clark street which connects said freight house grounds with the tracks of the Chicago, Rock Island & Pacific Railroad Company, lying on the west side of Clark street, within sixty (60) days from the time when the said company shall commence to lay the tracks on Fourth avenue, and the commissioner of public works shall be and is hereby authorized to remove said tracks on Clark street, if the said Chicago & Eastern Illinois Railroad Company shall not remove the same within the time herein designated; and, provided, further, that the said Chicago & Eastern Illinois Railroad Company shall restore the paving and sidewalk upon Clark street and the paving of Fourth avenue, where disturbed by the removal of said track across Clark street, and by the building of said tracks on Fourth avenue, to as good a condition as may be practicable, and to the satisfaction of the department of public works.

¶ **2. When in force.**] § 2. This ordinance shall be in force from and after its passage.

CHICAGO & GREAT WESTERN RAILROAD COMPANY.

(La Salle & Chicago Railroad company.)

§ 223. Chicago & Great Western Railroad company. (La Salle & Chicago Railroad company.)

¶ 1. Grant—route—depot grounds of another company.
¶ 2. Crossing streets and alleys.
¶ 3. Authority to operate—motive power.
¶ 4. Authority to depress tracks—viaducts.
¶ 5. Subject to ordinances.
¶ 6. Indemnity.
¶ 7. Damages to private property—suits to ascertain.
¶ 8. Side tracks.
¶ 9. Joint user—terms.
¶ 10. Purchase of property—option of owner to sell—arbitration.

An ordinance concerning the La Salle & Chicago Railroad company. (Passed May 13, 1872.)

¶ 1. **Grant—route—depot grounds of another company.**] Be it ordained by the common council of the city of Chicago: § 1. That permission and authority be, and the same are hereby, given and granted unto the La Salle and Chicago Railroad Company to lay down, maintain and operate one or more railroad tracks along and upon the following named route and streets in the city of Chicago, to wit: Commencing at the western city limits, adjacent to the right of way of the Chicago, Burlington and Quincy Railroad Company, thence, as near as practicable, to the said Chicago, Burlington and Quincy Railroad tracks to Rebecca street, thence on the south half of Rebecca street to, or near, the east end of Rebecca street, thence to Meagher street; thence on the south side of Meagher street (and on the alleys between Johnson and Halsted streets, running on a line nearly due west of Meagher street) and across Meagher street into Stewart avenue; thence north on Stewart avenue and Beach street to Harrison street; thence north across Harrison street on the east side of the tracks of the Pittsburgh, Fort Wayne and Chicago Railroad Company, on any property said La Salle and Chicago Railroad Company may acquire by purchase, condemnation or otherwise, to the south line of West Adams street; Provided, that the La Salle and Chicago Railroad Company shall not in entering the city occupy or cross the depot grounds of another company.

¶ 2. **Crossing streets and alleys.**] § 2. The said railroad company may cross any and all streets and alleys and railroad tracks upon or along the line of its said route. Said company to be subject to the directions of the board of public works of said city, in the construction of its said tracks and the keeping in repair of so much of said streets, alleys and crossings as may be occupied by said railroad company with its tracks, switches and turnouts.

¶ 3. **Authority to operate—motive power.**] § 3. The said railroad company may, and it is hereby authorized to, lay down, maintain and operate one or more railroad tracks, with such turnouts, side tracks, switches and turn tables as it shall deem necessary, over or across any land which it may acquire upon the line of said route, or said streets, or between the same on the line of said route, either by purchase, condemnation or otherwise, and the said railroad company may use and operate its railroad tracks, hereby authorized to be laid, with locomotive engines and cars, or with horse or other animal power, as it shall deem proper, subject to all ordinances of the city of Chicago applicable to railroads similarly situated.

¶ 4. **Authority to depress tracks—viaducts.**] § 4. The said railroad company shall have the right, and is hereby authorized, to depress its tracks, to bridge the cross streets over said tracks, and to employ such other means as to such cross streets as it may deem necessary to secure quick transit, under the direction and superintendence

of the board of public works of the city of Chicago, and all bridges, when erected, with the approaches thereto, shall belong to, and be the property of the city of Chicago. Convenient crossings shall be made and maintained by said company where said track or tracks cross any street or alley within said city, according to the directions of the board of public works of said city; but the permission and authority herein granted are upon the express condition that the said company shall erect viaducts over its said tracks on any street or streets of said city which may be crossed by its said tracks where and as the said board of public works or the common council may from time to time require; Provided, that said viaducts shall have approaches thereto on either side thereof; said approaches to have an elevation of not more than one foot to every forty feet in length, and that said approaches to said viaduct or viaducts shall likewise be erected, built and maintained at the expense of said railroad company; Provided, however, that said company shall not be required to erect more than two of such viaducts in any one year; and that where such viaducts cannot be built at any such crossing without the same be built over the track or tracks of some other railway company or companies, then said company shall only be obliged to join with such other last mentioned railroad company or companies, and to pay its fair proportion of the costs of such viaduct or viaducts, and that such viaducts shall be erected under the superintendence of and in such manner as said board of public works may require; but it is hereby provided that the first two viaducts to be erected in pursuance of this ordinance shall be, one over the Canal street crossing and one over the Halsted street crossing, and that if a viaduct shall be built over the said Canal street crossing before said La Salle and Chicago Railroad shall lay down a track across said Canal street, the said La Salle and Chicago Railroad Company shall pay its fair proportion (with other railroad companies) of the costs of said last mentioned viaduct.

¶ 5. **Subject to ordinances.**] § 5. The said railroad company shall be subject to all general laws and ordinances of the common council of the said city, in relation to railroads.

¶ 6. **Indemnity.**] § 6. The permission and authority hereby granted are upon the further express condition that the said LaSalle and Chicago Railroad company shall and will forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs and expenses of same which it may suffer or which may be recovered or obtained against said city for or by reason of the granting of such privileges and authority, or for or by reason of, or growing out of, or resulting from the passage of this ordinance or any matter or thing connected therewith, or with the exercise by the said company of the privileges hereby granted.

¶ 7. **Damages to private property—suits to ascertain.**] § 7. The permission and authority herein granted are upon the further express condition that said railroad company shall and will, with-

in three years from the time that said company shall lay down and construct said track or tracks upon said streets, commence and prosecute in good faith, in some court of competent jurisdiction, proceedings for the ascertainment of and the making of compensation for all legal damages that may be suffered by any person or persons in their property or possessions by reason of such laying down and construction of such track or tracks, or any part thereof; and that having so commenced such proceedings said railroad company shall prosecute the same in good faith, without unreasonable delay, to completion; Provided, that this section shall not apply to any property or possessions the owner of or party interested in which shall not have claimed such compensation within said three years.

¶ **8. Side tracks.**] § 8. The permission and authority herein granted are upon the further express condition, to wit: That said La Salle and Chicago Railroad company shall permit any corporation, person or persons, duly authorized by ordinance of said city, to construct side tracks to intersect any track or tracks of said railroad company, within the limits of said city, for the purpose of conveying property to and from said railroad to any warehouse, lumber yard, coal yard or manufactory situated within one thousand (1,000) feet of such railroad, and upon reasonable compensation being made therefor shall at all times permit the owner or lessees of any such side track, or the consignees of any property, to take the cars containing such property to him or them consigned to any such warehouse, lumber yard, coal yard or manufactory situated upon any such side track; and that any such owner, lessee or person conducting or carrying on any such warehouse, lumber yard, coal yard or manufactory shall be entitled to have any property taken from any such warehouse, lumber yard, coal yard or manufactory over any such side track to and upon the track of said railroad, under the direction and regulations of said La Salle and Chicago Railroad Company, without unreasonable delay; Provided, however, that any cars so taken shall be returned without any unnecessary delay.

¶ **9. Joint user—terms.**] § 9. The privileges authorized herein are granted upon the express condition that the La Salle and Chicago Railroad Company shall permit any other railroad companies, not exceeding two in number, which have not at present any right of entrance into the city of Chicago under any ordinance or grant of said city, to use the said tracks hereby authorized to be laid on the streets herein named jointly with the said LaSalle and Chicago Railroad Company (and to lay down tracks upon and across any lands owned, leased or occupied by the said LaSalle and Chicago Railroad Company, when necessary to the exercise of the privileges hereby granted), upon such fair and equitable terms as may be agreed upon by said companies; and in the event that said companies cannot agree upon such terms, the same shall be settled by three disinterested persons, one to be selected by said La Salle and Chicago Railroad Company, one to be named by

such other company as may desire to use said tracks, and the third by the said two persons, and the terms and conditions which shall be fixed and determined by said persons, or a majority of such persons, shall be the terms and conditions upon which said companies respectively shall use and occupy said tracks and lay down tracks upon and across said lands; and such other railroad companies which may be allowed the use of said tracks shall have the same privileges to run cars upon and across said streets and alleys as are herein granted to said La Salle and Chicago Railroad Company, and shall be subject to all the conditions, restrictions and terms contained in this ordinance.

¶ 10. **Purchase of property—option of owner to sell—arbitration.**] § 10. The rights and privileges hereby granted are upon the further express condition that the La Salle and Chicago Railroad Company shall purchase (and pay for the same), from all resident owners who may desire to sell the same, the property upon which they respectively now reside, fronting upon any street, before it lays its tracks upon the part of said street in front of the said property, and in case the property owners above referred to and said railroad company cannot agree upon the value of said premises as above stated, then said property owners shall select one person, said railroad company one person, and said two men so selected shall select a third person, and said three persons so selected shall be and are hereby constituted a committee of arbitration, and who shall appraise the value of said premises within thirty (30) days after said appointment, and the appraisement and decision of said three persons, or of a majority of such three persons, shall be final and binding upon said railroad company, and upon said property owners. The term "fronting" shall be held to include both fronts of corner lots: Provided, further, that this ordinance shall be null and void unless the tracks herein provided for shall be constructed within two years from the date of the passage thereof.

Note.—See following amendatory ordinance.

§ 224. Chicago & Great Western Railroad company. (La Salle & Chicago Railroad company.)

¶ 1. Preamble—amendatory.
¶ 2. Additional grant—route—track laying in streets.
¶ 3. Crossing tracks, streets, etc.—subject to limitations.
¶ 4. Repeal of part of ordinance—conditions.

An ordinance to amend an ordinance entitled "An ordinance concerning the La Salle & Chicago Railroad company," passed May 13, 1872. (Passed May 11, 1885. Accepted July 6, 1885, by the Chicago & Great Western Railroad company.)

Preamble.] Whereas, The name of the La Salle and Chicago Railroad Company has been, under and by virtue of the statute in such case made and provided, changed to the "Chicago and Great Western Railroad Company," which is now the name of said corporation: Therefore, be it ordained by the city council of the city of Chicago:

¶ 1. **Amendatory.**] § 1. That an ordinance entitled "An ordinance concerning the La Salle and Chicago Railroad Company," passed May 13, A. D. 1872, be and is hereby amended by the insertion of the words, "now the Chicago and Great Western Railroad Company," immediately after the words, the "La Salle and Chicago Railroad Company," whenever said last mentioned words occur in said original ordinance; also by substituting the words, "department of public works," in place of the words, "board of public works," whenever said last mentioned words occur in said original ordinance; also by the insertion of the words, "or shall make any and all necessary extensions of viaducts already constructed," immediately after the words, "shall erect viaducts over its said tracks," in section 4 of said original ordinance; also by the insertion of the words, "such viaducts shall be so erected or so extended," in place of the words, "such viaducts shall be erected," in section 4 of said original ordinance; also by adding to section 6 of said original ordinance the following: "or from the erection or extension of viaducts over the tracks of said company, or the approaches thereto, or from any act or acts of the said company, under or by virtue of the provisions hereof; also by the insertion of the words, "the property upon which they respectively reside," in place of the words, "the property upon which they respectively now reside," in section 10, of said original ordinance.

¶ 2. **Additional grant — route — track laying in streets.**] § 2. That in addition to the permission and authority given and granted to said company, in and by said original ordinance, and still held by said company to lay down tracks within said city, further permission and authority be and is hereby given and granted to said railroad company, to lay down, maintain and operate one or more railroad tracks with the necessary and convenient side tracks, switches and appurtenances over, upon and along such property as it now holds, or has acquired the right to lay tracks upon, or which it may hereafter acquire by purchase, condemnation or otherwise, over, along and upon the following route: Commencing at the west line of said city of Chicago, at some convenient point to be selected by said railroad company, between West Twelfth street and the line of West Polk street, extended west to the city limits; thence to or near the tracks of the Pittsburg, Cincinnati and St. Louis, and the Chicago and Northwestern Railroads; thence southerly and easterly and within six hundred (600) feet of the said last mentioned tracks to Wood street; thence easterly and between the tracks of the Chicago, Burlington and Quincy Railroad Company and the line of the alleys running east and west through the tier of blocks bounded on the north by West Fifteenth street to Morgan street; thence easterly and between the tracks of said Chicago, Burlington and Quincy Railroad, and the center line of the blocks bounded north by Wright street, to or near Stewart avenue; thence by such curves as may be necessary, and northerly and easterly, and between Canal street and Fifth avenue to Van Buren street on

the west side, or Harrison street on the east side of the Chicago river; with a branch from said main line, at some convenient point between Rockwell and Leavitt streets, southerly to the city limits of the city of Chicago; Provided, however, that not more than two of said main tracks with switches and side tracks shall be laid longitudinally in any street or streets upon said original route, and that said tracks shall all be laid as near as practicable to the north end of the viaducts over Canal and Halsted streets and Blue Island and Center avenues.

¶ 3. **Crossing tracks, streets, etc.—subject to limitations.**] § 3. The said railroad company may cross any and all railroad tracks, streets, alleys and highways upon or along the line of said route, but the permission and authority hereby granted shall be subject to all the limitations and conditions of the ordinance to which this is an amendment, except as the same may be expressly repealed by this amended ordinance.

¶ 4. **Repeal of part of ordinance—conditions.**] § 4. The proviso contained in section 10 of said original ordinance is hereby repealed, and in lieu thereof, it is hereby ordained that the said original ordinance and this amended ordinance shall be null and void, unless the tracks of said company shall be constructed from the terminal station at or near Harrison street to the southern or western limits of said city within three (3) years from the passage of this amended ordinance; said three years to be exclusive of any and all delays arising from, or occasioned by legal proceedings against said company or by the acts of said city of Chicago, its officers, agents and servants.

§ 225. Chicago & Great Western railroad.

¶ 1. Grant—route.
¶ 2. Grant for telegraph line.
¶ 3. Subject to ordinances.
¶ 4. Ditches and culverts.
¶ 5. Opening streets.
¶ 6. Time of completion.
¶ 7. When in force.

An ordinance granting right of way to the Chicago & Great Western Railroad company. (Passed September 5, 1885.)

¶ 1. **Grant — route.**] Be it ordained by the board of trustees of the town of Cicero: § 1. That permission and authority be and the same are hereby granted to the Chicago and Great Western Railroad Company, its grantees, lessees, successors and assigns, to lay down, maintain and forever use and operate with steam power one or more railroad tracks with the necessary side tracks, switches and appurtenances over, upon and along such property as it now holds, or which it may hereafter acquire by purchase, condemnation or otherwise on the following routes, that is to say:

Commencing at the east boundary line of said town of Cicero at some convenient point to be selected by said railroad company between the north line of West Twelfth street and the south line of West

Polk street extended west to the city limits of Chicago; thence west and westerly through section fifteen, town thirty-nine north, range thirteen, east of the third P. M., between the north line of Twelfth and the south line of West Polk streets extended west through said section fifteen; thence through that part of section sixteen in said town and range lying south of the abandoned right of way of the St. Charles Air Line Railroal; thence through the south half of section seventeen in said town and range and the south three-quarters of section eighteen in said town and range to the west line of said town of Cicero.

Also another line upon the following route, that is to say: Commencing at some convenient point to be selected by said railroad company on the line of the Illinois and Michigan canal on the east half of section thirty-six, in town thirty-nine north, range thirteen, in said town of Cicero, and running thence southerly over and across that part of said east half of said section thirty-six lying south of said Illinois and Michigan canal.

And, also, at any and all times hereafter, to lay down upon adjoining lands which it may acquire, and maintain and forever use such switches, sidings, turnouts, yards and track connections with any railroad now or hereafter constructed.

And for said purposes the right is hereby granted to cross with said tracks all of the streets, highways, alleys and railroad tracks upon or along the line of said routes, switches, sidings, turnouts, yards and track connections.

¶ **2. Grant for telegraph line.**] § 2. Permission is also hereby granted to the said Chicago and Great Western Railroad Company, its grantees, lessees, successors and assigns to erect and forever maintain and use a telegraph line consisting of one or more lines of wire, with necessary poles along said lines of said railroad company, on the different routes hereinbefore designated.

One (1) wire shall be furnished and attached to the telegraph poles of the company for the exclusive use of the town officials of the town of Cicero, when so ordered by the town, as a telephone wire, the original and actual cost of the wire, as also the cost of maintenance of same, to be paid by the town, as and when the material is furnished and the expenses are incurred by the railroad company.

¶ **3. Subject to ordinances.**] § 3. Said railroad company, its grantees, lessees and successors shall keep and perform all laws and ordinances obligatory and binding upon it to be kept and performed, pertaining to the management, regulation and control of railroad and telegraph companies, and also in respect to ditches, drains and sewers, and the suitable and proper maintenance of street and railway crossings and the proper police and health regulations of said town.

¶ **4. Ditches and culverts.**] § 4. A ditch on the north side of said track or tracks shall be constructed and maintained by said company so as to constitute perfect drainage into the ditches and

sewers running north and south under said right of way, and good, well-built stone culverts, at least six feet in width, shall be constructed by said railroad company free of expense to the town where the right of way crosses the west ditch on 40th street, also culverts of like character into the west ditches at 48th street, Robinson avenue, Central avenue, Ridgeland, Oak Park, Austin avenues, and east side of Harlem avenue, and good substantial rests shall also be laid across the sewers on Ridgeland and Oak Park avenues so as to protect said sewers from damage by the running of trains, and wherever said town shall decide to cross said right of way either by the extension of avenues, streets or alleys now existing, or by the opening of new ones and culverts shall be necessary for suitable drainage, it shall be the duty of said company to construct such culverts at its own expense promptly upon being notified to do so.

¶ **5. Opening streets.**] § 5. Be it further ordained that when the town of Cicero shall deem it necessary to open new, or extend old, streets, avenues or alleys in said town, across the right of way of said railroad company, except in section sixteen, and that part of section fifteen lying west of the Belt line, it, said town, shall have the right to do so free of charge or expense, and for that purpose shall have the right to enter upon the right of way of said railroad and construct crossings thereon, which crossings, when so constructed, together with all crossings of streets, avenues, or alleys made by said company in constructing its road, shall be kept in good order and repair free of expense to the town. Nothing in this ordinance contained shall be construed to permit said road to occupy any avenue, street or alley lengthwise, that is shown upon any plat of any part of the town.

¶ **6. Time of completion.**] § 6. Further, all the foregoing rights, privileges and franchises are hereby expressly granted upon condition that said road is fully completed east and west through said town within three years from the date of this ordinance, and in case the same shall not be done, said town shall have full right and power to enter upon the right of way of said company within said town where the same crosses or occupies any avenue, street, alley or other public place and remove all rails, ties, roadbed or anything appertaining or belonging thereto, and restore said avenues, streets, alleys or places to their first and former condition, and the right of said company to all the rights and privileges herein granted shall at once cease and determine, and this ordinance become null and void.

¶ **7. When in force.**] § 7. This ordinance shall be in full force and effect from and after its passage.

§ 226. Chicago & Great Western Railroad company.

¶ 1. Viaduct at Polk street.

An ordinance directing the construction of a viaduct over the tracks of the Chicago & Great Western Railroad company and Fifth avenue, on Polk street, and the change of the height of Polk street bridge, and the grade of the street made necessary thereby. (Passed March 21, 1887. Accepted March 28, 1887.)

¶ 1. Viaduct at Polk street.] Be it ordained by the city council of the city of Chicago: § 1. That, whereas, by ordinance passed May 13th, 1872, entitled "An ordinance concerning the La Salle and Chicago Railroad Company," and an ordinance amendatory thereof, passed May 11th, 1885, it is provided that the La Salle and Chicago Railroad Company (now the Chicago and Great Western Railroad Company), shall erect such viaducts over its tracks on any street which may be crossed by its said tracks, when and as the department of public works, or the city council may require, with a provision that said company shall not be required to erect more than two viaducts in any one year; and

Whereas, said company is constructing its road across Polk street, west of Fifth avenue, and adjacent thereto; and

Whereas, said company has made certain changes in the viaduct over Halsted street and Blue Island avenue, which changes are not equivalent to the construction of new viaducts;

Therefore, said Chicago and Great Western Railroad Company is hereby directed and required to commence within fifteen (15) days from the passage hereof, the construction of a viaduct over its proposed tracks which cross Polk street, between Fifth avenue and the Chicago river, and over Fifth avenue, making all necessary changes in elevation and grades of Polk street and Polk street bridge, all in conformity to plans and specifications therefor, now on file in the office of the city engineer.

§ 227. Chicago & Great Western Railroad company.

¶ 1. Preamble—authority to erect viaduct—time limit.
¶ 2. Superintendent—plans, etc.
¶ 3. Authority of city to change height of Polk street bridge.
¶ 4. Grades established.
¶ 5. Cost paid by company—indemnity to city.
¶ 6. Approach from Fifth avenue terminus—agreement.
¶ 7. Rights of city reserved.
¶ 8. When in force—acceptance.

An ordinance authorizing the Chicago & Great Western Railroad company to construct a viaduct at Polk street. (Passed June 11, 1888. Accepted June 15, 1888.)

¶ 1. Preamble—authority to erect viaduct—time limit.] Be it ordained by the city council of the city of Chicago: § 1. Whereas, the Chicago and Great Western Railroad Company was granted certain rights and privileges by virtue of an ordinance of the city of Chicago, passed on the 11th day of May, A. D. 1885, and,

Whereas, Under the said ordinance the said Chicago and Great Western Railroad Company assumed certain obligations therein enumerated, concerning viaducts over its tracks at street crossings; therefore,

Be it ordained by the city council of the city of Chicago: That the Chicago and Great Western Railroad Company are hereby authorized to erect and complete within five months from the passage of and acceptance of this ordinance, a good and sufficient viaduct on Polk street, over the tracks of the said Chicago and Great Western Railroad Comapny, with an approach from Polk street upon their own property as specified in the plans and specifications.

¶ 2. **Superintendence—plans, etc.**] § 2. That the said viaduct shall be constructed and erected under the supervision and control of the commissioner of public works in accordance with plans and specifications drawn by the city engineer of the city of Chicago, and approved by the and filed with the commissioner of public works, the 11th day of June, A. D. 1888.

¶ 3. **Authority of city to change height of Polk street bridge.**] § 3. That the commissioner of public works is hereby authorized and empowered to make all changes in the height of the Polk street bridge necessary to conform to the plan and specifications for the construction and completion of said viaduct at Polk street.

¶ 4. **Grades established.**] § 4. That the grade at the points herein designated, be and the same is hereby established as follows:

Grade at Polk street, west line of 5th avenue, 29.3.
At 120 feet west of the west line of 5th avenue, 29.3.
At 288 feet west of west line of 5th avenue, 24.5.
At east end of Polk street bridge, 23.5.
At twenty feet west of west end of bridge, 23.5.
At east line of Ellsworth street, 19.5.

¶ 5. **Cost paid by company—indemnity to city.**] § 5. The Chicago and Great Western Railroad Company shall pay the entire cost of the construction and completion of said viaduct over its tracks on Polk street, and shall also pay the entire cost of the approach from Polk street on its own property, and shall also pay the entire cost that may accrue by reason of changing the height of Polk street bridge, and shall also pay the entire cost of changing the grade of Polk street and Fifth avenue, and the said Chicago and Great Western Railroad Company shall forever indemnify and save harmless the city of Chicago against and from any and all damages, including land damages, judgments, decrees, costs and expenses of the same which it may suffer, or which may be recovered, or obtained against said city, for or by reason of, or growing out of, or resulting from the passage of this ordinance, or with the exercise by said company of the privileges hereby granted, or from the construction of said viaduct and the approach for said Polk street aforesaid, or from said changes in the height

of Polk street bridge, or from the changes in the grade of Polk street and Fifth avenue.

¶ 6. **Approach from Fifth avenue terminus — agreement.**] § 6. The permission and authority are hereby given upon the express understanding and agreement that the said Chicago and Great Western Railroad Company shall in their written acceptance of this ordinance agree to pay the sum of sixty thousand dollars towards the cost of constructing an approach from the present terminus of Fifth avenue at the south side of Taylor street to Twelfth street. All payments under the provisions of this ordinance to be made by the Chicago and Great Western Railroad Company shall be made upon certificates drawn and approved by the commissioner of public works, as the work progresses.

¶ 7. **Rights of city reserved.**] § 7. The city of Chicago by the passage of this ordinance waives no rights and privileges that it may have by virtue of any ordinances heretofore passed in relation to viaducts and approaches thereto, at streets intersecting the tracks of the Chicago and Great Western Railroad Company, but it is expressly agreed that upon the performance of the conditions of this ordinance the said Chicago and Great Western Railroad Company shall be released from any further obligations concerning viaducts on and approaches to Polk street, save and except their proper charges for the maintenance of said viaduct and approach herein authorized.

¶ 8. **When in force—acceptance.**] § 8. This ordinance shall take effect and be in force from and after its acceptance in writing by said company; Provided, however, that unless said acceptance shall be filed with the city clerk within thirty days of the passage hereof, this ordinance shall be null and void.

CHICAGO, HARLEM & BATAVIA RAILWAY COMPANY.

(Successors to Chas. R. Vandercook and the Chicago & Western Dummy Railway company.)

§ 228. Chicago, Harlem & Batavia Railway company.

¶ 1. Preamble.
¶ 2. Grant—route—damages.
¶ 3. Motive power.
¶ 4. Track, how laid.
¶ 5. Indemnity clause.
¶ 6. Rate of fare.
¶ 7. Running time.
¶ 8. Time of completion.
¶ 9. Rights forfeited, when.
¶ 10. Term of grant.
¶ 11. Reservation of rights.
¶ 12. Bond.
¶ 13. When in force.

An ordinance authorizing the construction and operation of a dummy railway in the town of Cicero, county of Cook and state of Illinois, on the following named streets: On West Fortieth street, from Madison street to Randolph street, thence west on Randolph street to Robinson avenue, thence north on Robinson avenue about four hundred feet, thence west over private property to Willow avenue, thence north on Willow avenue to Bennett street, thence west on Bennett street to Park avenue, thence north to Kinzie street, thence west along the south line of the right of way of the North Western railway to the east line of Oak Park avenue. (Passed April 26, 1879.)

¶ 1. **Preamble.**] Whereas, Charles R. Vandercook has presented to this board a petition praying that this board give and grant to him the privileges and franchise of constructing and operating a dummy railway in said town; therefore,

¶ 2. **Grant—route—damages.**] Be it ordained by the board of trustees of the town of Cicero: § 1. That permission and consent are hereby given and granted to the said Charles R. Vandercook, his heirs, executors, administrators and assigns, to lay down, operate and maintain a single track railway, with all necessary and convenient turnouts, turn tables and side tracks and switches in, upon, over and along the following named streets and directions, viz:

Commencing on West Fortieth street, the west half at the intersection of Madison street, thence north on West Fortieth street to Randolph street, thence west on Randolph street to Robinson avenue, thence north on Robinson avenue about four hundred feet, thence west over private property to Willow avenue, thence north on Willow avenue to Bennett street, thence west on Bennett street to Park avenue, thence north on Park avenue to the south line of the said right of way, partly on private property and partly on North street to the east line of Oak Park avenue.

Provided, however, that if he or they desire to lay or run such railway through or upon private property, he or they shall first obtain the consent of the owner or owners thereof, and also,

Provided, that said Charles R. Vandercook, his heirs, executors, administrators, associates or assigns, shall pay all damages to the owners of property abutting upon the said streets which they may sustain by reason of the location or construction of the said railroad thereon.

¶ 3. **Motive power.**] § 2. The gauge of said railway shall be four (4) feet and eight and a half (8½) inches wide, and the cars, carriages and engines to be used on said railway track or tracks may be operated by steam, and the engines used thereon shall be such as are commonly called dummy engines.

¶ 4. **Track, how laid.**] § 3. The track or tracks of said railway shall not be elevated above the surface of the street at any street crossing, and shall be laid of the modern "T" rail, and shall be so laid that carriages and other vehicles can easily and freely cross said track or tracks, switches and turn tables at any and all street crossings without obstruction, and the said Charles R. Vandercook, his heirs, ex-

ecutors, administrators, associates and assigns, shall at all times keep that portion of the street as shall be occupied by such tracks, switches and turn tables in as good repair and condition as are the other portions of the streets on which said tracks are laid.

Said road shall be so constructed that the ties or sleepers shall be sunk to the level of the surface of the streets and the crossings of streets and sidewalks shall be planked with at least two-inch plank between and on either side of the rails.

¶ **5. Indemnity clause.**] § 4. And the said Charles R. Vandercook, his heirs, executors, administrators, associates and assigns, shall save and keep harmless the said town of Cicero of and from any and all loss, damages and expense which it may sustain or be made liable for by reason of the construction, operation and maintenance of said railroad and its appurtenances, or by reason of any fault, carelessness, neglect or misconduct of said Charles R. Vandercook, his heirs, executors, administrators, associates or assigns, or his or their agents, or servants in constructing, operating or maintaining said railroad and appurtenances, or by reason of any neglect or failure to comply with the provisions of this ordinance.

¶ **6. Rate of fare.**] § 5. The fare shall not exceed five cents to any and all points within said town of Cicero.

¶ **7. Running time.**] § 6. Cars shall commence running as early as 6 o'clock a. m.. and through cars shall leave their terminus of said road as often as once in sixty minutes until 11 o'clock at night.

¶ **8. Time of completion.**] § 7. The rights and privileges and consent hereby granted to the said Charles R. Vandercook, his heirs, executors, administrators, associates and assigns, shall be forfeited to the said town of Cicero unless said railway shall be fully completed and ready for use and in operation from the east line of the town to the said Oak Park avenue in accordance with the terms hereof on or before the first day of November, A. D. 1879.

Provided, however, that if the said Charles R. Vandercook, his heirs, executors, administrators, associates or assigns, should be delayed by order or injunction of any court, the time of such delay shall be excluded and the same time in addition to the period above described shall be allowed for the completion of said railway as that during which he or they may have been so delayed.

¶ **9. Rights forfeited, when.**] § 8. If the said Charles R. Vandercook, his heirs, executors, administrators, and assigns, at any time shall fail to operate said road as herein provided for the space of thirty days, or shall permit any final judgment obtained against said town for damages occasioned by reason of the construction or operation of said road or by reason of the negligence or misconduct of said Charles R. Vandercook, his heirs, executors, administrators, associates or assigns, in respect to the construction or operation of said road shall remain unpaid for the space of twenty days, provided said Charles R.

Vandercook, his heirs, executors, administrators, associates or assigns, shall have been duly cited in to defend the suit in which said judgment was rendered, then the said Charles R. Vandercook, his heirs, executors, administrators, associates and assigns, shall forfeit the rights hereby granted, and the same shall cease and determine.

¶ **10. Term of grant.**] § 9. The right to operate said railway shall extend to the first day of April, A. D. 1898, at which time the rights and privileges herein and hereby granted shall cease unless the same are further extended.

¶ **11. Reservation of rights.**] § 10. The right is hereby reserved to regulate by ordinance the speed and the time and manner of running cars upon and operating said railroad, and also the right at all times to determine by ordinance on what portion of the said streets said tracks, side tracks and turnouts shall be located, and to require any change in the location upon said streets of said tracks, side tracks and turnouts the rights and privileges hereby granted shall at all times be subject to all police regulations and ordinances of a general nature that now are in force or may hereafter be passed.

¶ **12. Bond.**] § 11. The said Charles R. Vandercook shall for himself, his heirs, executors, administrators and assigns, enter into a good and sufficient bond with security to the said town of Cicero, in the penal sum of ten thousand ($10,000) dollars to be approved by the board of trustees of the town of Cicero, conditioned for the faithful performance of all the terms and conditions herein contained, and also conditioned as provided in section four of this ordinance.

¶ **13. When in force.**] § 12. This ordinance shall take effect and be in force as soon as the same shall have been accepted by the said Charles R. Vandercook, and he shall have made and executed the bond provided for herein in manner and form as hereinbefore required, and the same has been approved by said board of trustees.

Note.—See following ordinance.

CHICAGO & WESTERN DUMMY RAILWAY COMPANY.

§ 229. Chicago & Western Dummy railway company.
¶ 1. Preamble.
¶ 2. Former grant confirmed.
¶ 3. Route.
¶ 4. Motive power.
¶ 5. Tracks, how laid.
¶ 6. Indemnity clause.
¶ 7. Rate of fare.
¶ 8. Term of grant.
¶ 9. Reservation of rights.

¶ 10. Subject to ordinances.
¶ 11. Culverts.
¶ 12. When in force.

An ordinance in relation to the construction and operation of a dummy railway in the town of Cicero. (Passed August 20, 1881.)

¶ 1. Preamble.] Whereas, the board of trustees of the town of Cicero, on the 26th day of April, A. D. 1879, passed an ordinance giving its permission and consent to Charles R. Vandercook, his heirs, executors and assigns, to law down and operate a dummy railway with all necessary turnouts, turn tables, side tracks and switches on certain streets in the said town, and

Whereas, The said Vandercook has sold and transferred such rights and franchises to the Chicago and Western Dummy Railway Company; it is therefore:

¶ 2. Former grant confirmed.] Ordained by the board of trustees of the said town of Cicera: § 1. That the powers and privileges given and granted said Vandercook are hereby fully confirmed in and to the said Chicago and Western Dummy Railway Company, their successors and assigns, for a period of twenty (20) years from and after the passage of this ordinance, except as hereinafter specified and excepted.

¶ 3. Route.] § 2. That permission and consent are hereby given and granted to the said Chicago and Western Dummy Railway Company, its successors or assigns, to lay down, operate and maintain a single track railway with all necessary and convenient turnouts, turn tables, side tracks and switches upon and over and along the following named streets, avenues and directions, viz.: Commencing on the west half of West 40th street at the intersection of Madison street and running thence north on West 40th street to Randolph street, thence west on Randolph street to Robinson avenue, thence north on Robinson avenue about four hundred feet, thence west (over private property, the right to pass over which the said Vandercook claims he has obtained, and if not legally obtained they shall hereafter obtain by the consent of the owners or otherwise) to Willow avenue, thence north on Willow avenue to Bennett street, thence west on Bennett street (or sometimes called Randolph street) the west line of 4th avenue in the village of Austin, thence (over private property, the right to pass over which shall be acquired by said company by agreement with the owners thereof or otherwise) to the east end of Park avenue, in the village of Ridgeland, thence west on Park avenue to Oak Park, thence north on Oak Park avenue to the east end of Division street in the village of Oak Park and thence west on Division street to the west line of the town of Cicero and also to cross all streets, alleys and highways between the termini of said route in this section mentioned.

And whereas, the route in this section mentioned differs from that described in the old ordinance granting like privileges to said Vandercook, passed on the 26th day of April, A. D. 1879, the route herein

described shall be taken as in lieu thereof and the rights to the other route are hereby repealed and declared null and void and no longer in force, and the acceptance hereof by the said company shall be taken as its acquiescence herein.

Provided said company shall and the above consent is given and granted upon the express condition that the said company, its successors, and assigns, shall pay all damages to the owners of property abutting upon the said streets and highways which they may sustain by reason of the location or construction of the said railway thereon.

¶ 4. **Motive power.**] § 3. The gauge of said railway shall be four (4) feet and eight and a half (8½) inches wide, and the cars, carriages and engines to be used on said railway track or tracks may be operated by steam, and the engines used thereon shall be such as are commonly called "dummy engines."

¶ 5. **Tracks, how laid.**] § 4. The track or tracks of said railway shall not be elevated above the surface of the streets at any street crossings, and shall be laid of modern "T" rail, and shall be so laid that carriages and other vehicles can easily and freely cross said track or tracks, and any and all streets and alley crossings without obstruction, and the said company, its successors and assigns, shall at all times keep that portion of the street which shall be occupied by such tracks, switches and turn tables in as good repair and condition as are the other portions of the streets on which said tracks are laid.

Said road shall be so constructed that the ties or sleepers shall be sunk to a level of the surface of the street and the crossings of the streets and sidewalks shall be planked with at least two-inch plank between and on either side of the rails.

¶ 6. **Indemnity clause.**] § 5. And the said company and its successors and assigns shall save and keep harmless the said town of Cicero of and from any and all loss, damages and expenses which it may sustain or be made liable for by reason of the construction or maintenance of the said railroad and its appurtenances, or by reason of any fault, carelessness, neglect or misconduct, of the said company and its successors and assigns, or its agents or servants, in constructing, operating and maintaining said railroad and its appurtenances, or by reason of any neglect or failure to comply with the provisions of this ordinance.

¶ 7. **Rate of fare.**] § 6. The said company and its successors and assigns shall not be allowed to charge more than ten cents for any one passenger to any and all points within the limit of said town of Cicero.

¶ 8. **Term of grant.**] § 7. The right to operate the said railroad shall extend to the first day of July, A. D. 1901, at which time the rights and privileges herein and hereby granted shall cease unless the same are further extended.

¶ 9. **Reservation of rights.**] § 8. The right is hereby re-

served to regulate by ordinance the speed and the time and the manner of running cars upon and operating said railroad and also the right at all times to determine by ordinance in what portion of said streets said tracks, side tracks (turn tables) and turnouts shall be located, and to regulate and change the same.

¶ 10. **Subject to ordinances.**] § 9. The rights and privileges hereby granted shall at all times be subject to the police regulations, powers and ordinances of said town.

¶ 11. **Culverts.**] § 10. It shall be the duty of the said company and its successors and assigns to keep all culverts under its tracks free from all obstructions at all times, and to build such culverts under its tracks of the kind, character and description as the said board of trustees shall from time to time direct, and the acceptance of the rights and franchises granted by this ordinance by said company shall be held to be as its consent to the obligations in this section mentioned.

¶ 12. **When in force.**] § 11. This ordinance shall take effect and be in force from and after its passage.

Note.—See following ordinance.

CHICAGO, HARLEM & BATAVIA RAILWAY COMPANY.

§ 230 Chicago, Harlem & Batavia Railway company.
¶ 1. Former grant confirmed.
¶ 2. Anthracite coal—crossings—gates.
¶ 3. Rights forfeited, when.
¶ 4. Time of completion.
¶ 5. Indemnity clause.
¶ 6. When in force—acceptance.

An ordinance concerning the Chicago, Harlem & Batavia Railway company. Passed October 5, 1887.)

¶ 1. **Former grant confirmed.**] Be it ordained by the board of trustees of the town of Cicero: § 1. That, in addition to the rights, privileges and franchises hertofore conferred upon the Chicago and Western Dummy Railway Company, by an ordinance passed August 20, 1881, entitled "An ordinance in relation to the construction and operation of a dummy railway in the town of Cicero," which rights, privileges and franchises are hereby vested in and confirmed to the Chicago, Harlem and Batavia Railway Company, its successors and assigns, to maintain and operate a suburban passenger railway along the route prescribed in said ordinance of August 20, 1881, and the right to connect its track or tracks as now laid, or as they may hereafter be laid, with the track or tracks of the Chicago and Great Western Rail-

road Company, over property which it may hereafter own or control at some convenient point, to be agreed upon by said companies, between Fortieth street and Forty-sixth street, in the town of Cicero, and the right for that purpose, using no greater curve than twelve degrees, to cross all necessary streets, alleys and public places, together with the right to straighten or render practicable all existing curves in said right of way or tracks, solely and only upon the terms, conditions, duties and obligations hereinafter in this ordinance set forth, and not upon any other terms, conditions, duties or obligations.

Said company shall have the right to construct, maintain and operate, upon substantially the present grade of the existing track, a railroad with one or two tracks, with the necessary switches and turn-outs; but no turn-outs shall be constructed where a double track is used, parallel with said double track, and where a double main track is used the center line between such tracks shall, as near as practicable, be the center line of said street, from a point of junction with said Great Western tracks, northerly and westerly, to the west limits of said town of Cicero.

¶ 2. **Anthracite coal—crossings—gates.**] § 2. In operating said road within the limits of the town of Cicero, all locomotives shall use hard coal, or other equally smokeless motive power, except that in case of accidents, the disablement of the regular locomotives or the obstruction of the tracks from any cause or for purposes of reconstruction or repair, soft coal locomotives may be used temporarily, but in no other case.

It shall be the duty of said company to put in and keep and maintain in good order and repair, all traveled street crossings now existing or that hereafter may be made, said crossings to be the full width of the street, including sidewalks. Where the track or tracks of said company shall occupy a street or any part thereof lengthwise, said company shall, upon being notified by the board, fill up ditches and widen such part of the roadway of the street, and gravel the same to the satisfaction of the board, as may be necessary to allow the passage of vehicles on each side of said track or tracks, but not beyond the sidewalk line, using tile to drain ditches when necessary. It shall also be the duty of said company, either to put up, maintain and operate suitable safety gates, or to station flagmen at any and all street crossings where necessary and ordered by the board, and to put in and keep in good repair such culverts under the tracks of said company as may be ordered by said board upon streets crossing said right of way. Said company shall, when so ordered by the board of trustees, construct and keep in good order and repair, such ditches or drains along its right of way, as may be deemed necessary by the board of trustees, for suitable local drainage, and in case the board of trustees should, in pursuance of any plan now existing or that may hereafter be adopted, for the general drainage of the town of Cicero, or any section thereof, deem it desirable to occupy and use any ditch or drain constructed for

local drainage as aforesaid, or the land where the same should be constructed under the terms of this ordinance or shall deem it necessary in pursuance of said plans to cross the right of way of said company within the limits of the franchises herein granted, it shall have the right so to do and the same is hereby vested in said town free of all charge, condition or expense, and whenever any street shall hereafter be opened for travel crossing said right of way the town shall have the right free of all expense, to continue or extend said street across the aforesaid right of way, but not depot grounds, and for that purpose license is hereby reserved to the town to enter upon the land of said company and construct such street, the company to construct and maintain the crossing thereof, as hereinbefore provided; but no work shall be done upon or under the road bed of said company except in conjunction with the chief engineer or other proper officer of said company, who shall attend to the matter as soon as notified by the board.

All commutation tickets good for a definite number of rides, purchased by residents of the territory now comprising the town of Cicero, shall be good when presented by the person purchasing the same for himself, and for any and all guests of his, and for any and all members of his family who may accompany him. Whenever under any of the terms of this ordinance, any duty or obligation is imposed upon said company, and it shall neglect or refuse to discharge the same, the town may serve a notice upon said company specifying therein the neglected or refused duty or obligation, and shall call upon the company to discharge the same, and, if after serving such notice, said company shall neglect or refuse for thirty days to comply with such call, the town shall have the right to enter upon the premises of said company and do and perform all things necessary to the discharge of such duty or obligation and charge all costs and expenses thereof to said company, and all moneys paid or obligations incurred by said town in such behalf shall be an immediate demand against and be paid by said company.

The rights hereby given shall not be deemed a substitute for, but an addition to any other rights or remedies the town may have to enforce obligations under this ordinance. All notices required by the terms of this ordinance to be served upon said company, may be served by leaving a copy thereof with the president, if he can be found in the county of Cook, or if he shall not be so found, then by leaving a copy with any clerk, secretary, superintendent, general agent, cashier, director, engineer, conductor or station agent in the employ of said company. And a return under oath upon a copy or original of a notice so served by the person serving the same shall be prima facie evidence that the statements made in such return are true. The word street as herein used shall include street, avenue, alley, court, park or other public thoroughfare, and the word person shall include persons, firms or corporations, and the masculine shall include the feminine.

¶ 3. **Rights forfeited, when.**] § 3. The rights and privileges herein granted to said company are upon the express condition that it shall, in all respects, well and truly comply with all and singular the terms, conditions and stipulations of this ordinance, imposing terms, duties or obligations upon it, and upon its failure so to do for a reasonable time after such default shall be determined by a court of competent jurisdiction, then the town may, if it so elects, and it hereby reserves the right so to do, enter upon the premises of said company and oust, divest and deprive it of all and singular the rights and privileges herein granted, re-investing itself with all the rights it had before this ordinance was passed, and relegating said company to the condition that existed before rights hereunder were acquired.

¶ 4. **Time of completion.**] § 4. That all the rights and privileges herein conveyed to said company shall cease and terminate, and this ordinance become void and of no effect in behalf of said company, unless the same or its successors or assigns shall, within one year after the passage hereof (unavoidable delays by injunctions, strikes or otherwise, being excepted from said limit of one year), run passenger trains regularly between the western limits of the town of Cicero and the general passenger depot of the Chicago and Great Western Railway Company, in the city of Chicago over the route herein and in other ordinances described, and it is expressly understood and the grants hereinbefore set forth are made upon the further express condition, that no freight trains shall be allowed to run over said route, or any part thereof, but that said company shall transact exclusively a suburban passenger business and no other over the same.

¶ 5. **Indemnity clause.**] § 5. This ordinance is granted upon the still further express condition that said company shall indemnify, hold and save harmless said town from all costs, charges, expenses or damages to persons or property, arising directly or indirectly through the passage of this ordinance, or the exercise of any rights or privileges thereunder.

¶ 6. **When in force—acceptance.**] § 6. That this ordinance shall be in full force and effect from and after its passage and a written acceptance of the same by said company.

Note.—See following amendatory ordinance.

§ 231. Chicago, Harlem & Batavia Railway company.

¶ 1. Foregoing ordinance amended.
¶ 2. Indemnity clause.

An ordinance to amend an ordinance entitled "An ordinance concerning the Chicago, Harlem & Batavia Railway company," passed October 5, 1887. (Passed November 5, 1887.)

¶ 1. **Foregoing ordinance amended.**] Be it ordained by the board of trustees of the town of Cicero: § 1. That an ordinance entitled "An ordinance concerning the Chicago, Harlem and Batavia

Railway Company," passed October 5th, 1887, be, and the same is hereby amended so that in addition to the rights and privileges conferred upon said company by said ordinance, permission and authority be, and the same are hereby granted to the Chicago, Harlem and Batavia Railway Company, its successors or assigns, to lay down, maintain and operate a railroad with one or two tracks on Crawford avenue, otherwise called Fortieth street, in the town of Cicero, from Randolph street, southerly to the south limits of said town.

¶ 2. **Indemnity clause.**] § 2. This ordinance is granted upon the still further express condition that said company shall indemnify, hold and save harmless said town from all costs, charges, expenses or damages, to persons or property arising directly or indirectly through the passage of this ordinance, or the exercise of any rights or privileges thereunder.

§ 3. That this ordiance be in full force and effect from and after its passage, and a written acceptance of the same by said company.

CHICAGO & ILLINOIS RIVER RAILROAD COMPANY.

§ 232. Chicago & Illinois River Railroad company.

¶ 1. Route in Stewart avenue.
¶ 2. Conditions.
¶ 3. Acceptance.
¶ 4. Viaduct.
¶ 5. Completion of road—cessation of rights.

An ordinance granting right of way to the Chicago & Illinois River Railroad company in the town of Lake. (Adopted August 22, 1873.)

¶ 1. **Route in Stewart avenue.**] Be it ordained by the board of trustees of the town of Lake: § 1. That permission and authority be, and is hereby given and granted to the Chicago and Illinois River Railroad Company, to lay down, maintain and operate a double railroad track, with all necessary side tracks, not to exceed two, crossing on any public highway in Stewart avenue, from Egan avenue south to Fifty-ninth street.

¶ 2. **Conditions.**] § 2. The permission and authority hereby granted to said company are upon the following express conditions, to wit:

1st. That the rights herein conferred are subject to whatever rights any other person or corporation may have in said Stewart avenue.

2nd. That said railroad company shall indemnify and save harmless said town of Lake from all expense, costs, damages and suits arising from the occupation of said street by said railroad company.

3rd. That the privilege hereby granted shall be enjoyed subject to the provisions of the charter of said town of Lake, and to all ordinances that now are or hereafter may be in force in said town of Lake, in regard to all railroads therein.

4th. The board of trustees of said town of Lake shall have the right to impose such rules and regulations upon the use of said tracks, with reference to speed and manner of running cars and locomotives, as they shall deem necessary for the safety and convenience of the residents of said town of Lake, such rules and regulations to be imposed by general ordinances in regard to all railroads in said town.

5th. The said railroad shall at all times grade, fill, plank or macadamize the portion of said avenue used by said company, and the approaches thereto, at intersections of streets crossing said Stewart avenue, or that may be laid by the authorities in such way, as to allow of free and easy passage for carriages and wagons across and alongside of said crossing of its track at all points; said work to be done in such manner, and at such time as the board of trustees of said town of Lake shall direct; also culverts to be built on all east and west streets when order by said board of trutees.

6th. The rate of passenger fare of said railroad out of Chicago through the town of Lake shall not exceed the rate of any other road running out of the city of Chicago for the same distances.

7th. Said railroad company shall establish two depots on said Stewart avenue between Fifty-ninth street and Thirty-ninth street, at each of which said depots all passenger trains shall stop; one of said depots at or near Forty-third street, and one at or near where said railroad shall deflect southwesterly from Stewart avenue.

8th. The foregoing conditions, rights and privileges shall apply to and be binding upon the assignees, grantees and lessees of said railroad company, and all powers and rights conferred upon the town of Lake, or its officers or trustees, shall vest in and be exercised by the municipal corporation, or its officers or trustees or authorities within whose limits said Stewart avenue or any portion thereof may at any time be situated.

9th. That in the event that the said railroad company shall break or fail to comply with any of the provisions of this ordinance, and shall fail to make good such breach, and comply with the provisions of this ordinance within thirty days after service of notice of such breach or failure upon any general officer of said company, at the principal office of said company in the city of Chicago, then said railroad company shall forfeit to the town of Lake the sum of five hundred (500) dollars, which the said company hereby agrees to pay to said town whenever adjudged guilty of such a breach by a court of competent jurisdiction, which sum may be recovered by said town in an action of assumpsit in any court of general jurisdiction in the county of Cook; and if the said railroad company shall neglect or refuse to make good their default, and to comply with the provisions of this ordinance, within

ninety days after final judgment shall be rendered in favor of said town by any court of competent jurisdiction for said penalty, then all the rights of said company under and by virtue of this ordinance shall forthwith cease and determine.

¶ 3. Acceptance.] § 3. This ordinance shall not be in force, nor shall any right or privilege be acquired or enjoyed by virtue hereof, until said railroad shall have filed a written acceptance of its terms and conditions with the town clerk of said town of Lake.

¶ 4. Viaduct.] § 4. If the corporate authorities of the town of Lake at any time deem it necessary that a viaduct should be constructed over the railway tracks on and adjacent to said Stewart avenue, at the intersection of any street crossing said portion of Stewart avenue, then the said railroad company agrees to contribute its equitable share of the cost of such viaduct, upon the basis that the entire cost of said viaducts shall be paid by the railroad companies owning tracks at such crossing, now or hereafter; each company paying an equal share of such cost, or if each company do not pay as aforesaid, then the town of Lake or individuals shall pay such proportionate share; said railroad company shall, nevertheless, pay its equitable share as aforesaid.

¶ 5. Completion of road—cessation of rights.] § 5. Unless said railroad company shall have entered upon and completed the construction of said railroad track in said Stewart avenue to the point of deflection therefrom within ninety days from the passage of this ordinance, and shall complete the construction of said track, and be using the same through said town of Lake in a southwesterly direction to the southern line thereof within six months of the passage of this ordinance, then all rights and privileges by this ordinance granted shall cease and determine.

CHICAGO & INDIANA STATE LINE RAILROAD COMPANY.

§ 233. Chicago & Indiana State Line Railroad company.
¶ 1. Ullman street.
¶ 2. Term to end in ten years.

An ordinance granting permission to the Chicago & Indiana State Line Railroad company to lay down and operate a switch track. (Passed October 26, 1891. Accepted November 6, 1891.)

¶ 1. Ullman street.] Be it ordained by the city council of the city of Chicago: § 1. That permission be and is hereby granted to the Chicago and Indiana State Line Railroad Company to lay down, maintain and operate a switch and railroad track from a point in the

line of its present track, on the west side of Ullman street, opposite to or south of the north line of Thirty-fourth court, across said Ullman street to the west line of lots 1 to 5 of sub block 7 of Tracy's partition and subdivision of block 14, in the assessor's division of the northwest, and a part of the northeast quarter of section 32, town 39 north, range 14, the same to be done under the direction of the proper officers of the city.

¶ 2. **Term to end in 10 years.**] § 2. Said grant shall be for a term of ten years from and after the passage hereof; the privileges hereby given to be subject to all ordinances which may hereafter be passed concerning the same; Provided, that at the end of said term such track and switch shall be removed by said railroad company, under the direction of the city officers and without cost or expense to the city.

CHICAGO, MADISON & NORTHERN RAILROAD COMPANY.

§ 234. Chicago, Madison & Northern Railroad company.
¶ 1. Grant—route—conditions.
¶ 2. Telegraph line—rate of fare.
¶ 3. Subject to ordinances.
¶ 4. Conditions of grant.
¶ 5. Indemnity clause.
¶ 6. Time for completion.
¶ 7. Failure to comply.
¶ 8. When in effect—acceptance, etc.

An ordinance granting the right of way to the Chicago, Madison & Northern Railroad company. (Passed December 4, 1888.)

¶ 1. **Grant—route—conditions.**] Be it ordained by the board of trustees of the town of Cicero: § 1. That permission be, and the same is hereby granted to the Chicago, Madison & Northern Railroad Company to locate, construct and forever hereafter maintain and operate with steam power a line of railroad, with two or more tracks, as hereinafter described, upon the following route, in the town of Cicero, county of Cook, state of Illinois, viz:

Beginning at a point on the western line of the town of Cicero on the west line of section thirty (30), township thirty-nine (39) north, range thirteen (13) east of the third principal meridian, distant three hundred and sixteen and five-tenths (316.5) feet south from the east and west line through the center of said section; thence in a southeasterly course through the southwest quarter of said section, crossing Riverside Parkway with a grade crossing, to a point on the north and south line through the center of said section, distant eleven hundred

and ninety-seven and five-tenths (1197.5) feet from the south center corner of said section, thence on the same southeasterly course across the southeast quarter of said section, crossing all streets and avenues at grade, to a point on the east line of said section, ninety-five and four tenths (95.4) feet north of the southeast corner of said section, thence in the same southeasterly course across the southwest quarter of section twenty-nine (29), township thirty-nine (39) north, range thirteen (13), east of the third principal meridian, to a point on the south line of said section, distant two hundred and thirty and four tenths (230.4) feet from the southwest corner of said section, thence in a southeasterly course curving slightly to the north, across the northwest quarter of section thirty-two (32), township thirty-nine (39) north, range thirteen (13), east of the third principal meridian, crossing the Chicago, Burlington & Quincy Railroad with a grade crossing, and also crossing all streets and avenues by grade crossings, to the intersection of Ogden and Austin avenues, thence curving with a two degree (2°) curve to the north, through the northeast quarter of said section, crossing all streets and alleyways by grade crossings, to a point in the east line of said section, distant fourteen hundred and four and thirty-five hundredths (1,404.35) feet south from the northeast corner of said section; the line described being the center line of the southerly track of a proposed double track railroad.

At the west line of section thirty-three (33), the northerly line of the right of way of said railroad company shall be the south line of 33rd street, as laid out by T. F. Baldwin, in his subdivision of the northwest quarter of section thirty-three (33), township thirty-nine (39) north, range thirteen (13), east of the third principal meridian, said south line of 33rd street, being 1,360 and 92-100 feet south of the northwest corner of said section thirty-three (33); thence the track or tracks of said railroad eastward through said section thirty-three (33) shall be laid south of 33rd street; and through section thirty-four (34), township thirty-nine (39) north, range thirteen (13) east of third principal meridian, shall be laid south of the north half of the north half of said section.

Said tracks to be laid upon any ground now owned or that may hereafter be acquired by said railroad company upon the line of said route, and across all streets and alleys along said route, but nothing in this ordinance shall be construed so as to authorize the said company to occupy any street or alley lengthwise.

Provided, that when the railroad tracks or the said company shall cross any street, alley or other line of railroad, such crossing shall not be on any trestle work or viaduct; and when the tracks of said company shall cross the tracks of any other railroad company, such crossing shall be at grade, and when the tracks of said company shall cross any street, highway or alley, the grade of such crossing shall not be more than five and one-half feet above the grade of said street, highway or alley; and provided also, that no turn-outs, "'Y's" or sidings

shall be laid across any street, highway or alley without the permission of the board of trustees of said town being first obtained so to do, except, however, between Hyman avenue and Central avenue; and provided further that said railroad company shall not construct, or cause to be constructed within said town any barbed wire fence.

And provided further that no more than four tracks shall be laid across any street or alley in said town, except between Hyman avenue and Central avenue.

¶ 2. **Telegraph line—rate of fare.**] § 2. Permission is hereby granted to the Chicago, Madison & Northern Railroad Company to erect and forever thereafter maintain a telegraph line, consisting of one or more lines of wire, with the necessary poles upon said line of railroad, upon the route above described; but on condition that the poles hereby authorized to be erected shall not be placed upon any street, highway or alley, unless authorized by the board of trustees of said town, or their successors in authority.

The privilege and authority hereby given and granted to said company are given and granted upon the express condition that the said company shall make no higher fare to or from its terminus in Chicago and any point on its line in the town of Cicero than is now made by the Chicago, Burlington and Quincy Railroad Company to equal distances west from the east line of Cicero on a straight line running due north and south, and shall issue commutation tickets of the same character as the Chicago, Burlington and Quincy Railroad Company now issues, and shall not charge higher rates of fare for them than is now charged by the Chicago, Burlington and Quincy Railroad Company, said tickets to be unlimited as to time, and good for the holder and persons accompanying him (except monthly tickets).

And the said company shall provide for its patrons commutation tickets, providing for twenty-five rides each, which may be used by the holder for the payment of his own passage, or any person or persons accompanying him.

¶ 3. **Subject to ordinances.**] § 3. The privileges and authority herein granted to said company, are given and granted upon the express condition that said company, its successors and assigns, shall promptly fill all obligations and duties that are now or may hereafter be lawfully imposed by ordinance, or the police and health regulations of the town.

¶ 4. **Conditions of grant.**] § 4. The privileges and authority hereby granted and given to said railroad company are given and granted upon the further express conditions:

1st. That the said railroad company shall grade in a proper manner the approaches of all streets now open, crossing said railroad, and all that may hereafter be opened at an incline not exceeding one foot in twenty-five feet, and with such materials as the board of trustees may designate; and construct and maintain at their own expense

suitable planked crossings for the same, of the full width of the roadway of the street, and shall open across the right of way without expense to the town, any street which may be ordered opened by the board of trustees of said town of Cicero.

2nd. That when ordered so to do by the said board of trustees, said company shall put in and maintain and operate safety gates, or station flagmen, at any street or highway crossing, within sixty days from the passage of such order by the said board of trustees.

3rd. That the said company, at its own expense, shall construct, maintain and keep clear such ditches for drainage of its roadway and for free flow of water from adjacent property through the town of Cicero as shall be ordered by the trustees of said town, and whenever said town shall desire to cross said right of way, either by the extension of streets or alleys now existing, or by the opening of new ones, and culverts shall be needed for suitable drainage, it shall be the duty of said company to and it shall construct and maintain such culverts at its own expense on being notified so to do.

4th. The said town of Cicero shall have the right, free of cost or expense, to cross the right of way of said railroad company for the purpose of constructing sewers in pursuance of any plan now existing or that may hereafter be adopted by the board of trustees for drainage purposes in the town of Cicero.

5th. The said company shall within one year from the acceptance of this ordinance build within the limits of said town of Cicero, four (4) passenger stations and shall run not less than two (2) suitable passenger trains each way daily, stopping at such stations on signal, and upon failure to comply with the conditions of this clause the said company shall pay to the said town a penalty of one hundred (100) dollars for each and every failure.

¶ **5. Indemnity clause.**] § 5. The privileges and authority hereby granted to the said railroad company are granted upon the express condition that said company, its successors or assigns, shall forever indemnify and save harmless the town of Cicero against and from any and all damages, judgments, decrees, costs and expenses of the same which it may suffer, or which may be obtained against said town of Cicero by reason of the granting of said privileges and authority, or by reason of the exercising by said railroad company, its lessees or assigns of the privileges hereby granted.

¶ **6. Time for completion.**] § 6. One or more tracks shall be laid down and ready for operation in the town of Cicero within twelve months from the passage of this ordinance: Provided, that if the work in said town or upon the connecting part of said railroad outside of said town shall be obstructed or delayed by injunction or other legal proceedings the time of such delay shall be excluded and the same time in addition to the period above described shall be allowed for the laying of said track, as that during which said company shall have been so delayed.

¶ 7. **Failure to comply.**] § 7. In case said company shall fail to do or perform any act by it to be done or performed under the provisions or terms of this ordinance within sixty days after being ordered or directed to do or perform such act by the board of trustees of said town, then and in such case the said town of Cicero shall have the right to do and perform such act, and the said company shall be liable to pay said town all moneys expended or obligations incurred by it in doing and performing such act. And the right hereby reserved shall not be construed to be in lieu of the obligations herein assumed by said company, but in addition thereto.

¶ 8. **When in effect—acceptance, etc.**] § 8. This ordinance shall take effect and be in force upon and after its passage; Provided the said company shall first pay to the treasurer of the town, for the use and benefit of said town of Cicero, the sum of ten thousand (10,000) dollars, and shall file with the town clerk of said town its acceptance of the terms and conditions of this ordinance within ten (10) days from the passage hereof.

Note.—See following supplementary ordinance.

§ 235. Chicago, Madison & Northern Railroad company.

¶ 1. Viaduct over the C., B. & Q. R. R.—construction.
¶ 2. Subways.
¶ 3. Subject to ordinance of December 4, 1888.
¶ 4. Indemnity clause.
¶ 5. When in force—acceptance.

An ordinance supplementary to an ordinance entitled "An ordinance granting the right of way to the Chicago, Madison & Northern Railroad company," passed December 4, 1888. (Passed and approved September 7, 1889.)

¶ 1. **Viaduct over C., B. & Q. R. R.—construction.**] Be it ordained by the board of trustees of the town of Cicero: § 1. That the railroad now in process of construction by the Chicago, Madison and Northern Railroad Company, upon and along the route described in the first section of the ordinance heretofore passed by the board of trustees of the town of Cicero, entitled "An ordinance granting the right of way to the Chicago, Madison and Northern Railroad Company," may be constructed over and across the railway of the Chicago, Burlington and Quincy Railroad Company, in the northwest quarter of section thirty-two (32), township thirty-nine (39), north of range thirteen (13) east of the third principal meridian, with a bridge or viaduct, at a height not exceeding twenty (20) feet in the clear, above the top of the rails of the track of the said Chicago, Burlington and Quincy Railroad Company, as the same are now laid, to the lowest point of said bridge or viaduct, and with suitable approaches thereto of earth work on each side of the said crossing, at a grade of not less than five (5) inches to every one hundred (100) feet between Ogden avenue and the crossing of the Chicago, Burlington and Quincy Railroad, and six (6) inches to every one hundred (100) feet for the balance of said approaches; Provided, said approaches may be constructed

temporarily of trestle work, but said approaches shall be changed to earth work within twenty-four (24) months from the time the temporary trestle work is ready for use.

¶ 2. **Subways.**] § 2. The following streets, or avenues, crossed by the said approaches shall be carried under the track, or tracks of the said Chicago, Madison and Northern Railroad Company, viz.: Ridgeland avenue, Goodwin avenue, Ogden avenue, Austin avenue, and Hiawatha avenue, and in such manner as shall leave a clear, straight roadway between abutments of not less than sixty (60) feet in width for Ogden avenue and Austin avenue, and not less than thirty-three (33) feet in width for each of the other avenues above mentioned, and the said railroad company shall construct and maintain the said crossings at its own cost and expense.

Abutments for the bridges crossing said avenues shall be constructed of solid masonry, which may be placed upon the said avenues at right angles to the line of the railroad, provided, that said abutments shall be so placed as not to rest upon, or over, or in any manner interfere with, any sewer, or sewers, now laid in any of said streets or avenues.

And said railroad company shall at its own expense lower Ogden and Austin avenues so much as may be necessary to carry the same under the tracks, provided, that said Ogden and Austin avenues shall not be lowered to a depth of more than six (6) inches below the natural surface of the surrounding or adjoining prairie.

The grade of said depression of said streets to be such as the town engineer may approve or order.

The surface of the roadways of said avenues to be not less than twelve (12) feet below the lowest projection of its bridge, or viaduct, over the same; the work to be done under the direction of the authorities of the town of Cicero.

Clyde avenue, when laid out and extended to one of said approaches, shall be carried over the track, or tracks of the said Chicago, Madison and Northern Railroad Company, upon a level therewith: the approaches to be of earth, and at a grade of one (1) foot for every twenty (20) feet.

Said approaches to be constructed at the expense of said Chicago, Madison and Northern Railroad. All said approaches to be constructed in a manner to be approved by the board of trustees of said town.

¶ 3. **Subject to ordinance of December 4, 1888.**] § 3. The privileges and authority hereby granted, are granted upon the conditions expressed in the ordinance hereinbefore referred to, to which this is supplementary, so far as the same are not inconsistent with the provisions hereof; and all provisions in that ordinance contained not inconsistent with the provisions of this ordinance shall continue in full force.

¶ 4. Indemnity clause.] § 4. The privileges and authority hereby granted to the said railroad company are granted upon the express condition that said company, its successors, or assigns, shall forever indemnify, and save harmless, the town of Cicero against, and from, any and all damages, judgments, decrees, costs, and expenses of the same which it may suffer, or which may be obtained against said town of Cicero by reason of the granting of said privileges and authority, or by reason of the exercising by said railroad company, its lessees, or assigns, of the privileges hereby granted.

¶ 5. When in force—acceptance.] § 5. This ordinance shall be in force and take effect from and after its passage, provided said Chicago, Madison and Northern Railroad Company shall file with the town clerk of the said town of Cicero its written acceptance of the same.

§ 236. Chicago, Madison & Northern Railroad company.

¶ 1. Grant—route.
¶ 2. Construction—supervision—grade—crossings.
¶ 3. Underground telegraph—use by city—damage to sewers, etc.
¶ 4. Motive power—gates at crossings—attendants.
¶ 5. Permission to lay tracks on Archer avenue—conditions.
¶ 6. Rights of Chicago City Railway company.
¶ 7. Ogden slip to be filled—cost—rights of Consumers' Gas company.
¶ 8. Grant to Chicago & Alton Railroad company—route.
¶ 9. Grant to Chicago & Alton Railroad company—route.
¶ 10. Halsted street viaduct—condemnation—cost.
¶ 11. Bond—conditions—payment of judgment.
¶ 12. Subject to railroad ordinances.
¶ 13. Acceptance—when in force.

An ordinance authorizing the Chicago, Madison & Northern Railroad company to construct, maintain and operate a railroad in the city of Chicago. (Passed August 1, 1889. Accepted August 6, 1889.)

¶ 1. Grant—route.] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the agreements hereinafter contained, the right is hereby granted to the Chicago, Madison & Northern Railroad Company, its lessees, successors, and assigns, to construct, maintain, and operate a railroad with two or more main tracks and necessary side or connecting tracks, turnouts, switches and appurtenances, over such lands as it now has or may hereafter in any manner acquire the right to lay tracks upon and over, across or along all intervening streets, alleys, and public grounds along and upon the following route: Beginning at Crawford avenue, at a point on the west line of section thirty-five (35), in township thirty-nine (39) north, range thirteen (13), east of the third principal meridian, in Cook county, Illinois, at or near the northwest corner of the southwest quarter of the northwest quarter of said section, and thence easterly across the said section thirty-five (35), the west fork of the south branch of the Chicago river, and a part of section thirty-six (36), in the same township and range, to the right of way of the Atchison, Topeka &

Santa Fe Railroad Company in Chicago; thence northeasterly along the northwesterly side of said right of way to the intersection of Leavitt street with Thirty-first street; thence easterly and northeasterly, north of Thirty-first street, across the Illinois and Michigan canal to an intersection at or near Ashland avenue, with the right of way of the Chicago & Alton Railroad Company; thence upon and along the right of way of the Chicago & Alton Railroad Company, across the south fork of the south branch of the Chicago river, to a point on the south side of the tracks of the Chicago & Alton Railroad Company at or near Pitney street; thence northeasterly, and within eighty (80) feet of the south line of the right of way of the Chicago & Alton Railroad Company to the west line of Main street; thence to a point on the west line of Quarry street, where the southerly boundary of the right of way shall be one hundred and fifty (150) feet north of the north line of Archer avenue, thence to Halsted street north of the east and west alley in Haley's subdivision of lot seven (7) of block one (1) in Canal trustees' subdivision of south fraction section twenty-nine (29), township thirty-nine (39), north of range fourteen (14), east of the third principal meridian; thence to the west line of Sanger street projected north to Waver street, where the southerly boundary of the right of way shall be thirty (30) feet north of the north line of Archer avenue; thence along Archer avenue and across lots twelve (12), eleven (11), ten (10), and nine (9), in block four (4), in south branch addition to Chicago, to the north and south alley east of lot nine (9), in said block four (4); thence northerly and easterly across said block four (4), and Crane's subdivision of part of the east half of the northwest quarter of section twenty-eight (28), in township thirty-nine (39), north of range fourteen (14), east of the third principal meridian, and the south Scandianavia addition to Chicago, in section twenty-one (21), of the last mentioned township and range, to the corner of Grove street and Stewart avenue, and to Stewart avenue between Archer avenue and the north line of Grove street; thence northerly along and upon the easterly half of Grove street, using the existing tracks only, or on land east of and immediately adjacent thereto, to Sixteenth street; thence northerly across Sixteenth street to the St. Charles Air Line Railroad.

¶ 2. **Construction—supervision—grade—crossings.**] § 2. The said company shall be subject to the supervision of the department of public works of said city in the construction of said tracks, and the keeping in repair of so much of said streets, alleys and crossings as may be occupied by any of the said tracks. At all crossings of streets and alleys the railroad tracks shall be made to conform to the established grade, except where it may be necessary to depress the same to allow the proper construction of a bridge or viaduct at Halsted street, suitable approaches constructed and the spaces between the tracks shall be planked or paved by said company; and when said tracks cross any sidewalk, the company shall keep the sidewalk across all of its right of way in good repair. When new sidewalks shall be

ordered at such crossings by the city council, said company shall construct the same as ordered; and if the said company shall neglect to repair such sidewalk or to construct new sidewalk when ordered as aforesaid, the city may cause such work to be done, and the said company shall be liable to the said city for the costs of the same, and it shall also be liable for all damage which may be occasioned to any person or persons by reason of its neglect to keep any sidewalk in repair or to construct the same as herein provided.

¶ 3. Underground telegraph—use by city—damage to sewers, etc.] § 3. That permission and authority are also given and granted to the Chicago, Madison & Northern Railroad Company, its lessees, successors and assigns, to construct, maintain and operate for its or their exclusive use and benefit, a line of underground telegraph along the railway line described in the first section of this ordinance; and the said company shall be subject to the conditions and provisions of all ordinances of the city of Chicago now in force or which may hereafter be passed regulating the manner of constructing telegraph lines in said city, and shall pay all damages done to any street or alley by the construction herein authorized. And if, in the construction of said railroad or telegraph line, any damage or injury shall result to any of the sewers, water pipes, private drains or conduits in said city, then the company shall be liable to said city for such damage or injury. Provided further, that the city of Chicago shall have the right to use any of the said railroad company's conduits in laying any wires necessary for the police and fire departments without any expense to the city for such privilege other than the cost of laying the said wires.

¶ 4. Motive power—gates at crossings—attendants.] § 4 Cars may be run over and along the railroad tracks herein authorized to be laid with steam or such other motive power as the said Chicago, Madison & Northern Railroad Company, its lessees, successors, or assigns may deem best, subject to all valid general laws and ordinances of the city of Chicago relating to railroad companies now in force or which may hereafter be passed; but this section shall not be so construed as to authorize said company to construct or operate what is commonly known as a horse railroad for the transportation of passengers to and fro within the city of Chicago. The said Chicago, Madison & Northern Railroad Company shall, when, and as it may be required by the city council, erect and maintain, or cause to be erected, and maintained, without expense to the city of Chicago, suitable gates for the protection of the public at the street crossings along the route authorized in this ordinance, with the necessary attendants in charge thereof, during the hours of each and every day, as may be required by the commissioner of public works of the city of Chicago.

¶ 5. Permission to lay tracks on Archer avenue—conditions.] § 5. Whereas an ordinance has been introduced and is now pending in the city council for the widening of Archer avenue, between Bushnell street and Sanger street, by appropriating therefor the land

on the south side of said avenue, lying north of the following described line, to wit: Beginning at a point on the south line of Archer avenue about one hundred (100) feet east of the east line of Bushnell street and running thence southwesterly on a curve to the right to the southwest corner of lot two (2), block nine (9), south branch addition; thence west on a straight line to a point on the west line of Wallace street, situated one hundred (100) feet south of the south line of Archer avenue; thence westerly on a curve to the right to a point on the east line of lot ten (10) in block eleven (11) in south branch addition to Chicago, situated about fifty (50) feet south of the south line of Archer avenue; thence southerly along the southeasterly line of said lot ten (10) to the northerly line of McGregor street; thence westerly along the northerly line of McGregor street to its intersection with Archer avenue.

Now, in case said ordinance shall go into effect and said avenue is widened, permission and authority are hereby granted to the Chicago, Madison & Northern Railroad Company, its lessees, successors and assigns, to lay down, maintain and operate four railroad tracks, and to the Chicago & Alton Railroad Company, its lessees, successors and assigns, to lay down, maintain and operate two railroad tracks on that portion of Archer avenue, when widened as aforesaid, lying between the two following lines, to wit: one line north of and nearly parallel to and seventy (70) feet distant from the south line of widened Archer avenue, as said line is above described, the other line north of and nearly parallel to the said described line and one hundred and sixty (160) feet distant therefrom. The permission and authority granted in this section are upon the condition, however, that no steam railroad track shall be laid down or maintained on said Archer avenue between Bushnell street and Sanger street, except between the two lines last above described; and upon the further condition that the cost and expense of procuring the land necessary for the widening of Archer avenue, as aforesaid, and all damages occasioned thereby, and the cost of grading and paving the same, and also so much of the said street adjoining it on the north as shall be occupied by the tracks of the Chicago, Madison & Northern Railroad Company and the tracks of the Chicago & Alton Railroad Company, shall be paid for by the Chicago, Madison & Northern Railroad Company, and a special assessment for the aforesaid cost and expense may be levied solely on the property of said railroad company. And the said Chicago, Madison & Northern Railroad Company shall build at its own expense, in conformity to plans to be approved by the commissioner of public works, along the south side of its roadway, the entire length of Archer avenue, which it shall traverse, a substantial brick or stone wall twelve (12) feet in height, with stone coping, which said company shall keep in good condition and repair, and shall also construct a sidewalk along the south side of said wall whenever the same shall be ordered by the municipal authorities of said city.

¶ 6. **Rights of Chicago City Ry. Co.**] § 6. The rights and privileges hereby granted to the several railroad companies herein named in Archer avenue are subject to the rights and privileges therein of the Chicago City Railroad Company, and permission and authority are hereby granted upon the completion of the widening of Archer avenue as aforesaid, to the said Chicago City Railway Company, if it elects so to do, to remove their tracks from their present location in that portion of Archer avenue, so to be widened, and to relay them upon the south seventy (70) feet of Archer avenue as widened; Provided, however, that said removal shall not be made until a permit therefore shall be obtained, and the proposed location of said tracks on said seventy (70) feet has been approved by the commissioner of public works, and said tracks shall be relaid subject to the approval of the said commissioner. Such removal shall be a waiver and abandonment of the rights of said Chicago City Railway Company as to the portion of Archer avenue from which said tracks are removed.

¶ 7. **Ogden slip to be filled—cost—rights of Consumers' Gas Co.**] § 7. All that portion of Ogden slip lying south of the north line of Archer avenue as the same shall be widened as recited in section 5, shall be permanently filled with earth, and the cost of the said improvement shall be paid by the Chicago, Madison & Northern Railroad Company; Provided, that the order of the city council passed September 17, 1888, page 357 of council procedings, be, and the same is hereby, repealed, and the right of the Consumers' Gas Company to operate and maintain the switch tracks on the south side of Archer avenue across Butler street, also across Twenty-fourth place and the alley between Twenty-fourth place and Twenty-fifth street, is hereby confirmed; Provided that the said Consumers' Gas Company shall consent to the closing and filling of said Ogden slip and release all claim to damages on account thereof: Provided further, that said Chicago, Madison and Northern Railroad Company shall pay the city of Chicago for any sewers, drains, or pipes it may at any time place and construct in said premises now known as Ogden slip, and all the cost and expense of laying the same.

¶ 8. **Grant to Chicago & Alton R. R. Co.**] § 8. Permission and authority are hereby granted to the Chicago & Alton Railroad Company, its successors and assigns, to lay down, maintain and operate two main railroad tracks, with necessary switches, on ground to be acquired for the purpose, lying north of and adjacent or near to that portion of the said Chicago, Madison & Northern Railroad as herein located, which lies between the intersection of Grove street with Archer avenue and a point on Stewart avenue between Grove street and the south branch of the Chicago river, at which last named point the said two main tracks may be connected with tracks of the said Chicago & Alton Railroad Company now laid in Stewart avenue, and to cross for that purpose all intervening streets and alleys.

¶ 9. **Grant to Chicago & Alton R. R. Co.—route.**] § 9. Permission and authority are also hereby granted to the Chicago & Alton Railroad Company, its successors and assigns, to re-locate its tracks between the east side of Joseph street and the east side of Waver street, and to lay down, maintain and use, between the street lines last mentioned on grounds now owned by it and on grounds to be hereafter acquired for that purpose, lying north of and adjacent to the Chicago, Madison & Northern Railroad, as herein located, four main tracks, with necessary side tracks, turn-outs and switches, and to cross for the purpose all intervening streets and alleys; Provided, that no track shall be laid across either of such streets or alleys north of the present location of the northerly track of the said Chicago & Alton Railroad Company now laid over and across the same. When the tracks authorized in sections eight and nine of this ordinance cross any street or alley, said Chicago & Alton Railroad Company shall keep the space between the tracks planked or paved; and when said tracks cross any sidewalk, the said company shall keep the sidewalk in the spaces between the tracks in good repair. All the provisions of this ordinance limiting the rights and fixing the obligations of the Chicago, Madison & Northern Railroad shall be equally applicable to the Chicago & Alton Railroad, except those provisions relating to building the viaduct and approaches, the wall in Archer avenue, constructing telegraph communication and filling the Ogden slip.

¶ 10. **Halsted street viaduct—condemnation—cost.**] § 10. The rights herein granted are upon the express condition that the said Chicago, Madison & Northern Railroad Company shall pay to the city of Chicago the entire cost and expense of a viaduct over Halsted street, and approaches thereto, said viaduct and approaches to be the width of the streets to be constructed in accordance with plans to be approved by the mayor and commissioner of public works. The north approach of said viaduct shall begin in Halsted street at or near the south branch of the Chicago river and on the south side thereof, and said approach and viaduct shall be constructed south along Halsted street to Archer avenue and beyond with approaches in Archer avenue, making as little interference with the present grade of Archer avenue in crossing as shall be found practicable. It is ordered that said viaduct shall be commenced within two years after the acceptance of this ordinance, and any legal proceedings necessary, by way of condemnation or otherwise, are hereby ordered to be taken.

The said company shall and hereby agrees to pay all costs and expenses of such proceedings. The said Chicago, Madison & Northern Railroad Company shall and hereby further agrees to pay to the city of Chicago the cost and expense of the construction and maintenance of a viaduct and approaches on Halsted street and Archer avenue as aforesaid, in accordance with plans to be approved by the mayor and commissioner of public works, and the said company shall pay all damages to lots, lands and buildings and any title to or interest there-

in or to the occupancy or possession thereof which may be recovered or obtained against the city of Chicago in consequence of the construction of said viaduct and approaches, and shall also pay all damages that shall accrue to property owners fronting on streets whereon such viaduct or approaches may be erected, by reason of the construction of said viaduct and approaches; Provided, however, that the south approaches on Archer avenue and Halsted street shall be constructed so that the grade of said approaches from the commencement thereof to the highest point of said approaches in Archer avenue shall be one foot rise in each forty lineal feet; and from the north line of Archer avenue to the south end of said viaduct the rise per foot shall be one foot in every thirty-two lineal feet.

¶ 11. **Bond—conditions—payment of judgment.**] § 11. Before exercising any of the rights hereby granted, the Chicago, Madison & Northern Railroad Company shall execute to the city of Chicago a bond in the penal sum of one hundred thousand (100,000) dollars, to be approved by the mayor and comptroller, conditioned that said company shall and will observe and perform all the provisions of this ordinance, and shall and will forever indemnify and save harmless said city of Chicago against and from any and all damages, judgments, decrees, costs and expenses of the same which said city may suffer, or which may be recovered or obtained against said city for or by reason of, or growing out of, or resulting from the passage of this ordinance, or from any act or acts of the said company, under or by virtue of the privileges of this ordinance. Provided, however, that the said bond shall not be construed to limit the liability of said company to one hundred thousand (100,000) dollars, but the said company shall be liable to the full extent of every liability imposed by this section, notwithstanding the amount thereof may exceed one hundred thousand (100,000) dollars.

And it is hereby further provided, that upon the recovery of any final judgment or judgments against the said city, as aforesaid, the said company shall immediately and without prior payment of such judgment or judgments by said city, be liable to pay and shall pay the amount or amounts thereof to the said city, and the fact that the said city may not have paid such judgment or judgments shall constitute no defense on the part of said company.

¶ 12. **Subject to railroad ordinances.**] § 12. The privileges and rights herein granted shall be subject to all laws and ordinances governing railroads now in force or which shall hereafter be passed by the legislature of this state or by the city council.

¶ 13. **Acceptance—when in force.**] § 13. This ordinance shall not take effect unless an acceptance thereof by the Chicago, Madison & Northern Railroad Company, and the bond hereinbefore provided for, shall be filed with the city clerk within thirty days from the passage hereof; two of said railroad tracks shall be laid and the

other work which is to be done under this ordinance by said company shall be done and completed within three years from the passage hereof, unless delayed by injunction, provided, the same is not collusive; otherwise the authority and permission hereby granted shall be forfeited.

CHICAGO, MILLINGTON & WESTERN RAILWAY COMPANY.

§ 237. Chicago, Millington & Western Railway company.

¶ 1. Grant—route.
¶ 2. Subject to ordinances.
¶ 3. Tracks—construction—supervision—street repairs.
¶ 4. Motive power—horse railroad prohibited.
¶ 5. Permanent crossings.
¶ 6. Indemnity.
¶ 7. Side tracks.
¶ 8. Rights of other roads—joint user.
¶ 9. When in force.

An ordinance concerning the Chicago, Millington & Western Railway company. (Passed August 21, 1876.)

¶ 1. Grant—route.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and is hereby granted to the Chicago, Millington & Western Railway Company to introduce its narrow gauge road into the city of Chicago, commencing on the western city limits near the center line of section twenty-six (26), township thirty-nine (39), range thirteen (13), east of the third principal meridian; thence east on Twenty-sixth street, or the line thereof, to a connection with the tracks of the Chicago & Southern Railway, where the same are laid upon said street under an ordinance of the common council passed October 26, 1874.

¶ 2. Subject to ordinances.] § 2. And said company may operate its narrow gauge tracks, the construction of which is authorized as subject to all ordinances of the city governing railroad corporations, now in force or which may hereafter be passed.

¶ 3. Tracks—construction—supervision—street repairs.] § 3. Permission and authority are hereby granted to the said Chicago, Millington & Western Railway Company to construct, maintain and operate its railroad, with single or double narrow gauge tracks and all necessary switches and turn-outs along the line as may be necessary to transact the ordinary business of said railroad company, said narrow gauge track or tracks, switches and turn-outs to be laid, built and constructed subject to the directions of the board of public works of the city; the said streets, alleys and crossings which may be occu-

pied by said railway company with its tracks, switches and turn-outs shall, whenever required by the city council, be graded, paved and repaired by said company under the direction of the board of public works, and shall be repaved and repaired whenever ordered by the board of public works or city council, and shall be kept and maintained in good order and repair.

¶ 4. **Motive power—horse railroad prohibited.**] § 4. Said Chicago, Millington & Western Railway Company is hereby authorized to run its cars over and along said narrow gauge tracks with steam or such other motive power as said company may deem best, subject, however, to all laws and ordinances of the city of Chicago relating to railroad companies, now in force or which may hereafter be passed; but this section shall not be so construed as to authorize said company to construct or operate what is commonly known as a horse railroad, transporting passengers and baggage to and fro within the city of Chicago.

¶ 5. **Permanent crossings.**] § 5. Permanent crossings shall be made and maintained by said Chicago, Millington & Western Railway Company where said narrow gauge track or tracks cross any street or alley within the limits of the city of Chicago, according to the direction of the board of public works, or as may be ordered and directed by the common council of the city, at any and all times during the continuance of the franchise hereby granted.

¶ 6. **Indemnity.**] § 6. The permission and authority hereby granted are upon the further express condition that the said Chicago, Millington & Western Railway Company shall and will forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs, and expenses of the same, which it may suffer, or which may be recovered and obtained against the city by reason of the granting of such privileges and authority, or for or by reason of, or growing out of, or resulting from the passage of this ordinance, or with the exercise by said company of the privileges hereby granted.

¶ 7. **Side tracks.**] § 7. Said company shall permit any corporation, person or persons, duly authorized by ordinance of said city, to construct side tracks to intersect any track or tracks of said railway company, within the limits of said city, for the purpose of conveying property to and from said railway to any warehouse, lumber yard, coal yard or manufactory situated within one thousand (1,000) feet of such railway; and, upon reasonable compensation being made therefor, shall at all times permit the owners or lessees of any such side track, or the consignees of any property, to take the cars containing such property to him or them consigned to any such warehouse, lumber yard, coal yard or manufactory situated upon any such side track; and that such owner, lessee or person conducting or carrying on any such warehouse, lumber yard, coal yard or manufactory shall be entitled

to have any property taken from any such warehouse, lumber yard, coal yard or manufactory over any such side track to and upon the track of said railway, under the directions and regulations of said Chicago, Millington & Western Railway Company, without unreasonable delay. Provided, however, that any cars so taken shall be returned without any unnecessary delay.

¶ 8. **Rights of other roads—joint user.**] § 8. Said company shall permit any other two railway companies to use the right of way hereby authorized upon such fair and equitable terms as may be agreed upon between said other companies, jointly and severally, and said Chicago, Millington & Western Railway Company; and in event of a disagreement as to such terms the same shall be settled and determined by three disinterested persons, one to be named by such other railway companies, and the other by the Chicago, Millington & Western Railway Company, and the two so chosen to choose a third person, and the terms and conditions which shall be agreed and determined upon by such three persons so chosen, or a majority of them, shall be the terms and conditions upon which such other railway companies, respectively, shall be allowed to use and occupy the right of way hereby authorized; and such other railway companies shall in such case have the same privileges to run cars upon and across all streets, avenues, alleys and highways as are herein granted to said Chicago, Millington & Western Railway Company, and shall be subject to all the terms, conditions and restrictions contained in this ordinance to the same extent as said Chicago, Millington & Western Railway Company.

¶ 9. **When in force.**] § 9. This ordinance shall take effect and be in force from and after its passage and due publication.

Note.—See following amendatory ordinance.

§ 238. Chicago, Millington & Western Railway company.

¶ 1. Amending section 5 of the foregoing ordinance.

An ordinance amending an ordinance passed August 21, 1876, granting a right of way to the Chicago, Millington & Western Railway company. (Passed August 21, 1876.)

¶ 1. **Amending section 5 of the foregoing ordinance.**] Be it ordained by the city council of the city of Chicago: That section five (5) of an ordinance concerning the Chicago, Millington and Western Railway Company, passed to-day, be amended to read as follows, in addition to said section five (5) commencing after the last word of said section:

The Chicago, Millington & Western Railway Company shall build one viaduct each year when so ordered by the city council of the city of Chicago.

§ 239. Chicago, Millington & Western Railway company.

¶ 1. Grant—route.
¶ 2. Subject to ordinances.
¶ 3. Powers reserved in council.
¶ 4. Motive power—limitation.
¶ 5. Crossings maintained.
¶ 6. Side tracks.
¶ 7. Joint user—arbitration.
¶ 8. Improvement of streets.
¶ 9. Opening new streets—culverts.
¶ 10. Indemnity clause.
¶ 11. When in force.

An ordinance concerning the Chicago, Millington & Western Railway company. (Passed August 28, 1876.)

¶ 1. Grant—route.] Be it ordained by the board of trustees of the town of Cicero: § 1. That permission and authority be and is hereby granted, so far as this board has lawful right to grant the same, to the Chicago, Millington & Western Railway Company, upon the conditions and under the provisions hereinafter made, to lay a single or double track, and operate its railway over and upon the following described route, and across the intervening streets, to-wit: Commencing at the east boundary line of the town of Cicero on the half section line, east and west of section twenty-seven (Twenty-sixth street); thence west on said line to a point near the center of the west half of said section twenty-seven; thence north on such land as said company may be able to obtain by gift, purchase or condemnation to the half section line east and west of section twenty-two; thence west on said half section line through sections twenty-two and twenty-one, and to a point at or near the center of section twenty; thence curving southward to the dividing line between the northwest and southwest quarters of said section twenty; thence west on said line through said section and through section nineteen on the dividing line between the property of James Couch and Frank Sturgess to the west line of the town of Cicero.

¶ 2. Subject to ordinances.] § 2. And said company may operate its tracks, the construction of which is authorized as subject to all ordinances of the town governing railway corporations now in force or which may hereafter be passed.

¶ 3. Powers reserved in council.] § 3. Permission and authority to the said Chicago, Millington and Western Railway Company, to construct, maintain and operate its railway, with single or double tracks and all necessary switches and turnouts, to be laid, built and constructed, subject to the directions of the board of trustees of the town; and the paving and keeping in repair of so much of said streets, alleys and crossings as may be occupied by said railway company with its tracks, switches and turnouts, shall be under the direction of the board of trustees and shall be paved and repaired when ordered by said board.

¶ 4. **Motive power—limitation.**] § 4. Said Chicago, Millington & Western Railway Company is hereby authorized to run its cars over and along said track, with steam or such other motive power as said company may deem best, subject, however, to all laws and ordinances of the town of Cicero, relating to railway companies, now in force or which may hereafter be passed; but this section shall not be so construed as to authorize said company to construct or operate what is commonly known as a horse-railroad, transporting passengers and baggage to and fro within the town of Cicero.

¶ 5. **Crossings maintained.**] § 5. Permanent crossings shall be made and maintained by said Chicago, Millington and Western Railway Company where said track or tracks cross any street or alley within the limits of the town of Cicero, according to the direction of the board of trustees at any and all times during the continuance of the franchise hereby granted.

¶ 6. **Side tracks.**] § 6. Said company shall permit any corporation, person or persons duly authorized by ordinance of said town to construct side tracks to intersect any track or tracks of said railway company, within the limits of said town, for the purpose of conveying property to and from said railway, to any warehouse, lumber yard, coal yard or manufactory situated within one thousand (1,000) feet of such railway, and upon reasonable compensation being made therefor, shall at all times, permit the owners or lessees of any such side track, or the consignees of any property, to take the cars containing such property to him or them consigned to any such warehouse, lumber yard, coal yard or manufactory, situated upon any such side track, and that any such owner, lessee or person conducting or carrying on any such warehouse, lumber yard, coal yard or manufactory shall be entitled to have any property taken from any such warehouse, lumber yard, coal yard or manufactory over any such side track to and upon the track of said railway under the directions and regulations of said Chicago, Millington & Western Railway Company without unreasonable delay. Provided, however, that any cars so taken shall be returned without any unnecessary delay.

¶ 7. **Joint user—arbitration.**] § 7. Said company shall permit any other railway companies not exceeding two, to use the right of way hereby authorized, upon such full and equitable terms as may be agreed upon between said other companies jointly and severally and the said Chicago, Millington & Western Railway Company; and in event of a disagreement as to such terms, the same shall be settled and determined by three disinterested persons, one to be named by such other railway companies and the other by the Chicago, Millington & Western Railway Company, and the two so chosen to choose a third person and the terms and conditions which shall be agreed and determined upon by such three persons so chosen, or a majority of them, shall be the terms and conditions upon which such other railway companies respectively shall be allowed to use and occupy the

right of way hereby authorized, and such other railway companies shall in such case, have the same privileges to run cars upon and across all streets, avenues, alleys and highways as are herein granted to the Chicago, Millington & Western Railway Company, and shall be subject to all the terms, conditions and restrictions contained in this ordinance to the same extent as said Chicago, Millington & Western Railway Company.

¶ 8. Improvement of streets.] § 8. This ordinance is upon the further condition that the said Chicago, Millington & Western Railway Company shall wherever it shall lay its track along or across any public street or highway, lay the same so that the top of the rails of said track shall be even with the surface of said street or highway, and shall pave or otherwise improve the space between said rails and also pave or otherwise improve the said street or highway three feet each side of said track or tracks as the same shall be laid on or along such street or highway, such paving or other improvement to be done by and at the expense of said company, under the direction of the board of trustees of the town of Cicero, or in accordance with the order or resolution of said board.

¶ 9. Opening new streets—culverts.] § 9. It is further provided that the said town of Cicero may at any time lay out and open any street or highway intersecting or crossing said railroad track, and that thereupon the said railway company will cause to be made and constructed such culverts at said crossings as the said town may order or direct and further that wherever the said railroad track shall cross any one of the ditches constructed through said town for drainage or any street ditch where drainage may be required, the said railway company shall build or construct a permanent culvert, or culverts, according to the ordinances or requirements of said board of trustees now made or hereafter to be made.

¶ 10. Indemnity clause.] § 10. And it is further expressly provided that the privileges and authority hereby granted are so granted to and accepted by the said railway company, subject to the rights (both at law and in equity), of any and all parties owning or having any interest in land fronting upon or lying near any street or highway, along or across which the said track shall be laid, and in case any person or persons, owning or having any interest in any such lands shall have any claim against said company for damages, or compensation, for or on account of the exercise by said company of any or all of the privileges hereby granted, such claim or claims shall in no way be affected by the passage of this ordinance; And this ordinance is upon the further condition that the said railroad company shall and will forever indemnify and save harmless the town of Cicero, from and against any and all damages, judgments, decrees, costs and expenses, which said town may suffer or which may be recovered or obtained against said town, by reason of the granting of such privileges and authority as herein above contained, or by reason of, or growing out of or re-

sulting from the passage of this ordinance, the construction or operation of said railroad, or the exercise by said company of the privileges hereby granted or any of them.

¶ **11. When in force.**] § 11. This ordinance shall take effect and be in force from and after its passage.

§ 240. Chicago, Milwaukee & St. Paul Railway company.
§ 241. Chicago & Pacific Railroad company.
§ 242. Chicago & Pacific Railroad company.
§ 243. Chicago, Milwaukee & St. Paul Railway company.
§ 244. Chicago, Milwaukee & St. Paul Railway company.
§ 245. Chicago, Milwaukee & St. Paul Railway company.
§ 246. Chicago, Milwaukee & St. Paul Railway company.
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§ 250. Chicago, Milwaukee & St. Paul Railway company.
§ 251. Chicago & Evanston Railroad company.
§ 252 Chicago & Evanston Railroad company.
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§ 258. Chicago & Evanston Railroad company.
§ 259. Chicago & Evanston Railroad company.
§ 260. Chicago & Evanston Railroad company.
§ 261. Chicago, Evanston & Lake Superior Railroad company.
§ 262. Chicago, Evanston & Lake Superior Railroad company.
§ 263. Chicago & Northern Pacific Railroad company.
§ 263a. Chicago & Northern Pacific Railroad company.
§ 264. Chicago & Northern Pacific Railroad company.
§ 265. Chicago & Northern Railroad company.
§ 266. Chicago & Milwaukee Railroad company.
§ 267. Chicago & Milwaukee Railroad company.
§ 268. Chicago & Milwaukee Railroad company, etc.
§ 269. Chicago & North-Western Railway company.
§ 270. Galena & Chicago Union Railroad company.
§ 271. Chicago & North-Western Railway company.
§ 272. Columbus, Chicago & Indiana Central Railroad company.
§ 273. Chicago & North-Western Railway company.
§ 274. Chicago & North-Western Railway company.
§ 275. Chicago & North-Western Railway company.
§ 276. Chicago & North-Western Railway company.
§ 277. Chicago Railway Transfer company.
§ 278. Chicago, Rock Island & Pacific Railroad company.
§ 279. Chicago & Rock Island Railroad company.
§ 280. Chicago, Rock Island & Pacific Railroad company.
§ 281. Chicago, Rock Island & Pacific Railroad company.
§ 282. Chicago, Rock Island & Pacific Railroad company.
§ 283. Chicago, Rock Island & Pacific Railroad company.
§ 284. Chicago, Rock Island & Pacific Railroad company.
§ 285. Chicago, Rock Island & Pacific Railroad company.
§ 286. Chicago, Rock Island & Pacific Railroad company.
§ 287. Chicago, Rock Island & Pacific Railroad company.
§ 288. Chicago, Rock Island & Pacific Railroad company.
§ 289. Chicago, Rock Island & Pacific Railroad company.
§ 290. Chicago, Rock Island & Pacific Railroad company.
§ 291. Chicago, Rock Island & Pacific Railroad company.

§ 292. Chicago, Rock Island & Pacific Railroad company.
§ 293. Chicago South Branch Canal company.
§ 294. Chicago & Southeastern Railroad company.
§ 295. Chicago & Southeastern Railroad company.
§ 296. Chicago, St. Louis & Pittsburg Railroad company.
§ 297. Chicago, St. Louis & Pittsburg Railroad company.
§ 298. Chicago, St. Louis & Pittsburg Railroad company.
§ 299. Chicago, St. Louis & Pittsburg Railroad company.
§ 300. Chicago, St. Louis & Pittsburg Railroad company.
§ 301. Chicago, St. Louis & Pittsburg Railroad company.
§ 302. Chicago, St. Louis & Pittsburg Railroad company.
§ 303. Chicago & Strawn Railroad company.

CHICAGO, MILWAUKEE & ST. PAUL RAILWAY COMPANY.

(Chicago & Pacific Railroad company, Chicago & Evanston Railroad company and Chicago, Evanston & Lake Superior Railroad company.)

§ 240. Chicago, Milwaukee & St. Paul Railway company.

¶ 1. Route—construction of bridges over Chicago river.
¶ 2. Motive power—viaduct at North avenue.
¶ 3. Subject to ordinances.
¶ 4. Indemnity.
¶ 5. Damages to private property—suits to ascertain.
¶ 6. Side tracks.
¶ 7. Joint user by Chicago & Evanston Railroad company and others—void unless constructed within two years.
¶ 8. Authority granted to the Chicago & Evanston Railroad company—not a recognition—null and void, when.

An ordinance concerning the Chicago & Pacific Railroad company and the Chicago & Evanston Railroad company. (Passed June 12, 1872.)

¶ 1. Route—construction of bridges over Chicago river.] Be it ordained by the common council of the city of Chicago: § 1. That permission and authority be, and is hereby, granted to the Chicago and Pacific Railroad Company, and to its successors, to put down, construct and maintain a railroad, with a single or double track, and all necessary switches and turnouts, along and upon the following named routes and streets in the city of Chicago: Commencing at the western limits of the city, at Bloomingdale road (or street); thence on said Bloomingdale road to and across Coventry street; thence on any property said company may acquire, by purchase, condemnation or otherwise, to the north branch of the Chicago river; thence across said north branch and on any property said company may acquire by purchase, condemnation or otherwise, to Jones avenue; thence on said Jones avenue and Hawthorne avenue to Willow street; thence on any property said company may acquire, by purchase, condemnation or

otherwise, to North avenue; thence across North avenue to Cherry avenue; thence on Cherry avenue to and across the north branch canal; thence on Cherry avenue and North Branch street to and across the north branch canal and to Hawthorne avenue; and from said North Branch street on any property said company may acquire, by purchase, condemnation or otherwise, west of Larrabee street and east of the north branch of the Chicago river, to Chicago avenue. And also to put down, construct and maintain, for passenger cars only, a single or double track from the north side of said Willow street, on said Hawthorne avenue, to Larrabee street. It is hereby provided that said crossings of the north branch of the Chicago river, and of the said north branch canal, shall be made by swing or draw-bridges, to be constructed and maintained by said Chicago and Pacific Railroad Company.

¶ 2. **Motive power—viaduct at North avenue.**] § 2. Said Chicago and Pacific Railroad Company, and its successors, are hereby authorized to run their cars over and along said track, with steam, or other power, as said company may deem best, subject, however, to all general ordinances of the city of Chicago, as to railroad companies similarly situated. Convenient crossings shall be made and maintained by said company where said track or tracks cross any street or alley within the limits of said city, according to the directions of the board of public works of said city, but the permission and authority hereby granted are upon the express condition that said company shall erect, within one year from the passage of this ordinance, a viaduct over North avenue, where the said track or tracks shall cross the same, and shall maintain said viaduct, and shall erect and maintain viaducts over any of its said tracks on any street or streets of said city which may be crossed by its said tracks where, and as the said board of public works of said city may, from time to time, require, and construct the approaches to all such viaduct with proper areas on either side of such approaches, said approaches to have an elevation of not more than one foot to every twenty feet in length thereof, or at such elevation as the board of public works shall direct; and provided, however, that where any such viaduct cannot be built at any such street crossing without the same be built over the track or tracks of some other railroad company, then said Chicago and Pacific Railroad Company shall only be obliged to join with such other last mentioned railroad company or companies in the construction and maintenance of such viaduct, and to pay its fair proportion of the cost of such viaduct, and if such other railroad company or companies shall not join in the erection of any such viaduct, then if the proportion of such other companies shall be otherwise provided, the said Chicago and Pacific Railroad Company shall only be required to pay a just and equitable proportion of the cost thereof.

¶ 3. **Subject to ordinances.**] § 3. The privileges hereby

granted shall be subject to all general ordinances that are now, or may hereafter be, in force concerning railroads in the city of Chicago.

¶ 4. **Indemnity.**] § 4. The permission and authority hereby granted are upon the further express condition, that the said Chicago and Pacific Railroad Company shall, and will forever indemnify, and save harmless, the city of Chicago, against and from any and all damages, judgments, decrees and costs and expenses of the same which it may suffer, or which may be recovered or obtained against said city for, or by reason of the granting of such privileges and authority, or for, or by reason of, or growing out of, or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted.

¶ 5. **Damages to private property—suits to ascertain.**] § 5. The permission and authority herein granted are upon the further express condition that said railroad company shall and will within two years from the time that said company shall lay down and construct said track or tracks upon said streets, commence and prosecute in good faith, in some court of competent jurisdiction, proceedings for the ascertainment of, and the making of compensation for all legal damages that may be suffered by any person or persons in their property or possessions by reason of such laying down and construction of such track or tracks, or any part thereof, and that having so commenced such proceedings, said railroad company shall prosecute the same in good faith without unreasonable delay to completion; Provided, that this section shall not apply to any property or possessions the owner of or party interested in which shall not have claimed such compensation within said two years.

¶ 6. **Side tracks.**] § 6. The permission and authority herein granted are upon the further express condition, to-wit: That said Chicago and Pacific Railroad Company shall permit any corporation, person or persons, duly authorized by ordinance of said city, to construct side tracks to intersect any track or tracks of said railroad company within the limits of said city, for the purpose of conveying property to or from said railroad to any warehouse, lumber yard, coal yard, or manufactory, situated within one thousand feet of such railroad, and shall deliver freight to and receive freight from any such warehouse, lumber yard, coal yard or manufactory situated upon any such side track, without discrimination between the owners or lessees, or any such warehouse, lumber yard, coal yard or manufactory.

¶ 7. **Joint user by Chicago & Evanston R. R. Co. and others—void unless constructed within two years.**] § 7. The privileges authorized herein are granted upon the express condition that said Chicago and Pacific Railroad Company shall permit the Chicago and Evanston Railroad Company, and such other railroad company as may hereafter be designated by the common council of the city of Chicago, which has not at present any right of entrance into the

city of Chicago under any ordinance or grant of said city, to use said tracks hereby authorized to be laid on the streets herein named, jointly with the said Chicago and Pacific Railroad Company (and to lay down tracks upon and across any lands owned, leased or occupied by the said Chicago and Pacific Railroad Company when necessary to the exercise of the privileges hereby granted), upon such fair and equitable terms as may be agreed upon by said companies; and in the event that said companies cannot agree upon such terms, the same shall be settled by three disinterested persons, one to be selected by said Chicago and Pacific Railroad Company, one to be named by such other company as may desire to use said tracks, and the third person by said two persons, and the terms and conditions which shall be fixed and determined by said persons, or a majority of such persons, shall be the terms and conditions upon which said companies, respectively, shall use and occupy said tracks and lay down tracks upon and across said lands; and such other railroad companies which may be allowed the use of said tracks shall have the same privilege to run cars upon and across said streets and alleys as are herein granted to said Chicago and Pacific Railroad Company, and shall be subject to all the conditions, restrictions and terms contained in this ordinance; Provided, further, that this ordinance shall be null and void unless the tracks herein provided for shall be constructed within two years from the date of the passage hereof; And provided, further, that before any other railroad company than the two above named shall use said tracks, it shall obtain the consent of the common council. The permission and authority hereby granted are upon the further expressed conditions that the said Chicago and Pacific Railroad Company shall permit any other railroad company which now has a depot within the city, and whose tracks will be crossed by or connected with the track of the said Chicago and Pacific Railroad, to use the tracks hereby authorized to be laid for the purpose of receiving and delivering freight, such permission to be granted upon terms which shall be just and reasonable, and if said railroad company shall fail to agree upon such terms the same shall be fixed in the manner specified in this section of the ordinance for the fixing of terms upon which the Chicago and Evanston Railroad Company may use the track hereby authorized to be laid down.

¶ 8. Authority granted to the C. & E. R. R. Co.—not a recognition, etc.—null and void, when.] § 8. The Chicago and Evanston Railroad Company is hereby authorized to connect with the tracks of the Chicago and Pacific Railroad Company on Jones avenue, and to construct and operate a single or double track from thence northwesterly on Jones avenue to Southport avenue, and thence north on Southport avenue to the city limits, upon the same terms and conditions imposed by this ordinance on the Chicago and Pacific Railroad Company; but unless the said Chicago and Evanston Railroad Company shall, within ninety days after the approval of this ordinance, surrender all claims to use Halsted street under any ordinance hereto-

fore passed, and accept the provisions of this ordinance, then all the rights and privileges granted by this ordinance to the Chicago and Evanston Railroad Company shall be null and void, and the common council may at any time thereafter designate another road instead thereof with common rights and privileges; Provided, that this ordinance shall not be construed as a recognition by the common council of the existence of any right of the Chicago and Evanston Railroad Company under an ordinance passed August 17, 1864; And provided, further, that the provisions of this ordinance in regard to the Chicago and Evanston Railroad Company shall be null and void, unless the tracks of said company herein provided for shall be constructed within two years from the passage of this ordinance.

Note.—See following amendatory ordinances.

§ 241. Chicago & Pacific Railroad company.

¶ 1. Across two alleys, and Dominick street and Webster avenue.
¶ 2. Motive power.
¶ 3. Delivery of freight—switching changes.
¶ 4. Improvement of Dominick street.
¶ 5. Bond.
¶ 6. Subject to ordinances.

An ordinance to amend an ordinance relating to the Chicago & Pacific Railroad company, passed June 12, 1872. (Passed January 23 1882.)

¶ 1. Across two alleys, and Dominick street and Webster avenue.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted to the Chicago, Milwaukee and St. Paul Railway Company, now the lessee and owner of the tracks, property, rights and privileges granted to the Chicago and Pacific Railroad Company by an ordinance passed June 12th, 1872, to construct, maintain and operate single or double tracks, from the tracks authorized to be laid by said ordinance on Jones (now Hawthorne) avenue, from a point connecting with the tracks of the Chicago and Evanston Railroad Company, authorized to be laid by said ordinance five hundred feet southeasterly from Southport avenue to, over and across any land which may be acquired by said company by purchase or condemnation, and across the alley between Southport avenue and Hawthorne avenue, thence across Southport avenue to block five of Dominick subdivision of part of Sheffield addition to Chicago, and across said alley in said block; thence upon Dominick street, upon the west thirty-two feet thereof, and across Webster avenue to the north end of said Dominick street, and thence on any property which said company may acquire by purchase, condemnation or otherwise, to the Fullerton avenue pumping works in said city, and across Fullerton avenue.

Provided, however, that said tracks hereby authorized to be laid in Dominick street shall not interfere with or encroach upon the sidewalk space of six feet in width on the west side of said street.

¶ 2. **Motive power.**] § 2. Said Chicago, Milwaukee and St. Paul Railway Company, its successors and lessees, may run its cars by steam, or such other motive power as it may deem best, subject to all general ordinances of the city as to railroads similarly situated.

¶ 3. **Delivery of freight—switching charges.**] § 3. Authority is hereby granted to construct and operate said road, and to deliver cars of freight to, and receive same from, manufactories, coal and lumber yards and warehouses on the line designated in this and said ordinances, upon the express condition that said company shall, in no case, charge for switching said cars more than the ordinary charges of other railroad companies in the city of Chicago, as from time to time established for switching cars for similar distances.

¶ 4. **Improvement of Dominick street.**] § 4. Said Chicago, Milwaukee and St. Paul Railway Company, as a condition upon which this ordinance is passed, shall improve and keep in good condition all of Dominick street for its entire length, as the city council may at any time order and direct.

¶ 5. **Bond.**] § 5. The said Chicago, Milwaukee and St. Paul Railway Company shall, before any permit is issued for the laying of the tracks hereby authorized, give to the city of Chicago, to be approved by the mayor, a bond in the penal sum of fifty thousand dollars, conditioned for the payment of any and all damages of every name, nature and kind, that the city of Chicago may be liable for by reason of the permission hereby given; and also that if at any time, by reason of the permission hereby given, or the running of trains upon said tracks, any judgment may be recovered against said city, said company shall be holden therefor.

¶ 6. **Subject to ordinances.**] § 6. This ordinance is subject to any ordinances now in existence, or which may hereafter be passed.

Note.—See following amendatory ordinance.

§ 242. Chicago & Pacific Railway company.

¶ 1. Amendatory.
¶ 6. Defining the rights and privileges heretofore granted.

An ordinance amending an ordinance relating to the Chicago & Pacific Railroad company. (Passed January 30, 1882.)

¶ 1. **Amendatory.**] Be it ordained by the city council of the city of Chicago: § 1. That section 6 of an ordinance passed January 23rd, 1882, entitled "An ordinance to amend an ordinance relating to the Chicago & Pacific Railroad Company, passed June 12th, 1872," be and the same is hereby amended so as to read as follows, to wit:

¶ 6. **Defining the rights and privileges heretofore granted.**] § 6. The privileges hereby granted are to be exercised subject to all ordinances of said city now in force, or which may be hereafter in force. It is hereby expressly provided that nothing herein contained shall be construed as a revival of or a recognition of the city of Chi-

cago of any rights or privileges heretofore granted to the Chicago & Evanston Railroad Company by an ordinance passed August 17th, 1864, or by an ordinance passed June 12th, 1872, or by any other ordinance of said city. And it is further expressly provided that said ordinance, passed January 23rd, 1882, shall not and does not in any way confer the right to run freight cars in Hawthorne avenue, where the same were prohibited by section 1 of said ordinance, passed June 12th, 1872.

§ 243. Chicago, Milwaukee & St. Paul Railway company.

¶ 1. Route—repair of streets and alleys.
¶ 2. Motive power.
¶ 3. Two viaducts each year—approaches.
¶ 4. Subject to ordinances.
¶ 5. Indemnity.
¶ 6. Damages to private property—suits to ascertain.
¶ 7. Side tracks.
¶ 8. Use of tracks by tenant companies.

An ordinance concerning the Chicago, Milwaukee & St. Paul Railway company. (Passed September 22, 1873.)

¶ 1. Route—repair of streets and alleys.] Be it ordained by the common council of the city of Chicago: § 1. That permission and authority is hereby given to the Chicago, Milwaukee and St. Paul Railway Company, and its successors, to put down, construct and maintain a railroad, with a single or double track, and all necessary switches and turn-outs along the line of their road as now graded, and as shown on the plat attached hereto and made part hereof, from a point on the south side of Kinzie street, at or near the crossing of Western avenue, across Kinzie street, Western avenue, Artesian avenue, Seymour street, Rockwell street, Washtenaw avenue, California avenue, West Chicago avenue, Kedzie street, Augusta street, Homan and Grand avenue, Central Park, Tinkham, Lawndale and North avenues, and other streets and avenues, and alleys, between said Kinzie street and North avenue, which cross or may hereafter be laid out across the said line of said railway, as shown on the said plat—subject, however, to the direction of the board of public works of said city in the construction of said tracks, switches and turn-outs, and the paving and keeping in repair of so much of said streets, alleys and crossings as may be occupied by said railway company with its tracks, switches and turn-outs.

¶ 2. Motive power.] § 2. Said Chicago, Milwaukee and St. Paul Railway Company, and its successors, are hereby authorized to run their cars over and along said tracks, with steam, or such other motive power as said company may deem best, subject, however, to all general ordinances of the city of Chicago as to railroad companies similarly situated.

¶ 3. Two viaducts each year—approaches.] § 3. Convenient crossings shall be made and maintained by said company where

said track or tracks cross any street or alley within the limits of said city, according to the directions of the board of public works of said city. The permission and authority herein granted are upon the express condition that the said Chicago, Milwaukee and St. Paul Railway Company shall annually, from the passage of this ordinance, erect and maintain two viaducts in each year over its said tracks, and the board of public works shall, in each year, on or before the first day of January, designate the streets over which such viaducts and approaches to said viaducts shall be constructed and maintained, the same to be built in such manner as the said board of public works shall direct; Provided, however, that the said viaduct or viaducts shall have approaches thereto, on each side thereof, with the proper area on either side of said approaches; said approaches to have an elevation of not more than one foot to every forty feet in length thereof, and that said approaches to said viaducts shall likewise be erected and built by and at the expense of said railroad company.

¶ **4. Subject to ordinances.**] § 4. The privileges hereby granted shall be subject to all the general ordinances that are now or may hereafter be in force concerning railroads in the city of Chicago.

¶ **5. Indemnity.**] § 5. The permission and authority hereby granted are upon the further express condition that the said Chicago, Milwaukee and St. Paul Railway Company shall and will forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs and expenses of the same which it may suffer, or which may be recovered or obtained against said city for or by reason of the granting of such privileges and authority, or for or by reason of, or growing out of, or resulting from, the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted.

¶ **6. Damages to private property—suits to ascertain.**] § 6. The permission and authority herein granted are upon the further express condition that said railroad company shall and will within three years from the time that said company shall lay down and construct said track or tracks upon said streets, commence and prosecute in good faith, in some court of competent jurisdiction, proceedings for the ascertainment of and the making of compensation for all legal damages that may be suffered by any person or persons in their property or possessions by reason of such laying down and construction of such track or tracks, or any part thereof; and that, having so commenced such proceedings, said railroad company shall prosecute the same in good faith, without unreasonable delay, to completion; Provided, that this section shall not apply to any property or possessions the owner of or party interested in which shall not have claimed such compensation within said three years.

¶ **7. Side tracks.**] § 7. The permission and authority herein

granted are upon the further express condition, to wit: That said Chicago, Milwaukee and St. Paul Railway Company shall permit any corporation, person or persons, duly authorized by ordinance of said city, to construct side tracks to intersect any track or tracks of said railway company within the limits of said city, for the purpose of conveying property to and from said railway to any warehouse, lumber yard, coal yard or manufactory situated within one thousand (1,000) feet of such railroad, and upon reasonable compensation being made therefor, shall at all times permit the owners or lessees of any such side track, or the consignees of any property, to take the cars containing such property to him or them consigned, to any such warehouse, lumber yard, coal yard or manufactory, situated upon any such side track; and that such owner, lessee or person conducting or carrying on any such warehouse, lumber yard, coal yard or manufactory, shall be entitled to have any property taken from any such warehouse, lumber yard, coal yard or manufactory, over any such side track, to and upon the track of said railway, under the direction and regulations of said Chicago, Milwaukee and St. Paul Railway Company, without unreasonable delay; Provided, however, that any cars so taken shall be returned without any unnecessary delay.

¶ 8. **Use of tracks by tenant companies.**] § 8. The permission and authority hereby granted are in consideration of and upon the further express condition that said Chicago, Milwaukee and St. Paul Railway Company shall permit any other two railroad companies to use the tracks hereby authorized to be laid, upon such fair and equitable terms as may be agreed upon between said other companies, jointly and severally, and said Chicago, Milwaukee and St. Paul Railroad Company, and in event of a disagreement as to such terms, the same shall be settled and determined by three disinterested persons, one to be named by such other railroad companies, and the other by the Chicago, Milwaukee and St. Paul Railroad Company, and the two so chosen to choose a third person, and the terms and conditions which shall be agreed upon and determined by such three persons so chosen, or a majority of them, shall be the terms and conditions upon which such other railroad companies, respectively, shall be allowed to use and occupy the tracks hereby authorized to be laid, and such other railroad companies shall, in such case, have the same privilege to run cars upon and across all streets, avenues, alleys and highways as are herein granted to said Chicago, Milwaukee and St. Paul Railway Company, and shall be subject to all the terms, conditions and restrictions contained in this ordinance, to the same extent as said Chicago, Milwaukee and St. Paul Railway Company.

§ 244. Chicago, Milwaukee & St. Paul Railroad company.

¶ 1. Route.
¶ 2. Subject to ordinances and to conditions governing Columbus, Chicago & Indiana Central Railroad company.
¶ 3. Grant, ten years—repair of Carroll street.
¶ 4. Viaducts.

An ordinance granting permission to the Chicago, Milwaukee & St. Paul Railroad company to operate a track upon Carroll street, etc. (Passed August 1, 1881.)

¶ 1. **Route.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and are hereby granted to the Chicago, Milwaukee and St. Paul Railroad Company, and its successors, to construct, maintain and operate one track upon and along the north half of Carroll street, from Union street to the west line of the alley between Clinton and Canal streets, and across and upon the sidewalk space upon the north side of Carroll street, and upon and across Desplaines street and Milwaukee avenue, under the viaducts, and Jefferson and Clinton streets, and intervening alleys between Carroll street and the alley running east and west between Kinzie and Carroll streets, as shown by the map hereto annexed, and made a part hereof.

¶ 2. **Subject to ordinances and to conditions governing C., C. and I. C. Ry. Company.**] § 2. The privileges hereby granted shall be subject to all general ordinances that are now or shall hereafter be in force concerning railroads in the city of Chicago, and especially subject to the conditions of the ordinance entitled, "An ordinance concerning the Columbus, Chicago and Indiana Central Railway," passed by the common council of the city of Chicago, April 1st, 1872.

¶ 3. **Grant, 10 years—repair of Carroll street.**] § 3. The permission and privileges hereby granted are upon the express condition that the said Chicago, Milwaukee and St. Paul Railroad Company shall, before or at the time of the construction of said railroad tracks, improve the roadway on the north side of said Carroll street, south of the tracks hereby authorized, and between said tracks and the railroad tracks on the south side of said street, by paving the same with wooden blocks, or by planking or macadamizing the same, as the commissioner of public works or other proper officer or department of said city may direct, and under the supervision and to the satisfaction of said commissioner, officer or department, and shall maintain and keep in repair the said roadway as directed by and under the supervision and to the satisfaction of the said commissioner, officer or department, so long as the tracks hereby authorized shall be maintained or operated by said Chicago, Milwaukee and St. Paul Railroad Company, its successors or assigns.

The permission hereby granted shall continue for the period of ten years.

¶ 4. Viaducts.] § 4. The permission and authority herein granted are upon the express condition that they shall erect viaducts over and across their tracks at Jefferson street and Clinton street, according to terms provided in section 3 of an ordinance concerning the Chicago, Milwaukee and St. Paul Railway Company, passed September 22, 1873.

§ 245. Chicago, Milwaukee & St. Paul Railway company.

¶ 1. Elevated roadway—specifications—bridge over Union street—height from street.

¶ 2. Indemnity.

An ordinance granting permission to the Chicago, Milwaukee & St. Paul Railway company to construct an elevated roadway from the east line of Halsted street east to Jefferson street, and for a bridge at Union street. (Passed February 11, 1884.)

¶ 1. Elevated roadway—specifications—bridge over Union street—height from street.] Be it ordained by the common council of the city of Chicago: § 1. That permission and authority are hereby granted the Chicago, Milwaukee & St. Paul Railway Company to construct and maintain an elevated roadway for the special use of the shippers and receivers of freight over the road of said company, and for general public use from the east line of Halsted street extending east to the west line of Jefferson street, of the uniform width of thirty-five (35) feet, from the south walls of the present freight house of said company on blocks eleven (11), sixty-one (61) and sixty-two (62) of old town of Chicago, to a line nine (9) feet south of and parallel with the north line of Wayman street.

And the further privilege is hereby granted of connecting such roadway with Halsted and Desplaines streets viaducts, but in such manner as not to impair the public use of such viaducts. Authority is also given said company to construct an iron bridge over Union street of the uniform width of said roadway, leaving a space of not less than fourteen (14) feet in the clear between said bridge and the present city grade of Union street. Further permission and authority are given said company to place iron columns for the support of the superstructure of said roadway on a line nine (9) feet south of and parallel with the north line of Wayman street, but no columns or other obstructions shall be placed in Union street.

Provided, however, and this grant is upon the express condition that said company shall keep and maintain the present roadway in good repair for public use, the entire length of said blocks from said south line of its freight houses to said line nine (9) feet south of the north line of Wayman street, from the east line of Halsted street to the west line of Jefferson street.

And provided, further, that before said company shall commence the construction of such roadway it shall submit the plans thereof and of the superstructure and bridge to the commissioner of public

works, and such plans shall be approved in writing by such commissioner.

¶ 2. Indemnity.] § 2. The permission and authority hereby granted are upon the further express condition that the said company shall and will forever indemnify and save harmless said city of Chicago against and from any and all damages, judgments, decrees, costs and expenses of the same, which it may suffer or which may be recovered or obtained against said city for or by reason of the granting of such privilege and authority, or for or by reason of, or growing out of, or resulting from, the passage of this ordinance, or from any act or acts of the said company under or by virtue of the privileges of this ordinance.

And it is hereby further provided, that upon the recovery of any final judgment or judgments against said city, as aforesaid, the said company shall immediately and without prior payment of such judgment or judgments by said city, shall be liable to pay and shall pay the amount or amounts thereof to said city, and the fact that said city may not have paid such judgment or judgments shall constitute no defense on the part of said company.

§ 246. Chicago, Milwaukee & St. Paul Railway company.

¶ 1. Grant—route—conditions.
¶ 2. When in force.

An ordinance granting to the Chicago, Milwaukee & St. Paul Railway company certain conditional privileges to lay a single or double track railway across Fullerton avenue in the town of Lake View. (Passed March 29, 1886.)

¶ 1. Grant—route—conditions.] Be it ordained by the board of trustees of the town of Lake View: § 1. That permission and authority be and the same are hereby granted to the Chicago, Milwaukee and St. Paul Railway Company to construct, maintain and operate a single or double track railway across Fullerton avenue, in the town of Lake View, from the south line of said town and within a distance of three hundred feet east of the north branch of the Chicago river, upon the following conditions, to wit:

1st. That the use of said portion of said Fullerton avenue by the said railway company under this license shall in no manner be or become a hindrance or obstruction to the free enjoyment thereof by the public as a highway.

2nd. That the said railway company shall at all times keep said crossing in good condition and repair, planked or otherwise, as the board of trustees of said town may prescribe, order or direct.

3rd. That whenever said town of Lake View, together with the proper authorities of the city of Chicago, shall order the construction of a viaduct on Fullerton avenue at said crossing, the said company shall and will promptly, and without delay, bear its just proportion of the costs and expenses for building and constructing the same.

4th. That this grant is held subject at all times to the orders of

the board of trustees and to the laws and ordinances governing the town of Lake View.

¶ 2. **When in force.**] § 2. That this ordinance shall be in force from and after its passage.

§ 247. Chicago, Milwaukee & St. Paul Railway company.

¶ 1. Grant—route.
¶ 2. Conditions as to laying tracks.
¶ 3. Repair of street.
¶ 4. Subject to ordinances.

An ordinance granting the Chicago, Milwaukee & St. Paul Railway company a right of way to Rossow Bros.' Wagon Manufacturing Company. (Passed August 6, 1888. Approved August 15, 1888.)

¶ 1. **Grant—route.**] Be it ordained by the city council of the city of Lake View: § 1. That, permission and authority be and the same are hereby granted to the Chicago, Milwaukee and St. Paul Railway Company to lay down, construct, maintain and operate a railroad track across and upon Otto street, in the city of Lake View, and across and upon the alley immediately north and parallel thereto; the westerly rail of which track shall not exceed in distance six feet from the westerly line of the right of way of the said company. The object of said track being to accommodate the Wagon Manufacturing of Rossow Bros.

¶ 2. **Condition as to laying track.**] § 2. The said track shall be laid down and maintained under the direction and supervision of the commissioner of public works of this city, and shall not be elevated in said street above the surface thereof, and shall be laid with modern improved rails in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction.

¶ 3. **Repair of street.**] § 3. The said company as to the part of the said street upon which its said track may be laid shall keep eight feet in width in good condition and repair, during all the time to which the privilege hereby granted shall extend, in accordance with whatever order, ordinance, or regulation may be passed or adopted by the city council of the city of Lake View in relation to such repair; and if the said company shall refuse or fail so to do the same may be done by the city and the company shall be liable to the city for the cost thereof.

¶ 4. **Subject to ordinances.**] § 4. The privileges hereby granted shall be subject to all ordinances concerning railroads, or which may hereafter be passed, and upon the express further condition that the city council may at any time repeal this ordinance.

§ 248. Chicago, Milwaukee & St. Paul Railroad company.

¶ 1. Bloomingdale road (extension), between Maplewood and Rockwell streets—bond—street.
¶ 2. Grant, ten years—modification or repeal.
¶ 3. Removal at expiration of grant.
¶ 4. When in force—acceptance.

An ordinance granting permission to the Chicago, Milwaukee & St. Paul Railroad company for extension of track on Bloomingdale road. (Passed July 29, 1889.)

¶ 1. Bloomingdale road (extension), between Maplewood and Rockwell streets—bond—street repairs.] Be it ordained by the city council of the city of Chicago: § 1. That permission is hereby granted to the Chicago, Milwaukee and St. Paul Railroad Company to extend and operate their switch track now in Bloomingdale road, from a point about fifty feet west of the west line of Maplewood avenue, along said Bloomingdale road to a point near the east line of Rockwell street; Provided, however, that said Chicago, Milwaukee and St. Paul Railroad Company shall, before laying said track, enter into a bond with the city of Chicago in the sum of ten thousand (10,000) dollars, to be approved by the mayor, to hold and save the city of Chicago harmless from all damages, costs and expenses whatsoever in consequence of the passage of this ordinance granting the privileges herein contained; Provided, further, that the privileges hereby granted shall be subject in all respects to all ordinances now in force, or which may hereafter be passed concerning railroads, and that said Chicago, Milwaukee and St. Paul Railroad Company shall, at their own expense, construct and maintain a good and sufficient crossing on Maplewood avenue, and shall keep so much of Bloomingdale road as is occupied by their track, and also all of said Bloomingdale road, on the north side of their track, between Seymour and Rockwell streets, in such condition and repair as they may be directed by the department of public works. Said tracks shall be laid down and maintained, and all work herein provided, done under the direction and supervision of the department of public works, and if the Chicago, Milwaukee and St. Paul Railroad Company shall violate any of the provisions of this ordinance, then the department of public works may tear up and remove the track herein authorized to be laid, and the cost thereof shall be paid by said Chicago, Milwaukee and St. Paul Railroad Company.

¶ 2. Grant, ten years—modification or repeal.] § 2. The rights and privileges hereby granted shall terminate at the expiration of ten (10) years from the passage hereof, and this ordinance shall at any time after the passage thereof be subject to modification, amendment or repeal, and in case of repeal all privileges hereby granted shall terminate.

¶ 3. Removal at expiration of grant.] § 3. At the expiration of this ordinance, or in case of its repeal, said Chicago, Milwaukee and St. Paul Railroad Company shall, at their own expense, cause said

tracks to be removed and the part of the street so occupied by said tracks to be placed in such repair and condition as the department of public works may require, and if said Chicago, Milwaukee and St. Paul Railroad Company shall fail to remove said tracks and so restore said street, as herein provided, then the city of Chicago may, after ten (10) days' notice to the said company, or their bondsmen, remove said tracks and restore the part of the street so occupied by said tracks to such condition as it may elect at the expense and cost of said Chicago, Milwaukee and St. Paul Railroad Company.

¶ 4. **When in force—acceptance.**] § 4. This ordinance shall be in force from and after its passage and acceptance by said Chicago, Milwaukee and St. Paul Railroad Company.

§ 249. Chicago, Milwaukee & St. Paul Railway company.

¶ 1. Grant—route—Dunning street.
¶ 2. When in force.

An ordinance granting right of way to the Chicago, Milwaukee & St. Paul Railway company for a side track across Dunning street, between Surrey court and Ward street, in the city of Chicago. (Passed October 21, 1895. Accepted October 28, 1895.)

¶ 1. **Grant—route—Dunning street.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same are hereby granted to the Chicago, Milwaukee and St. Paul Railway Company, as the lessees of the Chicago, Evanston and Lake Superior Railway, to construct, maintain and operate, with steam or other motive power, a side track across Dunning street, between Surrey court and Ward street, said side track running across said street from the right of way of said railway company, in lot thirteen (13) to lots eight (8) and nine (9), all of County Clerk's division of block forty three (43), Sheffield's addition to Chicago, as shown upon the plat attached hereto and made a part of this ordinance; Provided, however, that said railway company, its successors and assigns, shall keep the part of said Dunning street, occupied by said side track, in good repair, as directed by the commissioner of public works.

¶ 2. **When in force.**] § 2. This ordinance shall be in full force and effect from and after its passage.

§ 250. Chicago, Milwaukee & St. Paul Railway company.

¶ 1. Route.
¶ 2. Indemnity.
¶ 3. Supervision.
¶ 4. When in force—acceptance.

An ordinance granting permission unto the Chicago, Milwaukee & St. Paul Railway company to construct, maintain and operate the side track on the west side of Dominick street in front of lots one (1) and two (2), block (6) of Dominick's subdivision. (Passed July 20, 1896.)

¶ 1. **Route.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted

unto the Chicago, Milwaukee and St. Paul Railway Company to construct, maintain and operate a switch track, commencing at a point on its main track in Dominick street, in the city of Chicago, about 260 feet southeast from the south line of Webster avenue, and running thence northwesterly in front of lots one (1) and two (2), block six (6), of Dominick's subdivision to the south line of Webster avenue, which said tracks is shown by red lines as "proposed side track" upon the plat hereunto attached.

¶ 2. **Indemnity.**] § 2. The permission and authority hereby granted are upon the express condition that the said Chicago, Milwaukee and St. Paul Railway Company shall and will forever indemnify and save harmless the city of Chicago, against and from any and all damages, judgments, decrees and costs and expenses of the same, which it may suffer or which may be recovered or obtained against said city, for or by reason of the granting of such privileges and authority, or for or by reason or growing out of, or resulting from the passage of this ordinance, or any matter or thing connected herewith, or with the exercise by said company of the privileges hereby granted.

¶ 3. **Supervision.**] § 3. All work which shall be done with and by authority of the privileges or under the conditions of this ordinance shall be done under the direction of the commissioner of public works, and shall be done in a manner satisfactory to him, and at the sole cost and expense of said Chicago, Milwaukee and St. Paul Railway Company.

¶ 4. **When in force—acceptance.**] § 4. This ordinance shall take effect and be in force from and after its passage and approval and its acceptance by said Chicago, Milwaukee and St. Paul Railway Company; Provided, however, that such acceptance shall be filed with the city clerk within thirty (30) days after the approval of this ordinance.

CHICAGO & EVANSTON RAILROAD COMPANY.

§ 251. Chicago & Evanston Railroad company.

¶ 1. Incorporated—powers.
¶ 2. Railroad powers—certain route forbidden.
¶ 3. Capital stock.
¶ 4. Board of directors.
¶ 5. Right of way—eminent domain.
¶ 6. Term of charter—when in force.

An act to incorporate the Chicago & Evanston Railroad company. (Approved February 16, 1861.)

¶ 1. **Incorporated—powers.**] § 1. Be it enacted by the peo-

ple of the state of Illinois, represented in the general assembly, That James G. Hamilton, George W. Thompson, Orrington Lunt, Hugh T. Dickey, Jabez K. Botsford, S. B. Chase, Henry Smith, Edwin Haskins, Thomas C. Hoag, Isaac N. Arnold, J. F. Willard and John Evans, and their associates, who may be such by becoming stockholders in this company, and their successors, be and they are hereby created a body politic and corporate, by the name and style of "The Chicago and Evanston Railroad Company," with power to sue and be sued, plead and be impleaded; to adopt a common seal and alter it at pleasure; to adopt such by-laws and regulations as they may deem expedient; and to have and exercise all other rights and powers necessary to carry out the intentions of this act.

¶ 2. **Railroad powers—certain route forbidden.**] § 2. They shall have power to locate, construct, maintain and operate with horse or locomotive cars, from the city of Chicago to any point in the town of Evanston, a railroad with a single or double track, turnouts, sidings, depots and all other necessary appliances. They may contract with the North Chicago Horse Railroad Company or any other company, or party, to operate their road, or the road of such other party, either separately or jointly, as may be agreed upon. They may acquire, by donation, stock subscription or purchase, dispose of and convey, as they may deem expedient, real estate not to exceed in value, on hand at any one time, the capital stock of the company; and for the purpose of carrying out the intentions of this act, they shall have power to borrow money, not to exceed in amount the capital stock of the company, and to secure the payment thereof by pledge or mortgage of any or all of its property, rights, credits and franchises. No authority is or shall be granted to said company, or to any other corporation or party, by the city of Chicago, to lay any railroad track in Wells, Dearborn, Wolcott, Cass, Rush, Pine, North or South Clark streets, or in Wabash or Michigan avenues, in the city of Chicago; but the laying of the same is hereby expressly prohibited.

¶ 3. **Capital stock.**] § 3. The capital stock of the company shall be one hundred thousand dollars, which shall be divided into shares of one hundred dollars each. It may be increased by a two-thirds vote of all the stock of the company, at any regular meeting of the stockholders, to an amount not to exceed three hundred thousand dollars. Books may be opened for subscriptions to the stock of the company, as may be deemed expedient by the board of directors.

¶ 4. **Board of directors.**] § 4. The affairs of the company shall be managed by a board of twelve directors, a majority of whom shall form a quorum. After the expiration of the term of the first board they shall be elected annually by the stockholders, as may be provided in the by-laws, and shall hold their office for one year, and until their successors are elected. The persons herein named as corporators shall be the first board of directors.

¶ 5. **Right of way—eminent domain.**] § 5. In procuring the right of way for said railroad they shall be entitled to such privileges and rights to cross or run along highways as may be granted by the commissioners of highways of the towns through which it may pass; and when, on account of non-residence, minority, or other disability to sell, on the part of owners of property, or where parties refuse to grant their property, or fail to agree as to the compensation for the right of way or depot grounds, said company may condemn and take the same, according to the provisions of "An act to amend the law condemning the right of way for purposes of internal improvements," approved June 22, 1852.

¶ 6. **Term of charter—when in force.**] § 6. This act shall take effect and be in force from and after its passage, and continue for fifty years.

§ 252. Chicago & Evanston Railroad company.

¶ 1. Grant—route.
¶ 2. Conditions—crossings—supervision.
¶ 3. Motive power—subject to ordinances—rights reserved.
¶ 4. Extension of streets—crossings.
¶ 5. Repair of tracks and crossings.
¶ 6. Indemnity.
¶ 7. Bond—conditions.
¶ 8. Time for completion limited.

An ordinance concerning the Chicago & Evanston Railroad company. (Passed and approved October 3, 1881. Accepted September 20, 1882.)

¶ 1. **Grant—route.**] Be it ordained by the board of trustees of the town of Lake View: § 1. That permission and authority be and are hereby granted to the Chicago and Evanston Railroad Company to lay down, maintain and operate a single railroad track or double tracks, with the necessary switches and turn-outs, through the town of Lake View, on a route commencing at a point to be selected by said company in Fullerton avenue, on the south line of the town, between the east line of Southport avenue and a point six hundred (600) feet east thereof, and running thence northeasterly and north to a point on the north boundary line of the town, three hundred and thirty (330) feet east of the center of Evanston avenue; and in the course of said route to run in the street which runs from Wrightwood avenue to Lincoln avenue on the line midway between Southport avenue and Racine road (or avenue), and in Stella street from Grace street (or Ivanhoe street), its present southern end, to the street known as Sulzer street (or Armadale road), its present northern end; and to cross all streets and alleys in said route.

¶ 2. **Conditions — crossings — supervision.**] § 2. The said company is required, and this grant is made upon the express condition, that it shall so construct the crossings of all streets as not to interfere with the safe, free and convenient use of the same by the public; and keep the same planked so that the surface shall be even with the

top of the rails for the full width of the highways, and upon the further condition that said company shall, in all other respects, exercise the powers and privileges hereby granted, subject to the requirements and provisions of the ordinance of the town of Lake View, entitled "Railroads," approved March 17th, A. D. 1879, and designated as chapter twenty-seven (XXVII) of the laws and ordinances governing the town of Lake View, printed and published by authority of the board of trustees of the town of Lake View, of the date of June 2d, 1879; and upon the further condition that said company, its successors, grantees, lessees and assigns, shall be subject to assessment for paving, re-paving, planking, re-planking or any other kind of improvement of five (5) feet in width of any of said streets or parts of streets that may be so occupied by its tracks, exclusive of and on one side of its tracks, whenever the board of trustees of the town of Lake View, or other succeeding municipal authorities, shall, by ordinance, order such improvement to be made. In constructing said tracks, turn-outs, switches, culverts and drains, across or along streets, and in repairing the same, and in making any other improvements required by this or any ordinance of the town the said railroad company shall be subject to the direction and supervision of the board of trustees of the town of Lake View, or their successors in authority.

¶ 3. **Motive power—subject to ordinances—rights reserved.**] § 3. Said company and its successors are hereby authorized to operate said railroad track with steam or such other motive power as it shall deem best; the privileges hereby granted, however, shall be enjoyed subject to all general ordinances that now are or hereafter may be in force concerning railroads in said town. And the proper authorities of said town shall have the right at any time to cause water supply pipes, gas pipes, and other necessary public improvements, to be laid through and across the route and right of way of said company at such points as they may select, without any proceedings to condemn the property of said company for such purposes, and without any compensation to said company or damages being paid therefor.

¶ 4. **Extension of streets—crossings.**] § 4. The proper public authorities shall have the right to lay out and open any new street or streets across the route and right of way of said company without any proceedings to condemn the same, and without any compensation to said company or damages being paid therefor; and said company shall keep the crossings at such new streets in the same condition as herein provided for streets now in existence.

¶ 5. **Repair of tracks and crossings.**] § 5. If the said railroad company should fail, neglect, or refuse to keep its said tracks and right of way in the condition required by the provisions of this ordinance, or any general ordinance of the town of Lake View, for twenty days after notice to any agent of said company thereof, then such repairs, alterations or improvements as may be ordered by the board of

trustees, may be made by the town, and the cost thereof recovered from the company at the suit of the town in any court of competent jurisdiction.

¶ 6. **Indemnity.**] § 6. The permission and authority hereby granted are upon the further express condition that the said railroad company, its successors, grantees, lessees and assigns, shall and will forever indemnify and save harmless the town of Lake View against and from any and all damages, judgments, decrees and costs, and expenses of the same which it may suffer, or which may be recovered or obtained against said town by reason of the granting of such privileges and authority, or for or by reason of, or growing out of, or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted, or from any act or acts of the said company under or by virtue of the provisions of this ordinance.

¶ 7. **Bond—conditions.**] § 7. This ordinance shall not take effect until after said company shall have executed a good and sufficient bond to the town of Lake View, in the penal sum of twenty-five thousand dollars ($25,000), subject to the approval of the supervisor of said town, conditioned that the said company will observe, perform and carry out the provisions of this ordinance, and will pay all damages for which said town may become liable to any person or persons by reason of the said railroad entering or running through the portion of said town as aforesaid, or by reason of said company constructing, laying down, maintaining, operating, using or occupying said railroad track or tracks within said town; and conditioned also for the payment of all damages which may arise to the town of Lake View on account of any judgment or decree against said town, including all costs and expenses connected with the same, that may at any time be obtained by any person or persons whomsoever, by reason of said company constructing, laying down, maintaining, operating or using said railroad track, or occupying said streets in said town of Lake View.

¶ 8. **Time for completion limited.**] § 8. The privilege and authority hereby granted are so granted upon the further express condition that the tracks authorized by this ordinance shall be laid down and constructed, and said railroad shall be regularly operated by running daily passenger trains over the same within one year from the passage of this ordinance; and if not so constructed and in operation, all the rights and privileges granted by this ordinance to such company shall cease and be null and void.

Note.—See following amendatory ordinance.

§ 253. Chicago & Evanston Railroad company.

¶ 1. Amendment—route.
¶ 2. Route.
¶ 3. Time limit extended.

An ordinance to amend an ordinance concerning the Chicago & Evanston Railroad company, passed and approved October 3, 1881. (Passed and approved September 18, 1882. Accepted October 2, 1882.)

¶ 1. **Amendment—route.**] Be it ordained by the board of trustees of the town of Lake View: § 1. That the Chicago and Evanston Railroad Company may commence the route of its road in Southport avenue on the south line of the town, and run so that the tracks shall be within the east thirty feet of said avenue and on a curve by which the tracks shall leave said avenue within two hundred feet of the northeast corner of Fullerton and Southport avenues. But on the condition that said company shall improve and keep in repair Southport avenue for a distance of three hundred feet from Fullerton avenue in accordance with any order or ordinance for the improvement or repair of Southport avenue.

¶ 2. **Route.**] § 2. The said railroad company may run in the street in the center of block two (2) of Brown's subdivision of the west half of the northeast quarter of section eight (8) in the town of Lake View, which street has been laid out in the subdivisions of blocks one and two of said subdivision by F. C. Taylor, subject to the terms and conditions of the ordinance to which this is an amendment.

¶ 3. **Time limit extended.**] § 3. The term of one year mentioned in section eight (8) of the ordinance hereby amended is extended to the first day of March, 1883.

Note.—See following amendatory ordinance.

§ 254. Chicago & Evanston Railroad company.

¶ 1. Amendment—route.
¶ 2. Time limit extended.
¶ 3. Removal of tracks—depots—side track.
¶ 4. When in force.

An ordinance to amend an ordinance concerning the Chicago & Evanston Railroad company, passed and approved September 18, 1882, entitled "An ordinance to amend an ordinance concerning the Chicago & Evanston Railroad company," passed and approved October 3, 1881. (Passed and approved March 22, 1884.)

¶ 1. **Amendment—route.**] Be it ordained by the board of trustees of the town of Lake View: § 1. That the Chicago and Evanston Railroad Company may change the route of its road as described in section one of the ordinance concerning the Chicago and Evanston Railroad Company, passed and approved September 18th, 1882, and may construct and operate its road upon the following line described as follows, to wit:

Commencing at a point in Fullerton avenue on the south line of the town of Lake View not more than five hundred (500) feet east of the east line of Southport avenue in said town, thence north over such lots, lands and property as said Chicago and Evanston Railroad Company now own or may hereafter acquire by lease, purchase, condemnation or otherwise, to a connection with said company's railroad

tracks, as now laid or hereafter to be laid in said town, at some point not more than four hundred (400) feet north of the north line of Dunning street in said town, and to cross all streets and alleys in said route.

¶ 2. **Time limit extended.**] § 2. The time mentioned in section three of the ordinance hereby amended is extended to the first day of July, A. D. 1884, when and after which time said railroad company shall operate said railroad as required by said original and amendatory ordinance, by running regular daily passenger trains through the town of Lake View and to a convenient terminal passenger station in the city of Chicago, at least as far south as East Kinzie street in said city of Chicago.

¶ 3. **Removal of tracks—depots—side track.**] § 3. The permission hereby granted is upon the express condition that said railroad company shall, within thirty days of the passage of this ordinance, remove its railroad tracks which are now located between the south line of the town and the point north of the north line of Dunning street, referred to in section one of this ordinance, to the line authorized by said section one; also upon the further express condition that prior to the time when passenger trains shall be run upon said railroad, as authorized and required by this ordinance, said company shall construct and maintain for the use of the public suitable depot buildings at or near and within three hundred (300) feet of the crossing of said railroad over Fullerton avenue, Diversey street, Belmont avenue and Addison street; also upon the further express condition that said company shall hereafter also construct and maintain for the use of the public suitable depot buildings at such points along their route in the town of Lake View north of their Graceland cemetery station as the board of trustees of the town of Lake View, or their successors in authority, may, from time to time, determine that the public convenience requires: Provided, however, that said board of trustees, or their successors in authority, shall not require the location of said company's depots within a less distance than one-half (½) mile of each other. And upon the further express condition, also, that said company shall before July 1st, A. D. 1884, extend their side track at Graceland cemetery station northward to Sulzer street in said town of Lake View, and if said company shall fail or neglect to comply with the requirements of the conditions expressed in this section, all the rights and privileges granted to said company by this ordinance shall thereupon cease and be null and void.

¶ 4. **When in force.**] § 4. This ordinance shall take effect and be in force from and after its passage.

§ 255. Chicago & Evanston Railway company.

¶ 1. Grant—route.
¶ 2. Street crossings to be planked—subject to ordinances.
¶ 3. New streets opened free.
¶ 4. Repairs—alterations and improvements.
¶ 5. Indemnity.
¶ 6. Time for completion.
¶ 7. Bond—conditions.

An ordinance granting to the Chicago & Evanston Railway company a right of way through the village of Rogers Park. (Passed and approved November 30, 1881.)

¶ 1. Grant—route.] Be it ordained by the president and board of trustees of the village of Rogers Park, Cook county, Illinois: § 1. That permission and authority be and are hereby granted to the Chicago and Evanston Railroad Company to lay down, maintain and operate a single railroad track or double tracks, with necessary switches and turnouts, through the village of Rogers Park, in, along and upon the road or highway called the Evanston road, being the road or street running from a point at or near the southwest corner of the southeast quarter of section 32, town 41, range 14, east of the third principal meridian, northerly to the north line of said village from its intersection with the south line of said village, which is the north line of the town of Lake View, to its intersection with the north line of said village, along and upon any portion thereof as said railway company shall elect.

¶ 2. Street crossings to be planked—subject to ordinances.] § 2. The said company, its successors, assigns and lessees, are hereby required to, and this grant is made upon the express condition that it shall so construct the crossings of all streets crossing said Evanston road so as not to interfere with the safe and free use of same by the public, and keep the same planked so that the surface shall be even with the top of the rails for the full width of the highway, and in all other respects shall exercise the powers and privileges hereby granted, subject to all general, valid ordinances of the village of Rogers Park, or other succeeding municipality, concerning railroads now in force or that may hereafter be passed.

In constructing said tracks, railroads and switches along and upon said highway and in repairing the same, said railroad company, its successors, assigns or lessees, shall be subject to the direction and supervision of the board of trustees of said village of Rogers Park, and their successors.

¶ 3. New streets opened free—rights reserved.] § 3. The proper public authorities shall have the right to lay out and open any new street or streets across said highway without any proceedings to condemn any of the right of way hereby granted and without paying any compensation or damage therefor, and said company, its successors, assigns or lessees, shall keep the crossings at such new streets in the same condition as herein provided for streets now in existence.

And the proper authorities of said village, or succeeding municipality, shall have the right at any time to cause water supply pipes, gas pipes, sewers and other necessary public improvements to be laid through and across the route and right of way of said company, its successors, assigns or lessees, at such points as they may select without any proceedings to condemn the property of said company, its successors, assigns or lessees, for such purposes, and without any compensation to said company, its successors, assigns or lessees, or damage being paid therefor.

¶ 4. **Repairs—alterations and improvements.**] § 4. If the said railroad company, its successors, assigns or lessees, should fail, neglect or refuse to keep its said track and right of way in the condition required by the provisions of this ordinance or the general ordinances of the village of Rogers Park, or any succeeding municipality, for twenty days after notice thereof to any agent of said company, its successors, assigns or lessees, then such repairs, alterations or improvements as may be deemed necessary may be made by said village authorities, or succeeding municipalities, and the cost thereof recovered from said company, its successors, assigns or lessees, in any court of competent jurisdiction.

¶ 5. **Indemnity.**] § 5. The permission and authority hereby granted are upon the further express condition that the said railroad company, its successors, assigns or lessees, shall and will forever indemnify and save harmless the village of Rogers Park, and municipalities succeeding, from any and all damages, judgments, decrees and costs and expenses of the same which it may suffer or which may be recovered or obtained against said village, or succeeding municipalities, for or by reason of the granting of such privileges and authority, or for or by reason of, or growing out of, or resulting from, the passage of this ordinance or any matter or thing connected therewith, or with the exercise by said company, its successors, assigns or lessees, of the privileges hereby granted or from any act or acts of the said company, its successors, assigns or lessees, under or by virtue of the provisions of this ordinance.

¶ 6. **Time for completion.**] § 6. The privilege and authority hereby granted are so granted upon the further express conditions that the tracks authorized by this ordinance shall be laid down and constructed upon such portion of said highway as said railroad company shall elect to use, and such railroad shall be operated by running passenger trains over the same within one year from the passage of this ordinance. And if not so constructed and in operation within the time specified all the rights and privileges granted by this ordinance to such company, its successors, assigns or lessees, shall cease and be null and void.

¶ 7. **Bond — conditions.**] § 7. This ordinance shall not take effect until after said company shall have executed a good and suf-

ficient bond to the village of Rogers Park, in the penal sum of twenty-five thousand dollars ($25,000), subject to the approval of the board of trustees of said village, conditioned that the said company, its successors, assigns or lessees, will properly observe, perform and carry out the provisions of this ordinance, and will pay all damages for which the said village may become liable, to any person or persons, by reason of the railroad entering or running through the portion of said village as aforesaid, or by reason of said company, its successors, assigns or lessees, constructing, laying down or maintaining, operating, using or occupying said railroad track or tracks within said village, and conditional also for the payment of all damages which may arise to the village of Rogers Park, or succeeding municipalities, on account of any judgment or decree against said village of Rogers Park, or succeeding municipalities, including all costs and expenses connected with the same that may at any time be obtained by any person or persons whomsoever, by reason of said company, its successors, assigns or lessees, constructing, laying down, maintaining, operating or using said railroad tracks or occupying said highway in said village of Rogers Park.

Note.—See following ordinance.

§ 256. Chicago & Evanston Railway company.

¶ 1. Grant—route.
¶ 2. Street crossings to be planked—subject to ordinances.
¶ 3. New streets opened free—rights reserved.
¶ 4. Repairs—alterations and improvements.
¶ 5. Indemnity.
¶ 6. Time for completion.
¶ 7. Acceptance—relinquishment of prior rights.
¶ 8. Bond—conditions

An ordinance granting to the Chicago & Evanston Railroad company a right of way through the village of Rogers Park. (Passed and approved September 2, 1882.)

¶ 1. Grant—route.] Be it ordained by the president and board of trustees of the village of Rogers Park, county of Cook and state of Illinois: § 1. That permission and authority be and are hereby granted to the Chicago and Evanston Railroad Company to lay down, maintain and operate a single railroad track, or double tracks, with necessary switches and turnouts, through the village of Rogers Park, in, along and upon the road or highway called Southport avenue, being a street along the center of the northwest quarter of section thirty-two (32), in township forty-one (41) north, in range fourteen (14), east of the third principal meridian, and to cross all streets running east and west across the same, and also across Evanston avenue, at a point between eleven and twelve hundred feet from the south line of said town, and at another point in section twenty-nine (29) in said town, to be selected by said company, and also across the Indian boundary line road.

¶ 2. **Street crossings to be planked—subject to ordinances.**] § 2. The said company, its successors, assigns or lessees, are hereby required to, and this grant is made upon the express condition that it shall so construct the crossings of said streets crossing said Southport avenue so as not to interfere with the safe and free use of the same by the public, and keep the same planked, so that the surface will be even with the top of the rails for the full width of the highways, and in all other respects shall exercise the powers and privileges hereby granted, subject to all general valid ordinances of the village of Rogers Park, or other succeeding municipalities, concerning railroads now in force or that may hereafter be passed.

In constructing said tracks, railroads and switches, upon and along said highway, and in repairing the same, the said railroad company, its successors, assigns or lessees, shall be subject to the direction and supervision of the board of trustees of said village of Rogers Park and their successors.

¶ 3. **New streets opened free—rights reserved.**] § 3. The proper public authorities shall have the right to lay out and open any new streets across said highway without any proceedings to condemn any of the right of way hereby granted, and without paying any compensation or damage therefor, and said company, its successors, assigns or lessees, shall keep the crossings at such new streets in the same condition as herein provided for streets now in existence, and the proper authorities of said village, or succeeding municipalities, shall have the right, at any time, to cause water supply pipes, gas pipes, sewers and other necessary public improvements, to be laid through and across the streets used by said company, its successors, assigns or lessees, at such points as they may select, without any proceedings to condemn the property of said company, its successors, assigns or lessees, for such purposes and without any compensation to said company, its successors, assigns or lessees, or damages being paid therefor.

¶ 4. **Repairs—alterations and improvements.**] § 4. If the said railroad company, its successors, assigns or lessees, should fail, neglect or refuse to keep its said tracks and right of way in the condition required by the provisions of this ordinance or the general ordinances of the village of Rogers Park, or any succeeding municipalities, for twenty days after notice thereof to any agent of said company, its successors, assigns or lessees, then such repairs, alterations or improvements as may be deemed necessary may be made by said village, authorities, or succeeding municipalities, and the cost thereof recovered from said company, its successors, assigns or lessees, in any court of competent jurisdiction.

¶ 5. **Indemnity.**] § 5. The permission and authority hereby granted are upon the further express condition that the said railroad company, its successors, assigns or lessees, shall and will forever indemnify and save harmless the village of Rogers Park, and succeeding municipalities, from any and all damages, judgments, decrees and

costs and expense of the same which it may suffer, or which may be recovered or obtained against said village, or succeeding municipalities, for or by reason of the granting of such privileges and authority, or for, or by reason of, or growing out of, or resulting from, the passage of this ordinance or matter or thing connected therewith, or with the exercise by said company, its successors, assigns or lessees, of the privileges hereby granted, or from any act or acts of the said company, its successors, assigns or lessees, under or by virtue of the provisions of this ordinance.

¶ 6. **Time for completion.**] § 6. The privileges and authority hereby granted are so granted upon the further express condition that the tracks authorized by this ordinance shall be laid down and constructed upon such portion of said highway as said railroad company shall elect to use, and such railroad shall be operated by running passenger trains over the same within one year from the passage of this ordinance, and if not so constructed and in operation all the rights and privileges granted by this ordinance to such company, its successors, assigns or lessees, shall cease, and be null and void.

¶ 7. **Acceptance—relinquishment of prior rights.**] § 7. This ordinance shall have no force or effect until it shall be accepted by said company, and until said company shall relinquish all rights under an ordinance on the same subject passed November 30th, 1881.

¶ 8. **Bond — conditions.**] § 8. This ordinance shall not take effect until after said company shall have executed a good and sufficient bond to the village of Rogers Park in the penal sum of twenty-five thousand dollars ($25,000), subject to the approval of the board of trustees of said village, conditioned that the said company, its successors, assigns or lessees, will properly observe, perform and carry out the provisions of this ordinance and will pay all damages for which the said village may become liable, to any person or persons, by reason of the railroad entering or running through the portion of said village as aforesaid, or by reason of said company, its successors, assigns or lessees, constructing, laying down, maintaining, operating, using or occupying said railroad track or tracks within said village, and conditioned also for the payment of all damages which may arise to the village of Rogers Park on account of any judgment or decree against said village, or succeeding municipalities, including all costs and expenses connected with the same that may at any time be obtained by any person or persons whomsoever by reason of said company, its successors, assigns or lessees, constructing, laying down, maintaining, operating or using said railroad tracks or occupying said highway in said village of Rogers Park.

Note.—No acceptance of this ordinance nor relinquishment of ordinance of November 30, 1881, on file.

§ 257. Chicago & Evanston Railroad company.

¶ 1. Grant—route—removal of certain tracks.
¶ 2. Additional route—bridge.
¶ 3. Supervision—repair of streets.
¶ 4. Number of tracks permitted—use—motive power—trains.
¶ 5. Viaducts where required by city—cost.
¶ 6. Street crossings—gates—bells—attendants.
¶ 7. Depression of tracks—conditions.
¶ 8. Telegraph line.
¶ 9. Indemnity.
¶ 10. Side tracks to warehouses, etc.
¶ 11. Time for completion—forfeiture.
¶ 12. Grant to Chicago & Lake Superior Railroad company.
¶ 13. When in force.

An ordinance authorizing the Chicago & Evanston Railroad company to construct, maintain and operate a railroad in the city of Chicago. (Passed December 24, 1883. Accepted by the Chicago & Evanston Railroad company and by the Chicago & Lake Superior Railroad company December 26, 1883.)

¶ 1. Grant—route—removal of certain tracks.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same is hereby given and granted to the Chicago and Evanston Railroad company to construct, maintain and operate a railroad with one or more tracks, and such switches, sidings, and turnouts as said company may deem necessary, along and upon the following route in said city of Chicago, to wit: Commencing at the northern boundary line of said city of Chicago, at some point within one hundred and twenty-four (124) feet west of the western boundary line of Herndon street, and thence southwardly over such lots, lands and property as said company now owns or may hereafter acquire by lease, purchase, condemnation or otherwise, in the east half of sub-blocks three (3) and six (6) of block twelve (12), and the east half of sub-blocks eleven (11) and ten (10), of block thirteen (13), and across sub-block three (3), of said block thirteen (13), of Sheffield's addition to the city of Chicago, connecting with the present tracks of the Chicago, Milwaukee and St. Paul Railway and the Chicago and Evanston Railroad Companies in Hawthorne avenue, at or near the center line of Lewis street. The permission, authority and privileges above granted are upon the express condition that said railroad company shall, within ninety (90) days after the approval of this ordinance by the mayor and its acceptance by the company, surrender all claims to the use of Southport avenue, north of its intersection with Hawthorne avenue, under any ordinance or ordinances heretofore passed by the common council of the city of Chicago, and within said time will permanently remove all its present tracks from Southport avenue from its intersection with Hawthorne avenue, north to Fullerton avenue; Provided, however, that said company shall not be required to remove said tracks prior to the first day of January, A. D. 1884; and Provided further, that unavoidable delays by injunction and inclement weather shall

not be included as a part of said limitation of time; and further Provided, that said company shall put as much of said street as is occupied by said tracks in as good order as the balance of the roadway.

¶ 2. **Additional route—bridge.**] § 2. Permission and authority are hereby further given and granted to the Chicago and Evanston Railroad Company to construct, maintain and operate a railroad with one or more tracks, and such switches, sidings and turn-outs as that company may deem necessary, along and upon the following route in the city of Chicago, to wit: Commencing at the present termination of the railroad track of said company at or near the junction of Larrabee street with Hawthorne avenue; thence southwardly upon such lands as it may acquire by purchase, condemnation or otherwise, in lots five (5) and six (6) of block ninety-five (95) of Elston's addition to the city of Chicago, and within the east fifty (50) feet thereof; thence across Chicago avenue to, along and upon lots one (1) to thirteen (13) inclusive, of block eighty-two (82) of Russell, Mather & Robert's addition to Chicago. Also across blocks four (4), five (5) and twelve (12) of Higgins, Law & Co.'s addition, and across the northeast corner of block two (2), and the west fifty (50) feet of blocks one (1), four (4), five (5), six (6), and across block nine (9) of the assessor's division, south of Erie street and east of the Chicago river, to a point on the east bank of said river, in block nine (9); thence across the Chicago river by means of a bridge, and across West Kinzie street to a point of connection with the railroad tracks now laid in Canal street, or to and across such lands as said company may acquire by lease, purchase or condemnation, in blocks eight (8) and thirteen (13) of the original town of Chicago, as such road may be located by said company, but not more than one hundred (100) feet from the east line of said blocks. Said bridges shall be constructed in such a manner as not to unnecessarily obstruct navigation, and on a plan to be approved by the commissioner of public works of the city of Chicago.

¶ 3. **Supervision—repair of streets.**] § 3. The said railroad company may cross at grade any and all intervening streets and alleys along the line of said route, as designated in the first and second sections of this ordinance, said company to be subject at all times to the supervision of the department of public works or other proper department or officer of said city in the construction of its said tracks and road, and the keeping in repair of so much of said streets, alleys and crossings as may be occupied by the said railroad company by its tracks, switches and turn-outs, provided the spaces between said tracks shall be brought to a level with said streets and alleys by planking same, or paving same as balance of street where practicable. When the tracks of the said railroad company shall cross or intersect any sidewalk, it shall keep the sidewalk in the spaces between its tracks in good repair, and in safe condition, and when new sidewalks are ordered at such crossing or intersections by the city council, the said

company shall construct the same as ordered, and if said company shall neglect to repair such sidewalks or to construct new sidewalks when ordered as aforesaid, the city may cause such work to be done and the said company shall be liable to said city for the cost of the same, and shall also be liable for all damages which may be occasioned to any person or persons by reason of its neglect or failure to keep any sidewalk in repair, as aforesaid, whether said company shall or not have been notified so to do.

¶ 4. Number of tracks permitted—use—motive power—trains.] § 4. The said railroad company may and it is hereby authorized to construct, maintain and operate one or more railroad tracks with such turn-outs, side-tracks and switches as it shall deem necessary, over and across any lands which it may acquire upon the line of said route by purchase, lease, condemnation or otherwise; and the said company may use and operate all railroad tracks hereby authorized to be laid and heretofore authorized to be laid in Hawthorne avenue for all general business incident to railroads, by freight, passenger and other cars, and by steam or other powers.

Provided, however, that said company shall not run over said track trains of more than thirty cars, and all regular trains shall be run at least ten minutes apart and not oftener.

And provided, further, that said railroad company shall be subject to all present and future general ordinances of the city of Chicago in regard to railroads.

¶ 5. Viaducts where required by city—cost.] § 5. The permission, authority and privileges hereby granted are upon the express condition that the said railroad company shall construct and maintain such viaducts over any of its said tracks, at any street or streets of said city which may be crossed by its said tracks, as the city council may require, under the supervision of the department of public works, or other proper department or officer of said city; Provided, however, that where any such viaduct cannot be built at any such street crossing without the same be built over the track or tracks of some other railroad company or companies, then the Chicago and Evanston Railroad Company shall only be obliged to join with such other last mentioned railroad company or companies in the construction and maintenance of such viaduct or viaducts; and if such other railroad company or companies shall not join in the erection of any such viaduct, then when the proportion of such other company or companies shall be otherwise provided, the said Chicago and Evanston Railroad Company shall pay its fair proportion of the cost of such viaduct.

¶ 6. Street crossings—gates—bells—attendants.] § 6. The permission and authority are upon the further expressed condition that the Chicago and Evanston Railroad Company will, before its said line of road is opened for business, erect and will forever maintain at the crossing of Chicago avenue, Erie and Indiana streets, suitable and nec-

essary gates and bells for the protection of the public at each of said crossings, with necessary attendants in charge thereof during such hours of each and every day as required by the department of public works or the city council of the city of Chicago; and said company will, in like manner, erect and maintain gates or other appliances for the same purpose at other street crossings, as it may be required by the city council.

¶ 7. **Depression of tracks—conditions.**] § 7. Further permission and authority are hereby given the said Chicago and Evanston Railroad Company to sink all or any part of the tracks authorized by this ordinance or by ordinances heretofore granted authorizing said company to lay its tracks in Hawthorne avenue, below the city or established street grade; in such case said company is hereby required, and such authority is hereby granted, upon the express condition that said company shall construct and maintain over its said tracks all necessary bridges and viaducts at street and alley crossings as may be required, by and under the superintendence of the department of public works of the city of Chicago.

¶ 8. **Telegraph line.**] § 8. Permission and authority are hereby further given to said Chicago and Evanston Railroad Company to construct, maintain and operate, for its use and benefit, along its line of railway in said city of Chicago, a line of telegraph, subject, however, to the conditions and provisions of all ordinances of the city of Chicago regulating the manner of construction of telegraphs or telegraph lines in said city.

¶ 9. **Indemnity.**] § 9. The permission and authority hereby granted are upon the further express condition that said company shall and will forever indemnify and save harmless said city of Chicago against and from any and all damages, judgments, decrees, costs and expenses of the same which it may suffer, or which may be recovered or obtained against said city for or by reason of the granting of such privilege and authority, or for or by reason of, or growing out of, or resulting from the passage of this ordinance, or from any act or acts of the said company under or by virtue of the privileges of this ordinance.

And it is hereby further provided, that upon the recovery of any final judgment or judgments, against said city, as aforesaid, the said company shall immediately and without prior payment of such judgment or judgments by said city, be liable to pay and shall pay the amount or amounts thereof to said city, and the fact that said city may not have paid such judgment or judgments, shall constitute no defense on the part of said company.

¶ 10. **Side tracks to warehouses, etc.**] § 10. The permission and authority hereby granted are upon the further express condition, to-wit: that the said Chicago and Evanston Railroad Company shall permit any corporation, individual or person, duly authorized by ordinance of said city, to construct side tracks to intersect any track or

tracks of said railroad company within the limits of said city, for the purpose of conveying property to and from said railroad to any warehouse, lumber yard, coal yard, or any manufactory, situated within one thousand (1,000) feet of said railroad, and, upon reasonable compensation being made therefor, shall at all times permit the owners or lessees of any such side tracks, or the consignees of any property to take all cars containing such property to him or them consigned, to any such warehouse, lumber yard, or coal yard, or manufactory, situated upon any such side track; Provided, however, that any cars so taken shall be returned without any unnecessary delay, and that any such owner, lessee, or person constructing and carrying on any such warehouse, lumber yard, coal yard, or manufactory, shall be entitled to have any property taken from any such warehouse, lumber yard, coal yard, or manufactory, from any such side track, to and from the tracks of said railroad, under the directions and regulations of said railroad company, without any unreasonable delay.

¶ 11. **Time for completion—forfeiture.**] § 11. The privilege and authority hereby granted are so granted upon the further express condition that the tracks authorized by sections 1 and 2 of this ordinance shall be laid down and constructed within two years from the passage of this ordinance, and if not so constructed and in operation, all the rights and privileges granted by this ordinance to said company shall cease and be null and void; Provided, however, that if said company shall be unavoidably delayed in the construction of its said road by injunction of courts of competent jurisdiction, the time of such injunction shall not be considered a part of the above limitation.

¶ 12. **Grant to Chicago & Lake Superior Railroad Co.**] And be it further ordained that all the rights, privileges and powers hereinbefore granted to said Chicago and Evanston Railroad Company are hereby, and in like manner, and subject to the same conditions and restrictions, granted to the Chicago and Lake Superior Railroad Company, and said companies may jointly or severally construct and operate the railroad authorized by this ordinance, in such manner and upon such terms as may be mutually agreed upon between said companies.

¶ 13. **When in force.**] § 13. This ordinance shall be in force from and after its passage.

Note: See the following resolutions.

Resolutions adopted by the Chicago & Evanston Railroad company and the Chicago & Lake Superior Railroad company construing and accepting the foregoing ordinance as construed.

Presented to the city council and ordered published and placed on file December 24, 1883.

Resolution of the Chicago & Evanston Railroad Co.] Whereas, the city council of the city of Chicago passed an ordinance on the 10th day of December, 1883, entitled "An ordinance concerning the Chicago and Evanston Railroad Company and the Chicago

and Lake Superior Railroad Company," which was returned by the mayor to the city council on the 17th day of December, 1883, with his objections thereto, and was then reconsidered, amended and passed again by the city council; and, whereas, the mayor of the city claims that said ordinance, as amended and passed, is before him for his approval, or disapproval, and has expressed a determination to return the same to the next meeting of the council with his objections to said amended ordinance, and the council may see proper to reconsider the same; and, whereas, a question has been raised as to the liability of the city and of the said Chicago and Evanston Railroad Company for damages that may be suffered by reason of the exercise of the permission given in section 7, to sink all or any part of the tracks below the city or established street grade, and also as to the construction and effect of section 12.

Therefore, for the purpose of removing all doubts, and preventing any disapproval of said ordinance by the mayor, or a refusal by the city council to pass the ordinance, notwithstanding the objection of the mayor, in case he shall disapprove the same.

Resolved, That the Chicago and Evanston Railroad Company construes and interprets section 9 of said ordinance, passed on the 17th day of December, 1883, as including all damages that may be caused by the sinking of railroad tracks, under the permission and authority of section 7, and also construes and interprets section 12, not as authorizing the Chicago and Lake Superior Railroad Company to lay down any greater number of tracks than could be constructed by the Chicago and Evanston Railroad Company under the ordinance, if the Chicago and Lake Superior Railroad Company were not mentioned, but merely as granting the privilege to that company to construct and use the same tracks authorized to be laid or used by the Chicago and Evanston Railroad Company, by virtue of this ordinance, and this company hereby agrees that no more than two main tracks shall be laid in and along Hawthorne avenue.

Resolved, That the Chicago and Evanston Railroad Company hereby accepts said ordinance, construed as aforesaid,

STATE OF ILLINOIS, }
COUNTY OF COOK, } ss.
CITY OF CHICAGO. }

I, T. W. Wadsworth, secretary of the Chicago and Evanston Railroad Company, hereby certify that the foregoing preamble and resolutions were adopted by the board of directors of said company at the meeting held on the 24th day of December, 1883.

Witness the seal of said company hereto affixed on the
(L. S.) day and year aforesaid.

T. W. WADSWORTH, Secretary.

Resolution of the Chicago & Lake Superior Railroad Co.] Whereas, The city council of the city of Chicago passed an ordinance

on the 10th day of December, 1883, entitled "An ordinance concerning the Chicago and Evanston Railroad Company, and the Chicago and Lake Superior Railroad Company," which was returned by the mayor to the city council on December 17, 1883, with his objections thereto, and was then reconsidered, amended and passed again by the city council; and, whereas, the mayor of the city claims that said ordinance, as amended and passed, is before him for his approval or disapproval, and has expressed determination to return the same to the next meeting of the council, with his objections to said amended ordinance, and the council may see proper to reconsider the same.

And Whereas, A question has been raised as to the liability of the city and of the said Chicago and Evanston Railroad Company, for damages that may be suffered by reason of the exercise of the permission given in section 7 to sink all or any part of the tracks below the city or established street grade, and also as to the construction and effect of section 12;

Therefore, For the purpose of removing all doubt and preventing a disapproval of said ordinance by the mayor, or refusal by the city council to pass the ordinance, notwithstanding the objections of the mayor, in case he shall disapprove the same,

Resolved, That the Chicago and Lake Superior Railroad Company construes and interprets section 9 of this ordinance, passed on the 17th day of December, 1883, as including all damages that may be caused by the sinking of railroad tracks, under the permission and authority of section 7, and also construes and interprets section 12, not as authorizing the Chicago and Lake Superior Railroad Company to lay down any greater number of tracks than could be constructed by the Chicago and Evanston Railroad Company under the ordinance, if the Chicago and Lake Superior Railroad Company were not mentioned, but merely as granting the privilege to this company to construct and use the same tracks authorized to be laid or used by the Chicago and Evanston Railroad Company, by virtue of this ordinance. And this company hereby agrees that no more than two main tracks shall be laid in and along Hawthorne avenue.

Resolved, That the Chicago and Lake Superior Railroad Company hereby accepts said ordinance, construed as aforesaid.

STATE OF ILLINOIS, }
COUNTY OF COOK, } ss.
CITY OF CHICAGO. }

I, T. W. Wadsworth, secretary of the Chicago and Lake Superior Railroad Company, hereby certify that the foregoing preamble and resolutions were adopted by the board of directors of said company, at a meeting held on the 24th day of December, 1883.

Witness the seal of said company hereto affixed, on the
(L. S.) day and year aforesaid.

T. W. WADSWORTH, Secretary.

§ 258. Chicago & Evanston Railroad company.
¶ 1. Verona street depot.
¶ 2. Rights reserved.
¶ 3. When in force.

An ordinance authorizing the Chicago & Evanston Railroad company to use and occupy a portion of Stella street, at the corner of Verona street, for a passenger depot building and platforms in the town of Lake View. (Passed and approved October 19, 1885.)

¶ 1. Verona street depot.] Be it ordained by the board of trustees of the town of Lake View: § 1. That permission and authority are hereby granted to the Chicago and Evanston Railroad Company, to erect, construct and complete, and to use and maintain a depot building for passenger purposes, and platforms not more than eighteen feet in width with necessary privileges, in Stella street, in the town of Lake View, Cook county, Illinois, east and alongside of its railroad tracks to a distance not exceeding one hundred and twenty-two feet north of the east corner of Verona street.

¶ 2. Rights reserved.] § 2. That in granting the authority and permission aforesaid, the town of Lake View reserves its chartered rights to control said street and regulate the occupation and use thereof as a public highway.

¶ 3. When in force.] § 3. That this ordinance shall be in force from and after its passage.

§ 259. Chicago & Evanston Railroad company.
¶ 1. Graceland cemetery depot.
¶ 2. Rights reserved.
¶ 3. When in force.

An ordinance authorizing the Chicago & Evanston Railroad company to use and occupy a portion of Stella street lying opposite the present depot of the Graceland Cemetery company on the line of said railroad for a passenger depot building and platforms in the city of Lake View. (Passed and approved April 18, 1887.)

¶ 1. Graceland cemetery depot.] Be it ordained by the board of trustees, acting as city council of the city of Lake View: § 1. That permission and authority are hereby granted to the Chicago and Evanston Railroad Company to erect, construct, complete, use and maintain a depot building for passenger purposes, with necessary platforms, awnings and other necessary privileges on that part of Stella street in the said city of Lake View described as follows, to-wit: A strip of land one hundred and fifty (150) feet in length and ten (10) feet in width, commencing at a point eleven hundred (1,100) feet south of the south line of Sulzer street, and running thence south the said distance of one hundred and fifty (150) feet the east line of which strip shall coincide with the east line of Stella street.

Provided, the right to remove or order the removal of any and all platforms placed in said street, within said strip of ground by said company is hereby reserved.

¶ 2. **Rights reserved.**] § 2. That in granting the authority and permission aforesaid the city of Lake View reserves its chartered rights to control said street and regulate the occupation and use therof as a public highway and for any underground improvements which it may deem necessary to place therein.

¶ 3. **When in force.**] § 3. That this ordinance shall be in force and take effect from and after its passage.

CHICAGO, EVANSTON & LAKE SUPERIOR RAILROAD COMPANY.

§ 260. Chicago, Evanston & Lake Superior Railroad company.
- ¶ 1. Grant—switch track in Melrose street.
- ¶ 2. Supervision—construction.
- ¶ 3. Repair of crossing.
- ¶ 4. Rights reserved—subject to repeal.

An ordinance concerning the Chicago, Evanston & Lake Superior Railroad company. (Passed December 19, 1887. Approved December 23, 1887.)

¶ 1. **Grant—switch track in Melrose street.**] Be it ordained by the city council of the city of Lake View: § 1. That permission and authority be and the same are hereby granted the Chicago, Evanston and Lake Superior Railroad Company, to lay down, construct, maintain and operate a railroad track or switch from the tracks of the said company, on and across Melrose street, in the city of Lake View, the east line of which track shall be on a line parallel with and twenty-four (24) feet west of the east line of lot forty-five (45) of Altgeld's subdivision of that part east of the Chicago, Evanston and Lake Superior Railroad, of west of Racine avenue of the east half of the southwest quarter of section twenty (20) township forty (40) north, range 14 east of the third principal meridian.

¶ 2. **Supervision — construction.**] § 2. The said track shall be laid down and maintained under the direction and supervision of the commissioner of public works of this city and shall not be elevated in said street above the surface thereof, and shall be laid with modern improved rails in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction.

¶ 3. **Repair of crossing.**] § 3. The said company as to the part of the said street upon which its said track may be laid shall keep eight feet in width in good condition and repair during all the time to which the privilege hereby granted shall extend, in accordance with whatever order, ordinance or regulation may be passed or adopted by

the city council of the city of Lake View in relation to such repair, and if the said company shall refuse or fail so to do, the same may be done by the city and the company shall be liable to the city for the cost thereof.

¶ 4. **Rights reserved—subject to repeal.**] § 4. The privileges hereby granted shall be subject to all ordinances concerning railroads or which may hereafter be passed, and upon the express further condition that the city council may at any time repeal this ordinance.

§ 261. Chicago, Evanston & Lake Superior Railroad company.

¶ 1. Grant—switch track in Melrose street.
¶ 2. Supervision—construction.
¶ 3. Repair of crossing.
¶ 4. Rights reserved—subject to repeal.

An ordinance concerning the Chicago, Evanston & Lake Superior Railroad company. (Passed March 5, 1888. Approved March 10, 1888.)

¶ 1. **Grant—switch track in Melrose street.**] Be it ordained by the city council of the city of Lake View: § 1. That permission and authority are hereby granted to the Chicago, Evanston and Lake Superior Railroad Company to lay down, maintain and operate a side track in that portion of Melrose street in the city of Lake View, bounded on the east by the west line of the right of way of said company, and on the west by a line commencing at a point in the south line of Melrose street, fifteen feet west of the west line of said right of way, and running thence northeasterly to a point in said right of way ten (10) feet south of the north line of Melrose street.

¶ 2. **Supervision—construction.**] § 2. The said track shall be laid down and maintained under the direction and supervision of the commissioner of public works of this city, and shall not be elevated in said street above the surface thereof, and shall be laid with modern improved rails in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction.

¶ 3. **Repair of crossing.**] § 3. The said company as to the part of the said street upon which its said track may be laid, shall keep eight feet in width in good condition and repair during all the time to which the privileges hereby granted shall extend, in accordance with whatever order, ordinance or regulation may be passed or adopted by the city council of the city of Lake View in relation to such repair; and if the said company shall refuse or fail so to do, the same may be done by the city and the company shall be liable to the city for the cost thereof.

¶ 4. **Rights reserved—subject to repeal.**] § 4. The privileges hereby granted shall be subject to all ordinances concerning railroads, or which may hereafter be passed, and upon the express further condition that the city council may at any time repeal this ordinance.

§ 262. Chicago, Evanston & Lake Superior Railroad company.

¶ 1. Grant—route—extending line.
¶ 2. Grades.
¶ 3. Motive power.
¶ 4. Conditions—indemnity.
¶ 5. Subject to general ordinances.

An ordinance authorizing the Chicago, Evanston & Lake Superior Railway company to extend its track across Michigan street and alley in block eight. (Passed November 14, 1892.)

¶ 1. **Grant—route—extending line.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same is hereby given to the Chicago, Evanston and Lake Superior Railway Company to extend its four tracks from the north line of Michigan street, block seven of the Kingsbury tract, across said Michigan street, on the west one hundred and fifty feet thereof, and immediately east of Kingsbury street, to and across block eight of said Kingsbury street, and the alley running east and west between Michigan and Kinzie streets; said tracks to be located as shown upon tracing hereto attached; said ordinance being granted for the purpose of enabling said company to extend its tracks to a passenger station to be erected on the northeast corner of Kinzie and Kingsbury streets, in the city of Chicago.

¶ 2. **Grades.**] § 2. Said Chicago, Evanston and Lake Superior Railway Company in the construction of said tracks shall conform to all grades in the streets to be so traversed by said railway as they now exist, or which may be hereafter adopted by the city of Chicago.

¶ 3. **Motive power.**] § 3. Said Chicago, Evanston and Lake Superior Railway Company is hereby authorized to operate its trains upon said tracks with steam power.

¶ 4. **Conditions—indemnity.**] § 4. Said ordinance is granted upon the express condition that said railway company shall save, protect and indemnify the city of Chicago against all damages resulting from the extension of said tracks and the operation of cars thereon. And, upon the further condition that the east sixteen feet of the north one hundred feet of block 8 in Kingsbury tract shall be dedicated as a public alley.

¶ 5. **Subject to general ordinances.**] § 5. The franchises and privileges herein granted are subject to all general ordinances of the city of Chicago now in force affecting railways and their operation and, also, subject to all general ordinances that may hereafter be enacted by said city relative to railroad companies.

CHICAGO & NORTHERN PACIFIC RAILROAD COMPANY.

§ 263. Chicago & Northern Pacific Railroad company.

¶ 1. Taylor street viaduct—replacement in five years—cost.
¶ 2. Fourteenth street bridge—viaduct.
¶ 3. Ogden avenue viaduct.
¶ 4. Vacation of streets and alleys.
¶ 5. Prior ordinances re-enforced—fare.
¶ 6. Acceptance a release from further obligations.
¶ 7. When in force—effect of acceptance.

An ordinance providing for the erection of viaducts over the tracks of the Chicago & Northern Pacific Railroad company at Taylor street, Fourteenth street bridge and Ogden avenue, and the vacation of certain streets. (Passed July 20, 1891. Accepted September 14, 1891.)

¶ 1. Taylor street viaduct—replacement in five years—cost.] Be it ordained by the city council of the city of Chicago: § 1. That a viaduct shall be erected on Taylor street over the tracks of the Chicago and Northern Pacific Railroad Company between the east bank of the Chicago river and the west line of Fifth avenue, with a connection with the present approach to Polk street viaduct, in accordance with plan filed in the office of the commissioner of public works, June 15th, 1891, and with detailed plans and specifications to be approved by the commissioner of public works, said viaduct and connection to be of wood and iron, and to be replaced within five years from the date of the passage of this ordinance by a structure of stone and iron, in accordance with plans and specifications to be approved by the commissioner of public works; Provided, however, that said Chicago & Northern Pacific Railroad Company will give an easement in perpetuity over its land for the purpose of constructing and maintaining said viaduct and connection, and will pay the cost of constructing said viaduct and connection and said new or replaced viaduct and connection upon warrants drawn by the commissioner of public works as the work progresses.

¶ 2. Fourteenth street bridge—viaduct.] § 2. That a viaduct shall be erected from the west abutment of the proposed Fourteenth street bridge to the center line of Dodge street, in accordance with plans and specifications filed in the office of the commissioner of public works June 15th, 1891; Provided, however, that the Chicago & Northern Pacific Railroad Company will give an easement in perpetuity over its land for the construction and maintenance of said viaduct and will pay the cost of constructing said viaduct upon warrants drawn by the commissioner of public works as the work progresses, said viaduct including the pier thereunder at the west side of the Chicago river.

¶ 3. Ogden avenue viaduct.] § 3. That the amount to be paid by the Chicago & Northern Pacific Railroad Company toward the cost of constructing the Ogden avenue viaduct is hereby adjusted at the sum of forty thousand dollars ($40,000), to be paid by said railroad company upon warrants drawn by the commissioner of public works

as the work progresses; and said Chicago & Northern Pacific Railroad Company is hereby directed and will by accepting this ordinance agree to save and keep harmless the city of Chicago from all damages resulting from the construction of the east approach of said Ogden avenue viaduct.

¶ 4. **Vacation of streets and alleys.**] § 4. That the streets and alleys in that part of the canal addition to the city of Chicago lying east of the west line of Dodge street, north of the south line of Fourteenth street, south of the south line of Twelfth street and west of the Chicago river, be and the same are hereby vacated.

¶ 5. **Prior ordinances re-enforced—fare.**] § 5. That the obligations imposed upon and the privileges granted to said Chicago & Northern Pacific Railroad Company as the successor of the Chicago & Great Western Railroad Company (formerly known as the La Salle & Chicago Railroad Company), by an ordinance entitled "An ordinance concerning the La Salle & Chicago Railroad Company," passed May 13th, 1872, and the ordinance amendatory thereof, passed May 11th, 1885, are hereby declared to be in full force and effect to the southern limits of the city of Chicago as they now exist, but upon the same provisions and conditions as are contained in the said ordinance as amended as aforesaid as if they were inserted herein; Provided, however, that said Chicago & Northern Pacific Railroad Company shall not charge more than a five (5) cent fare upon suburban trains between Harrison street depot and the city limits at 95th street and all intermediate stations, tickets for said fare to be purchased in packages of not less than twenty-five (25).

¶ 6. **Acceptance a release from further obligations.**] § 6. That, upon the acceptance of this ordinance and the performance of the obligations herein and by such acceptance imposed upon it, the said Chicago & Northern Pacific Railroad Company shall be relieved from all further obligations in reference to viaducts and approaches thereto at Taylor street, Ogden avenue and Fourteenth street.

¶ 7. **When in force—effect of acceptance.**] § 7. That this ordinance shall take effect and be in force from and after its passage and acceptance by said Chicago & Northern Pacific Railroad Company: Provided, however, that the acceptance of this ordinance by said railroad company shall be considered and is hereby declared to be a contract on the part of said Chicago & Northern Pacific Railroad Company to perform the obligations herein imposed upon it and the performance of said obligations by said Chicago & Northern Pacific Railroad Company is hereby declared to be the consideration for the rights, privileges and property herein conferred upon said railroad company.

Note.—See following amendatory ordinance.

§ 263a. Chicago & Northern Pacific Railroad company.

¶ 1. Amending section five of foregoing ordinance.
¶ 2. When in force.

An ordinance to amend section five of an ordinance relating to the adjustment of Taylor street viaduct and other matters passed July 20, A. D. 1891. (Passed September 14, 1891.)

¶ 1. **Amending section five of foregoing ordinance.**] Be it ordained by the city council of the city of Chicago: § 1. That section five of an ordinance relating to Taylor street viaduct and other matters, passed July 20th, A. D. 1891, be and the same is hereby amended by striking out in the proviso at the close of section five the words: "The city limits at 95th street," and by inserting in lieu thereof the words, "47th street."

¶ 2. **When in force.**] § 2. This ordinance shall be in full force and effect from and after its passage.

§ 264. Chicago & Northern Pacific Railroad company.

¶ 1. Grant—location.
¶ 2. When in force.

An ordinance authorizing the Chicago & Northern Pacific Railroad company to construct and maintain a station and platform in a certain alley. (Passed April 11, 1892.)

¶ 1. **Grant—location.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same are hereby granted to the Chicago & Northern Pacific Railroad Company, its grantees, lessees, successors and assigns, to construct and maintain a railway station and platform in the north five and one-half (5½) feet of that portion of the alley next north of and parallel with Fillmore street, lying between the east line of St. Louis avenue and the west line of Homan avenue.

¶ 2. **When in force.**] § 2. This ordinance shall be in force and effect from and after its passage.

CHICAGO & NORTHERN RAILROAD COMPANY.

(Galena & Chicago Union Railroad company, Chicago & Milwaukee Railroad company.)

§ 265. Chicago & Northern Railroad company.

¶ 1. Grant—route—carriage ways—speed.
¶ 2. Temporary track—Fulton street—removal.
¶ 3. Track on North Water street, etc.
¶ 4. Bridge over north branch.

An ordinance concerning the Galena & Chicago Union railroad. (Passed July 17, 1848.)

¶ 1. **Grant—route—carriage ways—speed.**] Be it ordained by the common council of the city of Chicago: § 1. That permission be

and is hereby granted to the Galena and Chicago Union Railroad Company to introduce their road into the city on the line of Kinzie street, commencing at the west bounds of the city and extending to the north branch of the Chicago river, and to occupy so much of said street as may be necessary for the purpose of constructing, maintaining, using and occupying a single or double railroad track through said street, with such turnouts, turn tables and branches extending to adjoining lands as may be deemed necessary to the successful use and occupation of said road; Provided, the space occupied by said road, except when turnouts, turn tables and branches occur, does not exceed twenty-two feet in width of the center of said street; And provided, said work be so constructed that carriages may pass along either side of said road, and may conveniently cross the same; And provided, also, the common council reserve to itself the right to regulate running of locomotives on said road within the limits of the city.

¶ 2. **Temporary track—Fulton street—removal.**] § 2. Said company may also construct and use a temporary track or branch from Kinzie street to Fulton street, and occupy such portion of Fulton street and the streets between Kinzie and Fulton streets, as may be necessary for that purpose, and terminate the same at or near the junction of Fulton street with the north branch of the Chicago river; Provided, that sufficient room be left for the free passage of carriages along said streets, and convenient crossings be made where the said track crosses the line of streets; And provided, also, that said company bind itself to remove said temporary track when the common council shall so direct.

¶ 3. **Track on North Water street, etc.**] § 3. Said company may lay down, maintain, use and occupy a single or double railroad track, with suitable turnouts and turn tables, on the most suitable route from Kinzie street, at or near the north branch of the Chicago river, to the proposed new street, or proposed new location of North Water street, proposed to be established about where the alley between Kinzie and North Water street now is, and may extend the same along said proposed new street when laid out to Wolcott street; or if said new street shall be extended through block two in Kinzie's addition to North Water street, may extend said single or double track, if they shall elect to do so, on said new street when extended to North Water street, and thence along North Water street part of the way, or all of the way, to the east limits of the city; or said company may occupy the alley through block two in Kinzie's addition, from Wolcott to Kinzie street, with their railroad track as aforesaid, and extend it thence along Kinzie street to North Water street, and thence across or along said North Water street all of the way or part of the way to the east limits of the city as aforesaid; Provided, however, that the said railroad track or tracks shall be located in said streets in such manner as the common council may hereafter direct.

¶ 4. **Bridge over north branch.**] § 4. Said company may construct a railroad drawbridge over the north branch of the Chicago river, on or near the line of Kinzie street, or the street about to be laid out between Kinzie and North Water streets.

CHICAGO & MILWAUKEE RAILROAD COMPANY.

§ 266. Chicago & Milwaukee Railroad company.
¶ 1. Grant—part of Jefferson and West Kinzie street.

An ordinance concerning the Chicago & Milwaukee Railroad company. (Passed February 2, 1857.)

¶ 1. **Grant—part of Jefferson and West Kinzie streets.**] Be it ordained by the common council of the city of Chicago: § 1. That the Chicago and Milwaukee Railroad Company be and the same is hereby authorized to lay down and maintain the track for its railroad, with all necessary side tracks and switches through and along so much of Jefferson and West Kinzie streets as shall be necessary to connect the track of said railroad with the track of the Galena and Chicago Union Railroad on West Kinzie street.

§ 267. Chicago & Milwaukee Railroad company.
¶ 1. Grant—part of Jefferson and West Kinzie streets.
¶ 2. Street improvements.

An ordinance to authorize the Chicago & Milwaukee Railroad company to lay down a track for its railroad in Jefferson and West Kinzie streets. (Passed April 20, 1857.)

¶ 1. **Grant—part of Jefferson and West Kinzie streets.**] Be it ordained by the common council of the city of Chicago: § 1. That the Chicago and Milwaukee Railroad Company is hereby authorized and empowered to lay down, use and maintain the track of its railroad through so much of Jefferson street and West Kinzie street as shall be necessary to connect the track of the railroad of said company with the track of the Galena and Chicago Union Railroad on West Kinzie street; said track to be laid down and used by said company and its agents as not unnecessarily to interfere with the public use of said streets, and the location of said track and switches to be fixed by the agents of said company under the direction of the city superintendent, and said road to be kept in repair at the expense of said company, and the grades to be altered when directed by the common council or city superintendent.

¶ 2. **Street improvements.**] § 2. In consideration of the right granted to it by the foregoing section, said company shall fill said street

up to grade with gravel, or other suitable material, and shall also plank or pave said street when required so to do by order of the common council.

§ 268. Chicago & Milwaukee Railroad company.

¶ 1. Street vacations—conditions.
¶ 2. Alley vacated—condition.
¶ 3. City's title to vacated streets conveyed to railroads.
¶ 4. Non-user—title to revert to city.

An ordinance to vacate parts of First and Second streets and an alley intersecting said streets. (Passed August 13, 1860.)

¶ 1. **Street vacations—conditions.**] Be it ordained by the common council of the city of Chicago: § 1. That so much of First street as extends eastwardly from Halsted street to Union street, and between blocks seventy-eight (78) and seventy-nine (79) in Russell, Mather and Roberts' addition to the city of Chicago, and also so much of Second street as extends eastwardly from Halsted to Union street, and between blocks seventy-seven (77) and seventy-eight (78) in Russell, Mather and Roberts' addition to the city of Chicago, be and the same are hereby vacated and discontinued, so long as they may be used for railroad purposes and no longer.

¶ 2. **Alley vacated—condition.**] § 2. That so much of the alley as extends south from Chicago avenue to Third street, and intersecting blocks seventy-nine (79), seventy-eight (78) and seventy-seven (77) in Russell, Mather and Roberts' addition to the city of Chicago, be and the same hereby is declared vacated and discontinued, so long as it may be used for railroad purposes and no longer.

¶ 3. **City's title to vacated streets conveyed to railroads.**] § 3. The mayor and comptroller shall execute and deliver, on behalf of the city, such proper release or releases, conveyance or conveyances, as may be necessary, of the city's right, title and interest in said vacated and discontinued streets and alleys, to the Chicago and Northwestern Railway Company, and to the Chicago and Milwaukee Railroad Company, and each of said companies, as follows: To the Chicago and Northwestern Railway Company all that part of said First street which lies west of the east line of the alley through said blocks seventy-nine and seventy-eight, and the south half of that part of First street which lies between the west line of Union street and the east line of said alley, through said blocks seventy-eight and seventy-nine; also as much of Second street as lies between the west line of Union street and a line drawn from a point on the north line of lot one (1) in block seventy-seven (77), one hundred and eight (108) feet west of the northeast carner of said block seventy-seven (77), to a point on the south line of lot eight (8), in block seventy-eight (78), one hundred and seventy feet west of the southeast corner of said lot eight (8); also all of the alley through said block seventy-eight (78), except that part which lies between the north line of Second street and a line drawn

from a point on the east line of lot fifteen (15) in said block seventy-eight (78), sixty (60) feet north from the southeast corner of lot sixteen (16) in said block, measured on the west line of said alley, to a point on the west line of lot eight (8) in said block seventy-eight (78), thirty-one and a half feet north of the southwest corner of said lot eight (8). And to the Chicago and Milwaukee Railroad Company, the north half of said First street, between the west line of Union street and east line of the alley through said blocks seventy-eight (78) and seventy-nine (79); the whole of the alley through said block seventy-nine (79); the whole of said alley through block seventy-seven (77); so much of the alley through block seventy-eight (78) as lies south of a line drawn from a point on the east line of lot fifteen (15) in block seventy-eight (78), sixty feet north of the southeast corner of lot sixteen (16) in said block seventy-eight (78), to a point on the west line of lot eight (8) in said block seventy-eight (78), thirty-one and a half (31½) feet north of the southwest corner of said lot eight (8) in said block seventy-eight (78); also so much of Second street as lies between Halsted street and a line drawn from a point on the north line of lot one (1), in block seventy-seven (77), one hundred and eight (108) feet west of the northeast corner of said block seventy-seven (77), to a point on the south line of lot eight in block seventy-eight (78), one hundred and seventy (170) feet west of the southeast corner of said lot eight. And in each of which deeds, releases, conveyances, or other instruments, this ordinance shall be fully recited.

¶ 4. **Non-user—title to revert to city.**] § 4. The said First street, the said Second street, and the said alley, or so much of the same as herein vacated and released to the before named railroad companies, shall immediately revert to the city of Chicago when the said railroad companies shall cease to use the streets and allies vacated and released herein for railroad purposes, and all rights and title thereunto shall again become vested in the city of Chicago, as before the passage of this ordinance: Provided, that no streets or alleys shall be vacated except where the railroad companies own upon both sides thereof.

CHICAGO & NORTHWESTERN RAILROAD COMPANY.

§ 269. Chicago & Northwestern Railroad company.
¶ 1. Streets vacated—conditions.
¶ 2. City's title to vacated streets conveyed to railroad.
¶ 3. Non-user, etc.—title to revert to city.
¶ 4. Surrender of land to city in case dock line established.

An ordinance to vacate streets and alleys in the west division. (Passed October 21, 1861.)

¶ 1. **Streets vacated—conditions.**] Be it ordained by the common council of the city of Chicago: § 1. That so much of Fourth street as lies between the east line of Desplaines street and the west line of Jefferson street; also so much of Jefferson street as lies between the north line of West Indiana street and the north line of Fourth street; also so much of Water street as lies between the south line of Indiana street and the north line of Cook street, and from the north line of Indiana street to Jefferson street; also the alley running north from Indiana street to the north branch of the Chicago river between Desplaines street and Jefferson street; also the alley between lots seventeen (17) and eighteen (18), and lots seven (7) and eight (8) in Waubansia addition; also the alley running east and west, north and adjoining lot eleven (11) in block sixty-one (61) in Russell, Mather and Roberts' addition to Chicago, be and the same are hereby vacated and discontinued; Provided, however, that such vacation and discontinuance shall continue only so long as they may be used for railroad depot purposes and no longer; Provided, further, that the city authorities shall have the right to enter upon any or such portions of said streets and alleys as they shall deem necessary for the purpose of laying down or repairing water pipes or sewers or either.

¶ 2. **City's title to vacated streets conveyed to railroad.**] § 2. That the mayor and comptroller shall execute and deliver in behalf of the city, such proper conveyance as may be necessary to convey to the Chicago and Northwestern Railroad Company so much of the right and title of said city to said streets and alleys hereby vacated, as is contemplated by the provisions of this ordinance, and subject to all the conditions in this ordinance prescribed.

¶ 3. **Non-user, etc.—title to revert to city.**] § 3. That if the said Chicago and North Western Railroad Company shall at any time cease to use for railroad depot purposes the streets and alleys that are hereby vacated, or if said railroad company shall at any time hereafter refuse or neglect to immediately pay over to said city of Chicago any and all amount of moneys it may be judicially determined that said city should pay as damages or costs, by reason of the property of any person or persons being damaged by reason of the vacation and discontinuance of such streets and alleys, then such streets and alleys shall immediately revert to the said city of Chicago as before the passage of this ordinance, and any deed or conveyance given by virtue hereof shall in such event become immediately null and void.

¶ 4. **Surrender of land to city in case dock line established.**] § 4. If the authorities of the said city of Chicago shall at any time hereafter establish a dock line on the west bank of the north branch of the Chicago river, which shall necessitate the taking or cutting

away of any portion of the streets and alleys hereby vacated, said railroad company shall thereupon cease to use, and shall surrender to said city such portion or portions of such streets and alleys without charge or cost to said city, and said railroad company shall not be entitled to receive damages for the portion of streets or alleys so taken or cut away. Any neglect on the part of said railroad company to comply with the provisions of this section, shall forfeit all right of said company to occupy or longer use the streets and alleys herein vacated.

GALENA & CHICAGO UNION RAILROAD COMPANY.

§ 270. Galena & Chicago Union Railroad company.

¶ 1. Ratifying contract relative to bridge across river.
¶ 2. Grades established.
¶ 3. Vacation of streets and alleys.
¶ 4. When in force.

An ordinance approving a certain contract with the Galena & Chicago Union Railroad company. (Passed July 11, 1864.)

¶ 1. Ratifying contract relative to bridge across river.] Be it ordained by the common council of the city of Chicago: § 1. That the contract made and executed by and between the Galena and Chicago Union Railroad Company, party of the first part, and the city of Chicago, through the board of public works, party of the second part, bearing date the thirtieth day of May, A. D. 1864, in relation to the construction of a bridge across the Chicago river, on the line of State street in the south division, and Wolcott street in the north division, a copy of which is hereto appended, be and the same hereby is in all respects approved, ratified and confirmed.

¶ 2. Grades established.] § 2. That pursuant to the terms of said contract, the grade of Wolcott street between the Chicago river and a point ten feet north of the corner line of the track of the Galena and Chicago Union Railroad Company, entering the east door of the more northerly brick freight house of said company, near the corner of Wolcott and (new) North Water streets, be and the same is hereby permanently established at seven feet above the base line of the city level hertofore established; and that the grade of (new) North Water street at its intersection with Wolcott street, be and the same is hereby permanently established at seven feet above the base line of the city level, and the grade of said (new) North Water street shall ascend east and west from Wolcott street at the rate of one foot rise to one hundred feet in horizontal distance, until such inclined grade shall intersect and connect with the general grade of said (new) North Water

street, as now or as it may be hereafter established. The grades hereby established shall never be changed without the consent of the said Galena and Chicago Union Railroad Company.

¶ 3. **Vacation of streets and alleys.**] § 3. That a portion of the alley running through block two (2) in Kinzie's addition to Chicago, beginning at its intersection with Wolcott street, and running thence northeasterly to the southwest corner of lot one (1) in said block two (2), and all that portion of (old) North Water street, situated in Kinzie's addition to Chicago, lying west of the west line of Wolcott street produced to the Chicago river, be and the same are discontinued and vacated; Provided, that a new alley shall be laid out and opened by the Galena and Chicago Union Railroad Company, from the remaining portion of the alley above referred to, into North Water street along the easterly side of lot eleven (11) in block two (2) of Kinzie's addition to Chicago, without charge or expense to said city, said alley to be eighteen feet wide.

¶ 4. **When in force.**] § 4. This ordinance shall take effect from and after its passage.

Contract referred to in foregoing ordinance.

This indenture, made this thirtieth day of May, A. D. 1864, by and between the Galena and Chicago Union Railroad Company, party of the first part, and the city of Chicago, party of the second part, witnesseth:

That, whereas, the said city of Chicago proposes to erect and maintain a pivot or draw-bridge across the Chicago river, on or near the line of State street in the south division and Wolcott street in the north division of said city, the approach to which proposed bridge from the north will cross water lots one (1), two (2) and three (3) in Kinzie's addition to the city of Chicago, or parts of them, which water lots are owned by the said party of the first part;

And, whereas, by virtue of a certain ordinance of the city of Chicago, passed July 17th, 1848, the said party of the first part has heretofore laid and constructed, and has been and is now using and operating railroad tracks, in connection with its railroad, upon and across Wolcott street, between Kinzie street and the Chicago river;

And, whereas, it is believed that the public interests and convenience, as well as those of the Galena and Chicago Union Railroad Company, would be promoted by carrying the approach-way to the proposed bridge on the north side, over the railroad tracks of said company, in the form of a viaduct, instead of raising and filling Wolcott street from Kinzie street to the river up to the necessary grade:

And, whereas, the said party of the first part is willing to grant, convey and confirm unto the said party of the second part so much and such portions of the said water lots one (1), two (2) and three (3) in Kinzie's addition to Chicago, as is required for the extension of Wolcott street, through, sixty-six feet in width, to the Chicago river, in return for and in consideration of the rights, privileges and benefits hereinafter secured by the said party of the second part to the said party of the first part.

Now, therefore, the said party of the first part, in consideration of the construction and maintenance of said bridge and viaduct, and of other valuable considerations in this agreement hereinafter contained, to be kept and performed by said party of the second part, and upon the conditions hereinafter specified, does hereby grant, convey and confirm unto the said party

of the second part, all that portion of water lots one (1), two (2) and three (3) in Kinzie's addition to Chicago, in the county of Cook, and state of Illinois, which is embraced or included within the east and west lines of Wolcott street, in said city of Chicago, produced and extended southerly to the main Chicago river; the said party of the second part and its successors, forever, to thereafter have and hold the same, for the purposes of a public street, but subject to the stipulations and conditions hereinafter mentioned.

And in consideration of the above agreement to grant and convey as aforesaid, the said party of the second part hereby stipulates and agrees to and with the said party of the first part, that whenever the proposed bridge shall be erected across the Chicago river at the point above indicated, it shall be constructed in accordance with the plan and profile prepared for that purpose by the board of public works of the city of Chicago, and appended hereto, and when displaced by accident, or because worn out and requiring to be repaired or built anew, it shall be renewed or reconstructed without unnecessary delay in accordance with the same plan and profile, unless the parties hereto mutually agree otherwise, a general description of which plan and profile is as follows:

The said bridge shall be one hundred and eighty-four (184) feet long, revolving on a pivot at the center, having two openings for vessels, each seventy-four (74) feet wide in the clear. The said central pivot shall be fixed at a point in the river about one hundred and twenty-one (121) feet from that point in the northerly line of the river which is intersected by the center line of said bridge. The top of the floor of said bridge shall be twenty-one feet and three inches above the base line of the city level heretofore established. The northerly approach-way to said bridge shall be carried over the tracks of said railroad company on Wolcott street, in the form of a viaduct, on such a grade line that the under side of the three-inch oak plank floor of the said viaduct shall be twenty-one (21) feet above the base line of the said city level, to the end that the roadway over the bridge and the viaduct shall be level, and that the locomotives and cars of the said railroad company may always have free and uninterrupted passage to and fro along the said tracks beneath said viaduct, and, to establish this definitely, it is hereby expressly agreed that the grade of Wolcott street, under the proposed viaduct, for the entire distance occupied by the tracks of said company, and of North Water street at its intersection with Wolcott street, shall be, and is hereby, established at seven feet above the base line of said city level, and the grade of North Water street, east and west of Wolcott street, shall ascend from Wolcott street at the rate of one (1) foot rise to one hundred (100) feet horizontal distance, until such inclined grade shall intersect and connect with the established grade of said North Water street; and the grade of Wolcott street, where occupied by the tracks of said company as above, and of North Water street, within the limits above specified, shall never be changed or modified, except by the mutual consent of both parties to this indenture.

The said viaduct is to be sustained at proper intervals by piers constructed of stone, or a double row of piles, well capped and cased in with two-inch oak plank, and is to extend from the north end of said bridge to a point ten (10) feet north of the center line of the track entering the east door of the more northerly brick freight house of said railroad company, near the corner of Wolcott street and (new) North Water street, where it is to rest on an abutment pier, to be constructed of stone or a double row of piles extending across the said viaduct thirty-eight (38) feet wide; from thence the approach-way will descend at the same width by such a grade as may be proper to Kinzie street. From the said abutment to the south line of Kinzie street this approach-way is to be constructed, for the present, of piles and timber, with a roadway twenty-three feet and four inches wide, to be covered with three-inch oak plank, and with a sidewalk on each side of the roadway, and raised eight inches above it, seven feet and four inches wide,

to be covered with two-inch oak plank. But nothing herein contained shall be so constructed as to prevent the widening of this approach-way to the said viaduct, and the widening of said viaduct to the extent of the entire width of Wolcott street, or to prevent the raising and filling of Wolcott street, from the northerly abutment of said viaduct to Kinzie street, to such grade as will furnish to the public easy and convenient access to said viaduct and bridge.

It is further mutually agreed, that the said Galena and Chicago Union Railroad Company shall have the right to construct and maintain, at its own expense, and for its own accommodations and convenience, a passage-way for teams and foot passengers from the said viaduct, and connecting therewith on the westerly side thereof, to such point south of the south warehouse of said company as may be agreeable to said company, and in case the alley now used by said company, running along the northerly side of its north warehouse across lots five (5), six (6), seven (7) and eight (8), in block one (1), in the original town of Chicago, should be hereafter extended easterly to Wolcott street, through lot or block one (1), in Kinzie's addition to Chicago, the said company shall also have the right to construct and maintain, at its own expense, another passage-way for teams and foot passengers from the approach-way to the said viaduct, and connecting therewith to the said alley; Provided, that these passage-ways and the use of the same shall at no time be permitted to cause any obstruction or unnecessary interruption, delay to the public travel across the said bridge and viaduct or approach thereto.

And the said party of the second part further agrees to take immediate steps to vacate a portion of the alley running through block two (2) in Kinzie's addition to Chicago, the portion to be vacated being described as follows:

Beginning at its intersection with Wolcott street and running thence northeasterly to the southwest corner of lot one (1) in said block two (2); and, in consideration thereof, the said party of the first part hereby covenants and agrees, to and with the said party of the second part, that immediately after the vacating of the above described portion of the aforesaid alley, it will cause to be laid out, opened and dedicated to the public use, without expense or cost to the city of Chicago, a free passage-way from the remaining part of said alley into North Water street, along the easterly side of lot eleven (11) in block two (2) aforesaid, said passage-way to be eighteen feet wide.

The said party of the second part further agrees to take immediate steps to vacate all that portion of (old) North Water street situated in Kinzie's addition to Chicago, and lying west of the west line of Wolcott street produced to the Chicago river.

It is further mutually covenanted and agreed, that the said party of the second part shall never grant to any other party the right to use or occupy any portion of the premises hereinbefore conveyed by said party of the first part to said party of the second part for the extension of Wolcott street to the river, without the consent of the said party of the first part; nor shall the said party of the first part be hereafter excluded from such restricted use of the said granted premises as may be compatible with the full exercise and enjoyment by the said city of Chicago and the public at large of all the paramount rights, privileges and facilities which are by the foregoing terms of this instrument vested in or secured to the said party of the second part, or intended so to be.

And the said party of the second part further stipulates and agrees, that the said railroad company shall at all times hereafter have the right, uninterruptedly, to stand, move or propel its locomotives and cars along North Water street and across Wolcott street, beneath the said proposed viaduct, any past, present or future ordinance of the city to the contrary notwithstanding; Provided, however, that no locomotive when in active service, shall

stop or stand directly under the said viaduct, and further, that so much of (new) North Water street at this point shall be left open and unobserved as to allow always a free passage for teams through and along the same.

And the said party of the first part, in consideration of the foregoing stipulations and agreements to be observed and performed by said party of the second part, further covenants and agrees, to and with the said party of the second part, that it, the said party of the first part, will contribute and pay to the said party of the second part, the sum of fifteen hundred dollars towards the construction of the said bridge and viaduct; such payment to be made whenever demanded by said party of the second part, after the final execution and ratification of this contract, and at any time after commencing to build said bridge. And further, that the said party of the first part shall and will, annually hereafter, as long as said bridge, viaduct and approach-way are maintained, on the first day of April in each and every year, contribute and pay to the said city of Chicago, the sum of four hundred dollars towards maintaining the said viaduct, and renewing and keeping the same in repair—said annual payments to commence on the first day of April next succeeding the opening of the bridge and viaduct to public use; and the first payment to be computed for such fractional part of the year as may intervene between such opening and such first day of April, at said rate of four hundred dollars per annum.

It is further mutually agreed by the parties hereto, that this contract shall take effect and become binding and obligatory upon both parties, as soon as the same shall be duly ratified and confirmed by the common council of the city of Chicago, such ratification and confirmation to be evidenced by the passage of an ordinance prepared by the board of public works, and hereby declared to be a part of this agreement, and providing as follows, to wit; (Here follows a copy of the ordinance printed ante.)

In testimony whereof, the party of the first part have caused this contract to be signed by its president and secretary, and affixed the seal of the said company; and the said party of the second part, through the board of public works, have also executed the same, and caused to be affixed hereto the signatures of the commissioners of said board.

Attest: W. M. LARRABEE, Secretary.
[Seal.]

W. H. BROWN, President.
J. B. GINDELE,
FRED. LETZ,
O. J. ROSE,
Board of Public Works.

CHICAGO & NORTHWESTERN RAILWAY COMPANY.

§ 271. Chicago & Northwestern Railway company.

¶ 1. Agreement relative to sewers.

Agreement in relation to sewerage. (Approved July 19, 1869.)

¶ 1. Agreement relative to sewers.] This agreement, made this 30th day of June, A. D. 1869, between the Chicago and Northwestern Railway Company of the first part, and the city of Chicago, party of the second part, Witnesseth: That, whereas, said railway

company is the owner of the lands lying between the east terminus of Mitchell street in said city, and the south branch of the Chicago river, and said city proposes to construct a sewer through said lands communicating with said river.

Now, therefore, said railway company in consideration of the construction of said sewer, and of other privileges to them granted, as hereinafter set forth, hereby grants to said party of the second part the right to lay said sewer through their said grounds, at such a depth from the surface, however, as not to interfere in any manner with the free use of said lands, dockage or other purposes. And it is hereby agreed that both parties to this instrument shall have the privilege at all times of connecting with said sewer through the lands of said party of the first part, subject, however, to the sewerage regulations of the said city.

It is further mutually agreed between the aforesaid parties that this agreement shall be perpetual, and at all times be construed into a covenant running with the land.

In witness whereof said parties here have by their proper officers hereunto set their hands and fixed their seals on the day and year first above written.

THE CHICAGO & NORTHWESTERN RAILWAY COMPANY,
By H. R. PARSONS, Vice President.
[Seal.] A. H. BURLEY, President Board of Public Works.
Attest: J. B. REDFIELD, Assistant Secretary.

COLUMBUS, CHICAGO & INDIANA CENTRAL RAILROAD COMPANY.

§ 272. Columbus, Chicago & Indiana Central Railroad company.

¶ 1. Viaduct at North Halsted street.
¶ 2. Grades.

Ordinance authorizing the construction of a viaduct over the tracks of the Chicago & Northwestern railway, and the Columbus, Chicago & Indiana Central railroad, on North Halsted street, and the change of street grade made necessary thereby. (Passed July 28, 1873.)

¶ 1. Viaduct at North Halsted street.] Be it ordained by the common council of the city of Chicago: § 1. That the board of public works be and they are hereby authorized to proceed forthwith with the construction of a viaduct, and the necessary approaches thereto, on North Halsted street, over the tracks of the Chicago and Northwestern railway and the Columbus, Chicago and Indiana Central railroad, at the grade hereinafter established, and upon plans and speci-

fications to be prepared by said board; Provided, that the cost of the south approach, with the lateral approaches thereto, and the south 256½ feet of the viaduct, be borne by the said C., C. & I. C. R. R. Co., in accordance with the ordinance concerning said company, passed by the council April 1, 1872, and that the cost of the north approach, with the lateral approaches thereto, and the north 210 feet of the viaduct, be borne by the Chicago and Northwestern Railway Company, not, however, to exceed the sum of ninety-one dollars per lineal foot for the viaduct, or the sum of $21,755 17-100 for the approaches.

If it should be found upon receiving proposals for the work that the cost of the north approach and the north 210 feet of the viaduct should exceed the sum above specified, such excess of cost shall not be held as a bar to the prosecution of the work, but the amount so in excess shall be paid out of any money in the city treasury not otherwise appropriated, or by a special appropriation for that purpose.

¶ 2. **Grades.**] § 2. That the grade of North Halsted street between the points herein designated be and the same is hereby established as follows: Commencing at the present established grade of 13 feet at a point 112 feet north of the north line of Hubbard street, and rising at a regular grade of one foot in forty to a grade of 26 feet at the north line of West Kinzie street, thence on a level grade to the center of Carroll street, thence in a descending grade of one foot in forty to meet the established grade of 14 feet at a point 73 feet south of the south line of Fulton street.

CHICAGO & NORTHWESTERN RAILWAY COMPANY.

§ 273. Chicago & Northwestern Railway company.
¶ 1. Grant—route.

An ordinance granting to the Chicago & Northwestern Railway company a right of way in the town of Lake View. (Passed November 28, 1874.)

¶ 1. **Grant—route.**] Be it ordained by the board of trustees of the town of Lake View, Cook county, Illinois: 1st. That the right of way is hereby granted to the Chicago and Northwestern Railway Company, the lessee of the Chicago and Milwaukee Railway Company, over and along Western avenue, from the southern to the northern terminus thereof, as the same is laid out on the recorded plan of Mount Pleasant subdivision of the south one-half (½) of the southeast quarter (¼) of the northeast quarter (¼) of section seven (7), township forty (40), north range fourteen (14) east, twenty-five (25) feet in width off from the west side of said avenue, and adjoining the

east side of the right of way of said Chicago and Milwaukee Railway Company, now occupied, used and controlled by the said Chicago and Northwestern Railway Company, for the uses and purposes of maintaining and operating a railroad thereon, including the laying down and maintaining of a railroad track or tracks thereon, and using the same for the purposes of a railroad, so long as the said Chicago and Northwestern Railway Company, its successors and assigns, shall maintain or operate a railroad thereon, or on any part thereof.

§ 274. Chicago & Northwestern Railway company.

¶ 1. Grant—route.
¶ 2. Conditions as to laying tracks.
¶ 3. Repair of street, etc.
¶ 4. Subject to ordinances and to repeal.

An ordinance concerning the Chicago & Northwestern Railway company in the city of Lake View. (Passed August 22, 1887. Approved August 23, 1887.)

¶ 1. **Grant—route.**] Be it ordained by the city council of the city of Lake View: § 1. That permission and authority be and the same are hereby granted to the Chicago and Northwestern Railway Company to lay down, construct, maintain and operate a railroad track upon Diversey avenue in the place and manner following, to wit: The easterly rail of said track shall begin on the south line of said avenue, at a point three (3) feet west of the right of way of the said railway company, and run thence northerly to the point of intersection of the western boundary line of the said right of way, and the center of said avenue.

¶ 2. **Conditions as to laying track.**] § 2. The said track shall be laid down and maintained under the direction and supervision of the commissioner of public works of this city and shall not be elevated in said avenue above the surface thereof, and shall be laid with modern improved rails, in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction.

¶ 3. **Repair of street, etc.**] § 3. The said company as to the part of the said avenue upon which its said track may be laid shall keep eight feet in width in good condition and repair during all the time to which the privilege hereby granted shall extend, in accordance with whatever order, ordinance or regulation may be passed or adopted by the city council of the city of Lake View in relation to such repair; and shall keep the same free and clear from accumulation of ice and snow; and if the said company shall refuse or fail so to do, the same may be done by the city, and the company shall be liable to the city for the cost thereof.

¶ 4. **Subject to ordinances and to repeal.**] § 4. The privileges hereby granted shall be subject to all ordinances concerning railroads, or which may hereafter be passed, and upon the express further condition that the city council may at any time repeal this ordinance.

§ 275. Chicago & Northwestern Railway company.

¶ 1. Grant—route.
¶ 2. When in force.

An ordinance granting certain rights to the Chicago & Northwestern Railway company. (Passed June 16, 1888.)

¶ 1. Grant—route.] Be it ordained by the board of trustees of the town of Cicero: § 1. That permission and authority is hereby granted to the Chicago and Northwestern Railway Company to cross with an additional track to be laid upon its right of way, parallel with on the northerly and easterly side of its present "cut-off" track connecting its Galena division, at West Fortieth street, with its Wisconsin division, at Montrose, all streets and alleys in the town of Cicero, along the line of the route of said track, and more particularly the west half of West Fortieth street, Chicago avenue and Division street and North avenue.

This permission is granted upon condition that said company shall at the time of laying such additional track put in proper and sufficient crossings of the same at the intersections of the streets crossed by it.

¶ 2. When in force.] § 2. This ordinance shall take effect and be in force from and after its passage.

§ 276. Chicago & Northwestern Railway company.

¶ 1. Preamble—grant—condition

An ordinance granting depot rights at Summerdale, in the city of Lake View, to the Chicago & Northwestern Railway company. (Passed July 14, 1889.)

¶ 1. Preamble—grant—condition.] Be it ordained by the city council of the city of Lake View, Illinois: That whereas, on the twenty-eighth (28th) day of November, A. D. 1874, an ordinance was passed by the trustees of the town of Lake View granting to the Chicago and North Western Railway Company, the right of way over and along Western avenue from the Southern to the northern terminus thereof, as the same is laid out on the recorded plat of Mount Pleasant subdivision of the south half of the southeast quarter of the northeast quarter of section seven (7), township 40 north, of range 14 east, twenty-five (25) feet in width off the west side of said avenue and adjoining the east line of the right of way of the said company, for the uses and purposes of maintaining and operating a railroad thereon, including the laying down and maintaining a railroad track or tracks thereon and using the same for the purpose of a railroad, so long as the said Chicago and North Western Railway Company, its successors or assigns, shall maintain and operate a railroad therein, or on any part thereof.

And whereas, pursuant to the authority granted by said ordinance said railroad company has constructed its depot building, platforms and water closets partially upon the said twenty-five (25) foot strip.

Now therefore, be it ordained that the right and privilege is hereby granted to the said Chicago and North Western Railroad Company to maintain its depot building and water closets in said strip of land, and to use said strip of land for railroad purposes, as provided by the ordinance above referred to.

Provided, That said company shall remove the fences now enclosing said strip of land and shall never replace the same.

CHICAGO RAILWAY TRANSFER COMPANY.

§ 277. Chicago Railway Transfer company.

¶ 1. Grant—route—limitations.
¶ 2. Subject to ordinances.
¶ 3. Viaduct or viaducts—flagmen.
¶ 4. Completion of road—indemnity.
¶ 5. Drains and ditches—maintenance of.
¶ 6. When in force.

An ordinance granting permission to the Chicago Railway Transfer company to operate a railway and telegraph line in the village of Jefferson. (Passed December 17, 1881.)

¶ 1. Grant—route—limitations.] Be it ordained by the president and board of trustees of the village of Jefferson: § 1. That permission and authority be and the same are hereby granted to the "Chicago Railway Transfer Company," to erect a telegraph line and lay down, maintain and operate with steam power, two or more railroad tracks on and over the route hereinafter described, together with the necessary switches, sidings, turnouts, yards and track connections with any railroad now or hereafter to be constructed, and to build, construct and maintain such railway tracks to connect with any manufacturing and other establishments, lumber and coal yards on or near the said route, as may be deemed necessary within the village of Jefferson, in the county of Cook and state of Illinois, that is to say: Commencing at a point at or near the center of the south line of section thirty-two (32), town forty(40), range thirteen (13) east, of the third principal meridian, thence running north on a straight line to a point in the west line of the east half of section seventeen (17) in said town forty (40), thence in an easterly direction to a point in section fifteen (15) in township forty (40) at or near the intersection of the Chicago & Northwestern Railway with the Chicago, Milwaukee & St. Paul Railway, with the right and authority to cross with said tracks for the purposes aforesaid any street, avenue, public road or alley on the line of said route; Provided, that nothing herein contained shall be construed to authorize the said Chicago Railway Transfer Company to run along or upon

any public street, road, highway, avenue or alley in the said village, and, provided, also, that the right to cross any street, avenue, road or alley as aforesaid is hereby granted only so far as the same are dedicated for public purposes, and to the extent that the said board of trustees may lawfully grant the same; and Provided, also, that the permission, grant and authority herein and hereby given are upon the express condition that the said Railway Transfer Company shall at all times be subject to the general and special ordinances of the village of Jefferson now in force, or hereafter to be adopted by the said board of trustees.

¶ 2. **Subject to ordinances.**] § 2. The permission and authority hereby granted are upon the express condition that the said Chicago Railway Transfer Company will faithfully keep and perform all obligations and duties that are now or may hereafter be imposed by any general or special ordinance or ordinances of the said village pertaining to the management, regulation or control of railway and telegraph companies; and also in respects to ditches, drains, culverts, and the proper maintenance of the street and railway crossings of the said Chicago Railway Transfer Company, and that the said telegraph line be constructed and maintained so as in no wise to interfere with the free and unobstructed use of all streets, roads, highways, sidewalks and alleys.

¶ 3. **Viaduct or viaducts—flagmen.**] § 3. The permission and authority aforesaid are hereby granted upon the further express conditions that the said Railway Transfer Company shall, at its own cost and expense, and within the time and in such manner as the board of trustees shall direct and order, construct and maintain such viaduct or viaducts with suitable approaches over its tracks at its crossings of any street, road, highway or alley in said village, and such viaduct with the approaches thereto, shall be constructed of the material designated, within the time required in accordance with plans and specifications approved by the said board of trustees; Provided, that the said board of trustees shall furnish said Chicago Railway Transfer Company with a copy of any ordinance and specifications adopted by such board of trustees directing or ordering the construction of any such viaduct or viaducts as herein aforesaid; and Provided, further, that the said Chicago Railway Transfer Company shall, at its own cost and expense, keep a flagman at all crossings along the line of its road, as shall be required by the said board of trustees, and shall keep and maintain all street, highway, road and alley crossings along its said route, in good condition, so that the same may be used at all times without danger to persons and property.

¶ 4. **Completion of road—indemnity.**] § 4. The permission and authority aforesaid are granted upon the further express condition that the said Chicago Railway Transfer Company complete its said road within the period of twelve months from the passage of this or-

dinance; Provided, however, that if the said company shall be delayed from completing its said road within the time specified by any injunction or other legal proceeding, the period of such delay shall be excluded in the computation of the time within which said road is hereby required to be built; and upon the further express condition that the said Railway Transfer Company shall and will forever indemnify and save harmless the said village of Jefferson from and against any and all damages, judgments, decrees, suits, actions and costs which may be brought, recovered or obtained against the said village, by reason or on account of the permission or authority hereby or herein granted or given to the said Chicago Railway Transfer Company.

¶ 5. **Drains and ditches, maintenance of.**] § 5. The permission and authority aforesaid are granted hereby, upon the further express condition that the said Chicago Railway Transfer Company, shall, at all times, keep the ditches and drains on the sides of its tracks open and operative and free from weeds and other obstructions, and erect, build and maintain, at its own cost and expense, proper culverts at such places along the line of its said road as the said board of trustees shall direct.

¶ 6. **When in force.**] § 6. This ordinance shall be in force from and after its passage.

CHICAGO, ROCK ISLAND & PACIFIC RAILROAD COMPANY.

§ 278. Chicago, Rock Island & Pacific Railroad company.
¶ 1. Grant—route.
¶ 2. Additional tracks—depots—subject to ordinances.
¶ 3. Draw-bridge across river.
¶ 4. Motive power—speed—subject to ordinances.
¶ 5. Tracks not to interfere with travel.

An ordinance in relation to the Chicago & Rock Island railroad. (Passed May 26, 1851.)

¶ 1. **Grant—route.**] Be it ordained by the common council of the city of Chicago: § 1. That the Rock Island and Chicago Railroad Company may lay down in any one of the streets of said city, between the west line of State street and the west line of Halsted street, from the south line of said city as far north as the north line of Polk street, a single railroad track, with all necessary turnouts and turning tables. Said company may extend said track northwardly as far as the south line of Van Buren street, upon any street between the west line of Clark street, and the west line of said Halsted street, and build all necessary turnouts and turning tables.

¶ 2. **Additional tracks—depots—subject to ordinances.**] § 2. Said company may also construct in said city one or more railroad tracks within the boundaries aforesaid, upon any land they may procure by purchase or otherwise, and may also construct and use all depots which may be necessary to accommodate the business of said company. Said company to be subject to all laws and ordinances that may hereafter be passed to regulate railroads within the city.

¶ 3. **Draw-bridge across river.**] § 3. Said company may construct and maintain a railroad draw bridge across the south branch of the Chicago river, at any point south of the south line of Van Buren street, provided said bridge shall be so constructed as not to interrupt or impede the navigation of said south branch.

¶ 4. **Motive power—speed—subject to ordinances.**] § 4. Said company may run their trains by locomotives, within the limits before described herein, at a speed not exceeding five miles per hour, subject to such ordinances as may, from time to time, be passed by the common council of said city regulating speed and motive power within said city.

¶ 5. **Tracks not to interfere with travel.**] § 5. In laying down said tracks, turn outs and turning tables in said streets, they shall be so laid down as to interfere with the ordinary travel and use of said streets as little as practicable, and a sufficient space for the passage of teams shall always be left on either side of said streets.

CHICAGO & ROCK ISLAND RAILROAD COMPANY.

§ 279. Chicago & Rock Island Railroad company.

¶ 1. Grant—route.
¶ 2. Extension of route.
¶ 3. Location of tracks—motive power—speed—use of other roads.
¶ 4. Joint use of tracks.
¶ 5. Indemnity.

An ordinance in relation to the Chicago & Rock Island Railroad. (Passed April 2, 1852.)

¶ 1. **Grant—route.**] Be it ordained by the common council of the city of Chicago: § 1. Permission and authority is hereby given to the Chicago and Rock Island Railroad Company to extend, construct and maintain their track, with necessary switches, turn tables and side tracks, from the depot ground belonging to said company, on the south branch of the Chicago river, northward through such streets as the city may hereafter designate, or through such lands as the company may procure for that purpose, to the southern terminus of Market

street; thence through Market street to South Water street; Provided, that if hereafter permission shall be given to any railroad company to construct a track through South Water street and River street, the same privilege to lay down a track or use the track of such company as shall lay down a track from Market street to the west line of Wabash avenue, shall be granted to the said Chicago and Rock Island Railroad Company, upon such terms as shall be safe, just and equitable, to be prescribed by the common council.

¶ 2. **Extension of route.**] § 2. Permission and authority is hereby given to said railroad company to extend their track, and to construct, maintain and use the same, with all necessary switches, turn tables and side tracks, from the bridge across the south branch of the Chicago river, heretofore by ordinance authorized to be constructed by said company, thence northerly on the west side of said south branch, through such streets as the city may hereafter designate, to Kinzie street; Provided, that if the city shall designate the streets, or furnish the right of way for the track, provided for in this section, so as to allow the track to be built within the time hereinafter mentioned, in such case, said company shall, within eighteen months after the completion of the track on the east side, lay down and finish the track in this section provided.

¶ 3. **Location of tracks—motive power—speed—use by other roads.**] § 3. The tracks, side tracks and switches, authorized by the foregoing section, shall be laid on such side or part of the street that may be used for the same, as the common council may prescribe; and the grade of the tracks, side tracks and switches, herein authorized, and the manner of laying down the same, shall be subject to the direction and supervision of such committee of the common council as may be appointed by the common council for that purpose; and the speed and the motive power to be used on said tracks, and the tracks, side tracks and switches and turn tables built in connection with said tracks and along the same, shall be subject to such general regulations as the common council may prescribe for railroads within the city. Said tracks, side tracks, switches and turn tables, so far as the same are laid in any street, shall be open to the use of other railroad companies and railroad corporations whose cars come into the city, with all proper, necessary and suitable connections for such companies as may desire to use said tracks, upon just, safe and equitable terms, to be agreed upon by the parties interested, and in case of disagreement by arbitration.

¶ 4. **Joint use of tracks.**] § 4. If any other railroad company shall desire to lay down tracks in any of the streets herein authorized to be used, and having obtained permission shall proceed to lay down tracks before said Chicago and Rock Island Railroad Company shall have done so, said Chicago and Rock Island Railroad Company may use and occupy the same jointly with such company upon just and equitable terms, and so as to accommodate both companies so far

as practicable; said terms to be agreed upon by the parties interested, and in case of disagreement by arbitration.

¶ 5. **Indemnity.**] § 5. The permission and authority hereby granted is upon the express condition, that the said railroad company shall indemnify the city for any damage and expense to which it may be legally subjected by reason of the occupying of any of the streets, alleys or grounds of the city, with its tracks or other fixtures.

§ 280. Chicago, Rock Island & Pacific Railway company.

¶ 1. Preamble.
¶ 2. Grant—route.
¶ 3. Clark street tracks—removal—enclosing wall.
¶ 4. Effect of ordinance—delay of legal proceedings.
¶ 5. Acceptance.
¶ 6. When in force.

An ordinance authorizing the Chicago, Rock Island & Pacific Railway company to lay down tracks in certain streets. (Passed July 24, 1876.)

¶ 1. **Preamble.**] Whereas, the Chicago, Rock Island and Pacific Railway Company has for many years, and is now maintaining and operating a track through South Clark street, in the city of Chicago, under power conveyed by an ordinance of the common council of said city, the removal of which is now desired by the said city; and

Whereas, the said the Chicago, Rock Island and Pacific Railway Company has agreed to remove said track from said South Clark street to the west sixteen feet of said street, between points herein named, and to release, relinquish and abandon all right to maintain and operate a track lengthwise on said street, except as between such points, in consideration of a grant and a re-affirmance of grants heretofore made and set out in the following ordinance: Therefore, in consideration of the premises,

¶ 2. **Grant—route.**] Be it ordained by the city council of the city of Chicago: § 1. That the Chicago, Rock Island and Pacific Railway Company be and is hereby authorized and empowered to lay down, maintain and operate its main and side tracks, turn outs and switches upon, over and across Sixteenth, Seventeenth, Eighteenth, Nineteenth and Twentieth streets, Archer road, and Twenty-first and Twenty-second streets, between Clark street and Arnold street, and the right of the said, The Chicago, Rock Island and Paacific Rilway Company to maintain and operate a track on the west sixteen feet measuring from the property line of that portion of South Clark street lying between a point nine hundred feet south of the south line of Fourteenth street, to a point six hundred and fifty feet south of the south line of Twelfth street, under the ordinance of May 26th, 1851, is hereby recognized and re-affirmed, and there is hereby granted to the said The Chicago, Rock Island and Pacific Railway Company the right to lay down and operate one or more tracks in said space, sixteen feet wide, on the west side of South Clark street, also on or west of said sixteen feet, the necessary switches and turn outs in and from

said tracks; also to lay down, operate and maintain a single track across South Clark street, between the two points above established with reference to Twelfth and Fourteenth streets, connecting its warehouse and depot on the east side of South Clark street and south of Twelfth street, with the tracks above mentioned on said South Clark street and its tracks west thereof, and the right, power, and authority to construct, maintain and operate said tracks forever, subject, however, to such ordinances and regulations enacted and ordained by the proper authorities of the city of Chicago having uniform application and operation upon all railways within the limits of the said cty.

¶ 3. **Clark street tracks—removal—enclosing wall.**] § 2. That the said Chicago, Rock Island and Pacific Railway Company shall remove its track and switches, except those on the said west sixteen feet, and except the single track crossing said South Clark street to the freight depot and warehouse of said company, from said South Clark street north of the north line of Twenty-second street, within sixty days after this ordinance shall take effect, and shall, within four months after the expiration of said sixty days, erect and forever maintain, a brick or stone wall ten feet in height, and not more than twenty inches thick, on the east, and the north and the south line of said sixteen foot strip, leaving two open spaces, one for the crossing above mentioned and the other for the existing crossing to the warehouse of George A. Seaverns, said east line being the center line of said wall. Said company shall also have the right to construct in said wall, a gateway for the passage of teams, with gates swinging or sliding on the west of said wall.

¶ 4. **Effect of ordinance—delay of legal proceedings.**] § 3. This ordinance shall have the force and effect of a contract between said city of Chicago and the said Chicago, Rock Island and Pacific Railway Company and its successors and assigns; Provided, that if said railroad company shall be subjected to any delay because of any legal proceedings instituted by any person or persons or corporation in complying with any of the terms or requirements of this ordinance, or in availing itself of any of the grants hereby made, the term of sixty days and the term of four months before mentioned shall be extended to the period of sixty days and of four months, respectively, from and after the final dismissal by order or decree of court or otherwise of such proceedings; but it is also provided that said city shall have the right, at its option, to employ, at its own expense, attorneys to aid said company in the defense of any such proceedings, and also, at its option, if any such delay shall continue for more than ninety days, to repeal this ordinance, and thereby to restore to said company all its rights under prior ordinances.

¶ 5. **Acceptance.**] § 4. Said railroad company shall, within twenty days after its passage, duly signify its acceptance of this ordinance.

¶ 6. When in force.] § 5. This ordinance shall be in force from and after its passage.

Note.—See following amendatory ordinance.

§ 281. Chicago, Rock Island & Pacific Railway company.

¶ 1. Amending foregoing ordinance—removal of Clark street tracks.
¶ 2. Effect of ordinance—condition.
¶ 3. When in force.

An ordinance concerning the Chicago, Rock Island & Pacific Railway company. (Passed June 29, 1877.)

¶ 1. Amending foregoing ordinance—removal of Clark street tracks.] Be it ordained by the common council of the city of Chicago: § 1. That the ordinance relating to the right of way of the Chicago, Rock Island and Pacific Railway Company over, along and across certain streets therein mentioned, passed on the twenty-fourth day of July, 1876, be and the same is hereby amended by striking out from the third section thereof the following words: "And also at its option, if any such delay shall continue for more than ninety days, to repeal this ordinance, and thereby restore to said company all its rights under prior ordinances;" Provided, the said railroad company shall remove from South Clark street within six days from the taking effect of this ordinance, all of its tracks, except those which by the terms of the ordinance so amended it is authorized to construct, maintain or operate therein.

¶ 2. Effect of foregoing ordinance—condition.] § 2. If the said the Chicago, Rock Island and Pacific Railway Company shall, within the time named in the first section hereof, remove its tracks as above provided, said ordinance, passed on the twenty-fourth (24th) day of July, 1876, shall, as hereby amended, have the force and effect of a contract between the said city of Chicago and the said the Chicago, Rock Island and Pacific Railway Company.

¶ 3. When in force.] § 3. This ordinance shall take effect from and after its passage.

§ 282. Chicago, Rock Island & Pacific Railway company.

¶ 1. Ordinance and contract for viaduct.

An ordinance authorizing the construction of a viaduct across the tracks of the Chicago, Rock Island & Pacific Railway company and the Lake Shore & Michigan Southern Railway company at Sixty-third street. (Passed January 14, 1885.)

¶ 1. Ordinance and contract for viaduct.] Be it ordained by the board of trustees of the town of Lake: That the president of said board and the town clerk thereof shall have the power, and they are hereby authorized to execute on behalf of said town, a contract with the Chicago, Rock Island and Pacific Railway Company and the Lake Shore and Michigan Southern Railway Company which shall be substantially in the words and figures following, to-wit, except that the

plan therein referred to need not be attached to the following form, but only to the contract to be executed by the parties:

Whereas, the public interests demand that a viaduct shall be constructed across the tracks of said railway companies at or near Sixty-first (61st) street in the town of Lake; and

Whereas, an arrangement can be concluded with said companies by which the same can be constructed in a manner advantageous to the town of Lake:

Now, therefore, in consideration of the premises and of the execution of the following promises and agreements by each of the parties hereto,

It is agreed, by and between the town of Lake, a municipal corporation organized and existing under the laws of the state of Illinois, party of the first part, and the Chicago, Rock Island and Pacific Railway Company, a corporation organized and existing under and by virtue of the laws of the states of Illinois and Iowa, and the Lake Shore and Michigan Southern Railway Company, a corporation organized under and by virtue of the laws of the states of New York, Indiana, Michigan, Ohio and Illinois, parties of the second part, as follows:

Article I. The said railway companies agree at their own expense to construct a viaduct over their tracks at or near Sixty-first (61st) street, in the town of Lake, including the approaches to the same, from a point about one hundred and seventy (170) feet east of the east line of Wentworth avenue to a point about two hundred and ten (210) feet west of the west line of State street, where the grade of said approaches shall not be more than eight (8) feet above the present grade of Wentworth avenue and State street, respectively, at points thereon marked by the continuation of the lines of the viaduct, and to complete said viaduct and approaches in a good and workmanlike manner according to the plan hereto attached, except as provided in Article V hereof, and also except that the sidewalk on the north side of the viaduct, instead of being constructed as indicated by said plan, shall be terminated by a flight of stairs which shall end on the west side of said tracks at a point not further west than the east line of La Salle street continued, and upon a level with the present grade of Sixty-first (61st) street, opposite said La Salle street; and on the east side shall be terminated by a flight of stairs which shall end at a point not further east than the east line of Butterfield street continued, and on a level with the present grade of Sixty-first (61st) street opposite said Butterfield street. It being understood and agreed by the parties of the second part that the said viaduct shall be commenced at once upon the acceptance of this agreement, and continued with all possible dispatch to completion, the work to be completed within six (6) months from the date of such agreement; Provided, that any delays due to injunctions or other legal proceedings, or due to the performance by the party of the first part of Article V hereof, shall not be included in said time.

Article II. It is further understood that the south line of the via-

duct, and the approaches to be constructed, shall be on a line drawn parallel with and ninety-one (91) feet south of the north line of Sixty-first (61st) street.

Article III. When the viaduct and all the approaches thereto are finally constructed, the said railway companies hereby grant to the said town of Lake the right to use, repair and maintain said viaduct and its said approaches as a public highway; Provided, however, that this grant shall not be so construed as to grant or reserve to the said town any right to or interest in the land lying or being between the east line of La Salle street and the east line of Butterfield street continued, said east line of Butterfield street being a line five hundred and forty-one (541) feet west of the center line of State street, which is reserved to the parties of the second part, except so far as may be reasonably necessary to enable the said town of Lake to properly maintain, repair and continue said viaduct and its approaches.

Article IV. The control of the parties of the second part to and over said viaduct and its approaches shall cease when and at such time as the same shall be pronounced by the engineers of each of the parties hereto finished in accordance with the provision of Article I hereof.

Article V. The town of Lake agrees to construct with reasonable dispatch, and at its own expense, good and sufficient approaches from the street lines of State street and Wentworth avenue, respectively, to and connect with the ends of the approaches to be constructed by the parties of the second part, and also construct at its own expense the masonry needed at the point where the approaches to be constructed by each party meet, it being agreed that the said town of Lake shall proceed as rapidly on its part as it can, so as to enable the parties of the second part to perform Article I hereof.

Article VI. The said town of Lake shall have and take, from and after the completion of said viaduct and its approaches by the parties of the second part, as provided in Article I hereof, full and exclusive control thereof, and shall forever, at its own expense, maintain and repair the same, and replace the same if necessary; Provided, that no material change shall ever be made in the plan thereof, without first obtaining the written consent of the said railway companies thereto: And provided, further, that the said parties of the second part hereby agree to pay for repairs to the said viaduct rendered necessary by the derailment of engines, cars or trains, whether such derailment shall be due to accident or neglect.

Article VII. The said town of Lake also agrees, as soon as the parties of the second part have performed all the conditions of Article I hereof, to vacate, by proper ordinance, that portion of Sixty-first (61st) street which lies between a line drawn at right angles to the line of Sixty-first (61st) street and one hundred and thirty-nine (139) feet east of the east line of La Salle street and a line drawn parallel with such a line one hundred and ninety-eight (198) feet easterly therefrom, being that portion of Sixty-first (61st) street included within the continua-

tion of the east and west lines of property lying north of Sixty-first (61st) street, and now owned by the parties of the second part either jointly or severally; Provided, however, that the town of Lake shall have the right, at its own expense, to construct and lay down at any time during the continuance of this agreement, from the execution hereof, a sewer, water and gas pipe within that portion of Sixty-first (61st) street hereby agreed to be vacated.

Article VIII. The town of Lake hereby assumes and agrees to pay any and all and every damage of every kind and description that may result to any person or persons, corporation or corporations, except, however, the parties of the second part, from the construction and continuance of said viaduct and its approaches, or arising in any manner whatever out of the performance of this agreement, or any of the terms hereof.

Article IX. It has been the intention of the parties hereto to remove the cause of danger to the public, and inconvenience of both the parties of the first and second parts, attendant upon the use by the public of Sixty-first (61st) street at the point to be vacated, and it is hereby understood and agreed, that in case that portion of Sixty-first (61st) street is not vacated, or in case said town of Lake, or any municipality succeeding to its powers, shall ever cause Sixty-first (61st) street to be re-opened after such vacation, in addition to such damages as the parties of the second part, or either of them, may be entitled to because thereof, it being understood that the cost of the viaduct shall be included therein, the right of the public to use the viaduct and its approaches, and that portion of the land necessary for the maintenance and continuance thereof, and all rights hereby granted, shall immediately cease and determine, and the same revert to said railway companies and their successors, free and clear of any and all rights attaching thereto to the party of the first part.

Article X. Nothing herein contained shall be construed to impair or in anywise injure any of the rights vested in either of the parties of the second part necessary to the convenient operation of the railroads of each of them.

Article XI. That the said parties of the second part shall open La Salle street, from Sixty-first (61st) street to Sixty-second (62nd) street, or quit-claim to the town of Lake the necessary land for the opening of the same, when the other terms of this agreement are fully performed.

Article XII. The land upon which the said viaduct and its approaches are to be constructed is located in the town of Lake, county of Cook, and in the state of Illinois.

§ 283. Chicago, Rock Island & Pacific Railway company.

¶ 1. Permission granted to maintain tracks—conditions.

A resolution passed by the board of trustees of the village of Washington Heights granting to the Chicago, Rock Island & Pacific Railway company right to

maintain tracks on land between Tracy and Vincennes avenues. (Passed August 3, 1885.)

¶ 1. Permission granted to maintain tracks—conditions.] Resolved: That the request of the Chicago, Rock Island and Pacific Railway Company for the privilege of maintaining a railroad track on the parcel of land situated between Tracy avenue and Vincennes avenue, and between the right of way of the Pittsburg, St. Louis & Chicago Railroad Company, and the switch track now used by the Chicago, Rock Island & Pacific Railway Company, be granted; Provided, the said Chicago, Rock Island & Pacific Railway Company will build at their own expense a sewer not less than twenty-four inches in diameter, in connection with the sewer on the west side of Vincennes avenue.

§ 284. Chicago, Rock Island & Pacific Railway company.

¶ 1. Grant—route—connecting tracks.
¶ 2. Use of streets—repairs.
¶ 3. Indemnity.
¶ 4. Bond—conditions.
¶ 5. Acceptance.
¶ 6. Time for completion.

An ordinance authorizing the Chicago, Rock Island & Pacific Railway company to locate, construct and maintain a line of railroad in the village of Hyde Park. (Passed and approved June 13, 1887. Accepted July 5, 1887.)

¶ 1. Grant—route—connecting tracks.] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission be and the same is hereby granted to the Chicago, Rock Island and Pacific Railway Company, to locate, construct and forever hereafter maintain and operate with steam power, a line of railroad with one track upon the following route in the village of Hyde Park, viz.: Beginning at a point on the railway of the said railway company, in block fifty (50) in the Notre Dame addition to South Chicago, in fractional section seven (7) township thirty-seven (37) north, range fifteen (15) east of the third principal meridian and lying south of the Indian boundary line in the county of Cook and state of Illinois; thence southeasterly on a curve through said block fifty (50) to the north line of 105th street and within sixty (60) feet of the southeast corner of said block fifty (50), thence continuing southeasterly on a curve across said 105th street to the south line thereof and within two hundred (200) feet of the northwest corner of lot one (1) in block fifty-three (53) in the Notre Dame addition aforesaid; thence through a portion of said lot one (1) to some point within twenty (20) feet of the northeast corner of said lot one (1), thence diagonally across Manistee avenue and 105th street to a point on the south line of block forty-eight (48) of the Notre Dame addition aforesaid, within the east two hundred and fifty (250) feet of the said south line of block forty-eight (48); thence through a portion of said block forty-eight (48) to the west line of Muskegon avenue and within the south one hundred and twenty (120) feet of said block forty-eight (48); thence diagonally across Muskegon avenue to

a point on the east line of Muskegon avenue between a point one hundred and ninety-four (194) feet north of the north line of 105th street extended and a point one hundred and twenty-five (125) feet north of such north line extended. Said track to be laid upon any ground now owned, or that may hereafter be acquired by said railway company, upon the line of said route and upon and across all streets and alleys on or along said route as above provided. And authority and permission are hereby granted to said railway company to lay down at any and all times hereafter proper connections with any railroad or railroads which may be crossed or intersected along or upon said route.

¶ **2. Use of streets—repairs.**] § 2. The said railway company may occupy any part of any street, highway or alley, upon the route described in the first section of this ordinance, by laying its track in such manner as shall be necessary, but said track shall be laid in such manner as to interfere as little as practicable with the use of such street by teams and pedestrians, and said railway company shall at all times keep said track in such condition as to allow the free passage of vehicles crossing it.

¶ **3. Indemnity.**] § 3. The privileges and authority hereby granted to said railway company are granted upon the express condition that said company, its successors, grantees, lessees and assignees, shall forever indemnify and save harmless the village of Hyde Park against and from any and all damages, judgments, decrees, costs and expenses of the same, which it may suffer or which may be obtained against such village by reason of the granting of said privileges or authority or by reason of the exercise by said railway company or by its lessees or assignees of the privileges so granted.

¶ **4. Bond—conditions.**] § 4. This ordinance shall not take effect until after such railway company shall enter into a bond to said village of Hyde Park in the penal sum of $25,000, conditioned for the payment of all damages for which said village may become liable to any person or persons by reason of the said road entering or running through the portion of said village aforesaid, or by reason of said company constructing, laying down and operating said track within said village, and conditioned also for the payment of all damages which may arise to said village of Hyde Park on account of any judgment obtained against said village by any person or persons whomsoever, by reason of said railway company constructing, laying down or operating said track, or the occupation of said streets or alleys within the said village of Hyde Park.

¶ **5. Acceptance.**] § 5. Said railway company shall notify this village within thirty days from the passage of this ordinance of the acceptance of the privileges and conditions herein provided for.

¶ **6. Time for completion.**] § 6. The privileges and authority hereby granted are upon the further express condition that said

railway company shall complete the construction of said track within eighteen months from and after the passage of this ordinance.

§ 285. Chicago, Rock Island & Pacific Railway company.

¶ 1. Ordinance in relation to contract.
¶ 2. Contract in writing.

An ordinance to the extension of the 12th street viaduct by the Chicago, Rock Island & Pacific Railway company and the settlement of damages in relation thereto. (Passed July 18, 1887.)

¶ 1. Ordinance in relation to contract.] Be it ordained by the city council of the city of Chicago: § 1. That the mayor and comptroller of the city of Chicago is hereby authorized to execute in the name of and in behalf of the city, a contract with the Chicago, Rock Island & Pacific Railway Company, whereby it shall be substantially agreed by and between the said city and the said railway company:

1. On the part of said company, that it will construct, at its own expense, an extension of the viaduct now established on Twelfth street in said city, west of Clark street, from the west end thereof to a connection with the bridge across the Chicago river at said Twelfth street, first removing the structure of wood now situated on said portion of said street, as well as the approach to said bridge; said extension to be of like material, plan and construction as that portion of the viaduct now completed immediately west of Clark street, also that it will, from time to time, make such reasonable repairs of that portion of said viaduct, to be by it constructed, as shall be required by the commissioner of public works of the city of Chicago, and also, that it will release and discharge the city of Chicago from liability for any and all damages which have been or may be sustained because of the construction of said viaduct, by any property which has been or shall be owned by it, abutting that portion of Twelfth street covered by the proposed extension.

2. On the part of the city of Chicago, that, it grants to the railway company and to its successors, forever, the right to enter upon that portion of Twelfth street situated between a line distant westerly two hundred and ninety-two feet from and parallel with the west line of Clark street and the south branch of the Chicago river; to remove therefrom the wooden structure and the east approach to Twelfth street bridge now situated thereon, and appropriate the material composing the same to its own use, to construct the extension of the viaduct as provided in the preceding paragraph, and to construct on, along and across said portion of said street railway tracks, side tracks, turn outs, switches and other structures appurtenant to its railway, in its own discretion, and to maintain and operate the same forever. Also that the city of Chicago will pay to the said railway company the sum of $20,000 upon the completion of the extension of said viaduct.

¶ 2. Contract in writing.] § 2. Said contract shall also fix a reasonable time to be agreed upon by and between the mayor and said railway company, within which such extension of the viaduct shall

be completed. Said contract shall be reduced to writing and executed by the proper officers of said city and company and over the several corporate seals of the parties thereto.

§ 286. Chicago, Rock Island & Pacific Railway company.

¶ 1. Grant—route.

An order passed by the highway commissioners of the town of Calumet authorizing the Chicago, Rock Island & Pacific Railway company to construct, maintain and operate a line of railroad in the town of Calumet. (Passed February 14, 1888.)

¶ 1. Grant—route.] "It is hereby ordered by the commissioners of the town of Calumet, in Cook county, in the state of Illinois, that license and permission be and the same are hereby given to the Chicago, Rock Island and Pacific Railway Company, a corporation organized under the laws of the states of Illinois and Iowa, to construct and forever afterwards to maintain and operate with steam power a line of railroad with single or double track in, along, across or upon (as may be necessary), the roads, highways, streets and alleys in said town intersected, touched or passed over by the following route for such proposed railroad namely:

Beginning at a point in the main line right of way of said railway company, at or near 88th street, thence by a curve to a point in 89th street between Hillsdale avenue and Glenwood avenue, thence west along and upon said 89th street to or near Ashland avenue, thence by a curve upon a radius of 1,432.69 feet to a point due west of the quarter section corner between sections five and six, thence in a southerly direction to a point in the south line of said section six, midway between the east and west lines of the southeast quarter of said section 6.

This grant is subject to the observance by said company of all the laws of this state of Illinois."

§ 287. Chicago, Rock Island & Pacific Railway company.

¶ 1. Grant—route.
¶ 2. Use of streets.
¶ 3. Street crossings—extension of streets—stops.
¶ 4. Indemnity.
¶ 5. Subject to general laws.
¶ 6. Acceptance.

An ordinance granting a right of way to the Chicago, Rock Island & Pacific Railway company in the village of Washington Heights. (Passed March 5, 1888. Approved March 10, 1888. Accepted March 19, 1888.)

¶ 1. Grant—route.] Be it ordained by the president and board of trustees of the village of Washington Heights: § 1. That permission be and the same is hereby granted to the Chicago, Rock Island and Pacific Railway Company to locate, construct and forever hereafter maintain and operate with steam power, a line of railroad with a single or double track along the following route in the village of Washington Heights, beginning at a point in Center avenue (said Center avenue being also called Wood street), on the center line of 95th street,

thence running southerly within the middle twenty-five feet of said Center avenue, to a junction with the present dummy line of said railway company now crossing said Center avenue, said track or tracks to be laid within the center twenty-five feet of said Center avenue to 99th street, and thence southerly diverging slightly westerly in order to make proper connections with said Dummy line as herein proposed, and authority and permission are also hereby granted to the said railway company to construct and forever maintain proper connections with the said Dummy line.

¶ 2. **Use of streets.**] § 2. The said Chicago, Rock Island and Pacific Railway Company may occupy any street, highway, or alley, or any part of any highway, street or alley, along the route described in the first section of this ordinance by laying its tracks across, upon, along, and in the same in such manner as shall be necessary to construct, maintain and operate its said railway, as provided in the first section hereof.

¶ 3. **Street crossings—extension of streets—stops.**] § 3. By the acceptance of this ordinance the Chicago, Rock Island and Pacific Railway Company will undertake to construct and keep in good condition all crossings of streets which are now, or may hereafter be laid out across said track or tracks at the grade of its roadbed within the limits mentioned, and that it will without compensation permit streets to be laid across said tracks; that all suburban passenger trains on said railway shall make stops for the accommodation of passengers at 95th street and 99th street, along the said proposed route.

¶ 4. **Indemnity.**] § 4. By such acceptance the said Chicago, Rock Island and Pacific Railway Company will undertake to indemnify and save harmless the village of Washington Heights, from any and all damages, judgments, decrees and costs which may arise against said village by reason of the granting of such privileges in and by the passage of this ordinance; Provided, it shall have due notice of the pendency of and a reasonable opportunity to defend against the suit in which such judgment and decree may be rendered.

¶ 5. **Subject to general laws.**] § 5. This ordinance and the privileges herein granted are subject to all the general laws of the village of Washington Heights, in relation to railroads now in force.

¶ 6. **Acceptance.**] § 6. Said railway company shall notify this village within sixty days from the passage hereof of the acceptance of this ordinance.

Note. See following agreement.

§ 288. Chicago, Rock Island & Pacific Railway company.

¶ 1. Agreement relative to foregoing ordinance.

¶ 1. **Agreement relative to foregoing ordinance.**] Memorandum of agreement between the Chicago, Rock Island and Pacific Railway Company and the village of Washington Heights. Said vil-

lage having heretofore passed an ordinance granting right of way to said railway company on Wood street, therefore, in consideration of said acquired grant, the said railway company agrees, if it abandons its right of way and ceases to run suburban trains on that part of its present dummy line between so-called Dummy Junction and Wood street, it will take up and remove its track between said points, and for the first year after such abandonment, to run trains on its main track (if the passenger trains now operated between Blue Island and Chicago shall continue to be operated as at present), as follows: Special trains from South Englewood to Washington Heights connecting at South Englewood with trains now known as Nos. 35, 39, 57 and 61, or will run one of these trains wholly via: the main line, the other special train to make connections as stated, and special trains from Washington Heights to South Englewood, connecting with trains now known as Nos. 36, 38, 46, 44 and 66, or will run one of these trains wholly via: the main line, and the others to make connections as stated. Trains known as Nos. 7, 8, and 10, if maintained, shall stop at 95th and 99th streets; it will also for the same period run one Sunday train on the main line to Chicago in the forenoon, returning in the afternoon, connecting at South Englewood each way, and from time to time thereafter the company will make such reasonable arrangements for the accommodation of the public on its main line as the then exigencies of the case may require.

The said company also agrees to erect a station house at or near 99th street and its main line tracks, and to make improvements in the depot at Washington Heights early in the season, and that commutation tickets will be good and may be used on both lines to 95th, 99th streets and Tracy avenue.

It is expressly understood that all subsisting contracts between said railway company and said village are, except so far as the same may be evidenced by ordinances set out in this memorandum.

In witness whereof the parties hereto have caused their proper signatures to be attached hereto the 5th day of March, A. D. 1888.

THE CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY,

By R. R. CABLE, President.

Attest: W. G. PURDY, Secretary.

§ 289. Chicago, Rock Island & Pacific Railway company.

¶ 1. Grant—tracks across Taylor street.
¶ 2. Grant—tracks across Stowell street, etc.
¶ 3. Use of land under Twelfth street viaduct fire risk.
¶ 4. Conditions of grant.
¶ 5. When in force.

An ordinance authorizing the Chicago, Rock Island & Pacific Railway company to lay down, maintain and operate two additional tracks in Taylor street, etc. (Passed May 28, 1888. Accepted June 4, 1888.)

¶ 1. **Grant—tracks across Taylor street.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and are hereby given to the Chicago, Rock Island and Pacific Railway Company to lay down, maintain and operate two additional tracks across Taylor street, between Pacific avenue and Fifth avenue, upon terms and conditions hereafter named.

¶ 2. **Grant—tracks across Stowell street, etc.**] § 2. That permission and authority be and are hereby given to the Chicago, Rock Island and Pacific Railway Company, to maintain, operate and lay down, either at right angles or diagonally, such tracks across Stowell street as the said company may deem necessary for the transaction of its business; also permission and authority are hereby given to lay down, maintain and operate such tracks over, across, along and upon the alley in block 106, in Stowell's subdivision of blocks 106 and 107, School section addition to the city of Chicago, in section 16, township 39, north range 14, as the said company may deem necessary for the transaction of its business. Such tracks shall only be laid where the Chicago, Rock Island and Pacific Railway Company own or control the land on each side of said Stowell street, and said alley in said block 106; said tracks shall only be located west of a line drawn two hundred and ninety (290) feet west of and parallel with the west line of Clark street. All rights given by this section are subject to the terms and conditions hereinafter named.

¶ 3. **Use of land under Twelfth street viaduct—fire risk.**] § 3. The Chicago, Rock Island and Pacific Railway Company shall have the right to use all of the land and space under the viaduct authorized by an ordinance hereinafter specifically referred to, not occupied by the supports and piers of said viaduct. The city of Chicago and the Chicago, Rock Island and Pacific Railway Company assume all risks of fire, and no damage shall be recovered by the said city, from said company, for damage by fire to said viaduct at Fifth avenue, and no damage shall be recovered by said company, from the said city, for damage by fire to their buildings and property at the said locality.

¶ 4. **Conditions of grant.**] § 4. The said rights and privileges are given upon the express condition that when the final order is entered in certain condemnation proceeding, under the provisions of an ordinance entitled "An ordinance for the condemnation of property and easement or right of way for approaches to the Twelfth street viaduct" then, The Chicago, Rock Island and Pacific Railway Company shall immediately be entitled to exercise all rights and privileges given by this ordinance.

¶ 5. **When in force.**] § 5. This ordinance shall be in force and take effect from and after the date of its passage.

§ 290. Chicago, Rock Island & Pacific Railway company.

¶ 1. Extending Eighty-third street—planks at crossing.
¶ 2. Damages—company released from opening other streets.
¶ 3. Acceptance—when in force.

An ordinance extending Eighty-third street across the tracks of the Chicago, Rock Island & Pacific Railway company. (Passed December 23, 1889. Accepted January 11, 1890.)

¶ 1. **Extending Eighty-third street—planks at crossing.**] Be it ordained by the city council of the city of Chicago: § 1. That Eighty-third street be, and the same is hereby, extended across the right of way and tracks of the Chicago, Rock Island and Pacific Railway Company and the company is hereby directed to lay and put in the necessary planking for its tracks to enable travel to freely pass upon said street, and make said crossing safe and convenient for travel.

¶ 2. **Damages—company released from opening other streets.**] § 2. In consideration of the above conditions to be performed by the said railway company, and the waiver by said railway company of any claim for damages arising from the occupancy of their tracks or right of way for Eighty-third street, it is further agreed that said railway company shall be released from the opening, extending, maintaining, and policing of other streets at crossing of their tracks within one-fourth of a mile on either side of said Eighty-third street crossing.

¶ 3. **Acceptance—when in force.**] § 3. This ordinance shall be in force and effect when said Chicago, Rock Island and Pacific Railway Company shall file their written acceptance of the same with the city clerk; Provided, that if said acceptance shall not be filed within thirty (30) days of the passage of this ordinance, then the same shall be null and void.

§ 291. Chicago, Rock Island & Pacific Railway company.

¶ 1. Grant—route.
¶ 2. When in force.

An ordinance granting certain rights to the Chicago, Rock Island & Pacific Railway company in the village of Fernwood. (Passed April 14, 1891.)

¶ 1. **Grant—route.**] Be it ordained by the president and board of trustees of the village of Fernwood: § 1. Permission and authority is hereby granted to the Chicago, Rock Island and Pacific Railway Company, its successors and assigns, to construct, lay down, and forever maintain and operate one additional track within its right of way over and across all streets and alleys lying within said village of Fernwood, and between the west line of Halsted street and the east line of Stewart avenue. Provided that said railway company shall, at the same time, construct and provide suitable street crossings and hereafter maintain the same in good condition.

¶ 2. **When in force.**] § 2. This ordinance shall be in force and take effect from and after its passage.

CHICAGO & SOUTH ATLANTIC RAILROAD COMPANY.

§ 292. Chicago & South Atlantic Railroad Company.

¶ 1. Grant—route.
¶ 2. Street crossings—repair of Center avenue.
¶ 3. Maintenance of tracks—motive power.
¶ 4. Subject to ordinances.
¶ 5. Erection, etc., of viaducts.
¶ 6. Indemnity.
¶ 7. Depots—fare.
¶ 8. Side tracks—regulations concerning.
¶ 9. Joint user by other companies.
¶ 10. Condition as to construction.
¶ 11. When in force—acceptance.

An ordinance granting right of way to the Chicago & South Atlantic Railroad company in the town of Lake. (Adopted September 29, 1874.)

¶ 1. Grant—route.] Be it ordained by the board of trustees of the town of Lake: § 1. That permission and authority be, and the same are hereby given and granted the Chicago and South Atlantic Railroad Company, to lay down, maintain and operate a double track railroad along and upon the following described route and street in the town of Lake, Cook county, Illinois, viz: Commencing at the south limits of said town on Center avenue, thence northerly along and upon the central portion of said street to the north limits of said town, provided said railroad tracks, including the space between them, shall not occupy exceeding eighteen feet of the width of said street (Center avenue) as used in this ordinance shall apply to and include any and all streets or parts of streets located on the north and south half section lines of sections 32, 29, 20, 17, 8 and 5 in said town of Lake running parallel to Halsted street.

¶ 2. Street crossings—repair of Center avenue.] § 2. Said railroad company may cross any and all streets and alleys and railroad tracks upon or along the line of said route, said company to be subject to the direction of the board of trustees of said town in the construction of their said tracks, and the keeping in repair of so much of said streets, alleys and crossings as may be occupied by said railroad company with their tracks, switches and turn-outs, and shall forever maintain and keep in repair said Center avenue, under the supervision and direction of said board, and hereafter when any other railroad company or companies may be granted by said town board the right of way upon and along said avenue or any portion thereof, said other railroad company or companies shall be made subject to the provisions of this section jointly with the said Chicago and South Atlantic Railroad Company.

¶ 3. Maintenance of tracks—motive power.] § 3. The said railroad company may, and it is hereby authorized to lay down, maintain and operate said railroad tracks, with such turn-outs, side tracks, switches and turn-tables as they shall deem necessary, over or across

any land which they may acquire upon the line of said route or street, either by purchase, condemnation or otherwise; and the said railroad company may use and operate the railroad tracks hereby authorized to be laid, with locomotive engines and cars, or with horse or other animal power as they shall deem proper, subject to all ordinances of the town of Lake, applicable to railroads similarly situated.

¶ **4. Subject to ordinances.**] § 4. The said railroad company shall be subject to all general laws and ordinances of the board of trustees of said town of Lake, in relation to railroads.

¶ **5. Erection, etc., of viaducts.**] § 5. The permission, authority and privileges hereby granted are upon the express condition that the said railroad company shall erect and maintain viaducts over any of their said tracks, or any streets or street of said town which may be crossed by their said tracks, where and as the board of trustees of said town may from time to time require, and erect and construct the approaches to all such viaducts with proper access on either side of such approaches: and provided, however, that where any such viaducts cannot be built at any such street crossings, without the same be built over the track or tracks of some other railroad company or companies, then the said Chicago and South Atlantic Railroad Company shall only be obliged to join said company or companies in the construction and maintenance of such viaduct, and pay their fair proportion of the cost of such viaduct or viaducts, and if such other railroad company or companies shall not join in the erection of such viaduct, then if the proportion of such other company or companies shall be otherwise provided, the Chicago and South Atlantic Railroad Company shall pay their fair proportion of the cost of any such viaduct or viaducts; and should the board of said town, after the erection of any such viaducts as aforesaid, grant the right of way along and upon said Center avenue, where any such viaduct shall have been constructed, to any other railroad company or companies, said grant shall be accompanied with the condition and provision that said railroad company or companies shall reimburse the said Chicago and South Atlantic Railroad Company a fair proportion of its costs of said viaduct or viaducts, and shall be obliged to join said company in the erection and maintenance of any subsequent viaduct or viaducts, as provided in this section of this ordinance.

¶ **6. Indemnity.**] § 6. The permission and authority hereby granted are upon the further express condition that the said railroad company shall and will forever indemnify and save harmless the town of Lake against and from any and all damages, judgments, decrees, and costs and expenses of the same which it may suffer, or which may be recovered or obtained against said town, for or by reason of, or growing out of, or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privilege hereby granted.

¶ 7. **Depots—fare.**] § 7. The privilege and authority hereby granted are so granted upon the further express conditions that the said railroad company shall erect and complete, simultaneously with the completion of their tracks on said Center avenue, and maintain a suitable passenger depot building at each intersection of the following streets with said avenue, viz.: at or near 39th street, at 47th street, 55th, 63d, 71st, 79th and 87th streets, at which depots, respectively, all accommodation trains of said railroads to and from Chicago shall stop, and at said depots at or near 39th street and at 63d street all passenger trains to and from said city shall stop, and to and from all said depots, respectively, said company shall issue commutation tickets for ten fares at a rate not exceeding one cent per mile. Said accommodation trains shall number at least two each way daily, and run at such hours as the board of the town of Lake may prescribe.

¶ 8. **Side tracks—regulations concerning.**] § 8. The permission and authority herein granted are upon the further express condition that said railway company shall permit any corporation, person or persons duly authorized by ordinance of said town to construct side tracks to intersect any track or tracks of said railroad company within the limits of said town for the purpose of conveying property to and from such railroad to any warehouse, lumber yard, coal yard or manufactory within one thousand feet of said railroad, and upon reasonable compensation being made therefor, shall at all times permit the owners or lessees of any such side tracks, or the consignees of any property, to take the cars containing such property to him or them consigned to any such warehouse, lumber yard, coal yard or manufactory situated upon any such side tracks; and any such owner, lessee, or person conducting or carrying on any such warehouse, lumber yard, coal yard, or manufactory shall be entitled to have any property taken from any such warehouse, lumber yard, coal yard or manufactory, over any such side track to and upon the track of said railroad, under the direction and regulations of said railroad company, without unreasonable delay: provided, however, that any cars so taken, shall be returned without unreasonable delay.

¶ 9. **Joint user by other companies.**] § 9. The privileges authorized herein, are granted upon the further express condition that the Chicago and South Atlantic Railroad Company has permission and option to grant any other railroad seeking an entrance into the city of Chicago, the use of the tracks hereby authorized to be laid on the street herein named jointly with the said Chicago and South Atlantic Railroad Company, and to lay down tracks upon and across any lands owned, leased or occupied by the said Chicago and South Atlantic Railroad Company, when necessary to the exercise of the privileges granted upon such fair and equitable terms as may be agreed upon by said companies, and such other railroad company which may be allowed the use of said tracks shall have the same privileges to run

cars upon and across said streets and alleys as are herein granted to said Chicago and South Atlantic Railroad Company, and shall be subject to all the conditions, restrictions and terms contained in this ordinance.

¶ **10. Condition as to construction.**] § 10. The privilege and authority hereby granted are so granted upon the further express condition: The tracks authorized by this ordinance shall be laid down and constructed before January 1st, 1876, and in operation from its general passenger depot in the city of Chicago, through the town of Lake, in the street herein designated, the tracks hereby authorized with the accommodation trains as aforesaid all the rights and privileges granted by this ordinance shall on said 1st day of January, 1876, cease and terminate and be null and void.

¶ **11. When in force—acceptance.**] § 11. This ordinance shall not be in force, nor shall any right or privilege be acquired or enjoyed by virtue thereof, until said railroad company shall file a written acceptance of its terms and conditions, with the town clerk of said town of Lake.

CHICAGO SOUTH BRANCH CANAL COMPANY.

§ 293. Chicago South Branch Canal company.

¶ 1. Grant—district.
¶ 2. Tracks across streets—crossings.
¶ 3. Tracks through Green's south branch addition.
¶ 4. Bridges across south branch of river—joint use.
¶ 5. Motive power—speed.

An ordinance authorizing the Chicago South Branch Canal company to lay down railroad tracks in streets in west division. (Passed January 5, 1857.)

¶ **1. Grant—district.**] Be it ordained by the common council of the city of Chicago: § 1. That permission be and is hereby granted to the Chicago South Branch Canal Company to construct, maintain and operate, in the west division of said city, one or more railroad tracks, with all necessary switches, turn-outs, turn-tables, in, upon or through any and all lands owned or controlled by said company, between the air-line railroad track and South street.

¶ **2. Tracks across streets—depots—crossings.**] § 2. Said company may lay down said track or tracks across any street within the boundaries aforesaid wherever any such street crosses their intended line of railroad; also the right to construct and use all depots necessary to accommodate the business of said company; Provided, that convenient crossings be made by said company where the said tracks cross the line of streets.

¶ 3. **Tracks through Green's south branch addition.**] § 3. Said company may construct, maintain and operate one or more railroad tracks through or upon any lands they own or control in Green's south branch addition to Chicago; and, also, occupy such portion of the streets in said addition, for railroad purposes, as were provided for by reservation in the record of the plat of said addition.

¶ 4. **Bridges across south branch of river—joint use.**] § 4. Said company may join any railroad company in the erection and use of any railroad bridge heretofore authorized, or which may hereafter be authorized, to be constructed across the south branch of the Chicago river, and the said South Branch Canal Company, and any railroad company, may jointly use each other's track or tracks, and bridge or bridges, within the city, and form material connections, upon such terms as may be agreed upon by the parties interested.

¶ 5. **Motive power—speed.**] § 5. Said company may run their trains by locomotives within the limits herein described, at a speed not exceeding six miles per hour, subject to such laws and ordinances as are now in force, or that may from time to time be passed by the common council of said city, establishing and regulating speed and motive power within said city.

CHICAGO & SOUTHEASTERN RAILROAD COMPANY.

§ 294. Chicago & Southeastern Railroad company.
¶ 1. Route.
¶ 2. Grant for telegraph line.
¶ 3. Plank street crossings.
¶ 4. Maintenance of drains, culverts, etc.—rights reserved.
¶ 5. Viaducts.

An ordinance granting rights to the Chicago & Southeastern Railroad company in the town of Lake. (Adopted March 20, 1888.)

¶ 1. **Route.**] Be it ordained by the board of trustees of the town of Lake: § 1. That permission and authority be and the same are hereby granted to the Chicago & Southeastern Railroad Company to lay down, maintain and operate upon and within the territory hereinafter described or so much thereof as said company may now own, such railroad tracks, with all the turn-outs, side tracks, out-tracks and switches, which said railroad company may deem necessary or proper for its use for railroad purposes, as follows, to wit: Commencing at the intersection of the east line of the right of way now occupied by the Chicago, St. Louis and Pittsburg Railroad and the south line of Seventy-first street or Seventy-first street, extended; thence east

along said south boundary line of said Seventy-first street or Seventy-first street extended, fifty feet; thence due south to the south boundary line of Seventy-third street, or Seventy-third extended; thence east along the south boundary line of said Seventy-third street, or Seventy-third street extended, four hundred and thirty-four and two-tenths (434 2-10) feet; thence south to the south boundary line of Seventy-fourth street, or Seventy-fourth street extended, thence east to the west line of Ashland avenue; thence across Ashland avenue with not more than six tracks to the east line of Laflin street; thence south along the east line of Laflin street to the north line of the right of way now used by the Chicago Belt Railroad, thence west along said right of way to its intersection with the east line of the right of way now occupied by the Chicago, St. Louis & Pittsburg Railroad; thence north along said east line of the right of way of the Chicago, St. Louis & Pittsburg Railroad to the place of beginning; it being understood and agreed that said tracks shall be used solely and exclusively for the purpose aforesaid, its successors, lessees, grantees and assigns, and for the purpose of reaching said yards from the main line of the Chicago & Western Indiana Railroad on Wallace street, in said town of Lake, permission and authority are hereby further granted said Chicago & Southeastern Railroad Company to lay down, maintain and operate by steam power, one or more railroad tracks, not exceeding four in number, on and along a strip of land not more than fifty (50) feet in width, lying immediately north of, and adjacent to the right of way now used by the Chicago Belt Railroad Company, commencing at the east line of the above described railroad or switch yard; thence running east at the uniform width of fifty (50) feet along the north side of and adjacent to the right of way now used by said Chicago Belt Railroad Company to a point four hundred and sixty-three (463) feet east of the east line of Halsted street; thence on a curve southeasterly and parallel with and adjacent to the right of way now used by said Chicago Belt Railroad Company to an intersection with the right of way of the main line of the Chicago & Western Indiana Railroad, on Wallace street, between Seventy-fifth (75th) and Seventy-sixth (76th) streets in said town of Lake; and for such purpose to cross at grade any, and all streets, alleys, and public highways, it may be necessary to cross to pursue the route herein designated.

¶ **2. Grant for telegraph line.**] § 2. Permission and authority are hereby further granted to the said Chicago & Southeastern Railroad Company to erect and operate, for its use and benefit on its right of way herein granted a line of telegraph, subject, however, to the present conditions and provisions of all ordinances of the town of Lake.

¶ **3. Plank street crossings.**] § 3. The rights and privileges granted by this ordinance are upon the further express condition that the said Chicago & Southeastern Railroad Company, its successors,

grantees, lessees, and assigns, shall, and will, plank all crossings and build approaches across its said right of way and maintain the same in good order at any and all streets which now are crossed by its said tracks, and that said crossings shall be planked and approaches built under the directions and to the satisfaction of the superintendent of the department of public works of said town.

¶ 4. **Maintenance of drains, culverts, etc.—rights reserved.**] § 4. The rights and privileges herein granted, are upon the further express condition that said Chicago & Southeastern Railroad Company, its grantees, lessees, successors and assigns shall and will construct and maintain all drains, culverts, sewers, and ditches, that the superintendent of the department of public works of the town of Lake, may deem necessary, for carrying off the water and sewerage that may accumulate by reason of the construction of said railroad and for preventing the accumulation of water and sewerage by reason of the construction of said railroad, and the town of Lake hereby reserves the right to construct and maintain such sewers, gas and water mains under and across the right of way of said Chicago & Southeastern Railroad Company herein granted as the superintendent of the department of public works of said town may deem necessary.

¶ 5. **Viaducts.**] § 5. The rights and privileges herein granted are upon the further express condition that the Chicago & Southeastern Railroad Company, its grantees, lessees, successors and assigns, will erect or cause to be erected viaducts and approaches thereto at all streets crossed by said tracks, as the same may be required by ordinance of the town board of the town of Lake. Provided, that where said tracks cross any street at or near the same place where the tracks of any other railroad company or companies cross said streets, the said Chicago & Southeastern Railroad Company shall only be required to construct said viaducts and approaches in conjunction with such other railroad company or companies.

§ 295. Chicago & Southeastern Railroad company.

¶ 1. Across Thirty-fourth street—three tracks.
¶ 2. Bond—indemnity.
¶ 3. When in force.

An ordinance concerning the Chicago & Southeastern Railroad company. (Passed November 18, 1895.)

¶ 1. **Across Thirty-fourth street—three tracks.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and are hereby granted to the Chicago & South-Eastern Railroad Company to extend its tracks across Thirty-fourth street, between the westerly side of Iron street and the east side of the land heretofore occupied by Laflin street, but which street has been heretofore vacated. Said railway company may construct, maintain and operate said railway with not more than three tracks; Provided,

that all of said tracks across 34th street shall be laid down and maintained under the direction and supervision of the board of public works; and, Provided, further, that the Chicago & Southeastern Railroad Company, its successors and assigns, shall keep such portion of said street as shall be occupied by said tracks in good condition and repair.

¶ 2. **Bond—indemnity.**] § 2. This ordinance is passed upon the condition that said railway company shall within sixty days hereafter give bond to the city of Chicago, in the sum of five thousand dollars, with surety to be approved by the mayor, conditioned to comply with this ordinance, and all general railroad ordinances now in force, or that may hereafter be passed; also to keep harmless and indemnify the city of Chicago from all damages, costs and expenses that may arise from the privileges hereby granted.

¶ 3. **When in force.**] § 3. This ordinance shall be in force from and after its passage and due publication.

CHICAGO, ST. LOUIS & PITTSBURG RAILROAD COMPANY.

(And Indiana Central Railway Company.)

§ 296. Chicago, St. Louis & Pittsburg Railroad company.

¶ 1. Route—depression on Rockwell street.
¶ 2. Motive power—subject to ordinances.
¶ 3. Viaducts—conditions as to erection of.
¶ 4. Depot place—wall.
¶ 5. Subject to ordinances concerning railroads.
¶ 6. Indemnity.
¶ 7. Adjustment of damages to property.
¶ 8. Side tracks.
¶ 9. Bridge over west branch of south fork of river—joint user.

An ordinance concerning the Columbus, Chicago & Indiana Central Railway company and authorizing the construction and maintenance of a railway. (Passed April 1, 1872.)

¶ 1. **Route—depression on Rockwell street.**] Be it ordained by the common council of the city of Chicago: § 1. That permission and authority be and are hereby given to the Columbus, Chicago and Indiana Central Railway Company, and to its successors, to put down, construct and maintain a railroad with a single or double track, and all necessary switches and turnouts, in that part of Rockwell street, in the city of Chicago, to-wit: From the intersection of said Rockwell street with the Chicago and Northwestern Railway to the northern terminus of said Rockwell street south of Kinzie street, thence from the northern terminus of said Rockwell street parallel with the track of the Chicago and Northwestern Railway Company, as now laid, to a point where the

same will intersect Kinzie street, but at no greater distance from the track of the Northwestern Railway Company than is hereby authorized at Rockwell street, and also upon Kinzie street, from Western avenue to Halsted street, and also upon Depot place, from Ashland avenue to Ada street, such track or tracks to be laid on the west half of said Rockwell street, and as near as practicable to the east line of the present right of way of the Chicago and Northwestern railway, and said track or tracks on Kinzie street to be laid as near as practicable to the south track of said Chicago and Northwestern Railway Company, and said track or tracks to be laid on the north side of said Depot place, and with the wall hereinafter mentioned to occupy no more than thirty feet on the north side of Depot place, and said tracks, switches and turnouts shall occupy no more than thirty feet of any of said streets. And the right and privilege is hereby granted to said Columbus, Chicago and Indiana Central Railway Company to cross all intervening streets and alleys between the points above designated, subject, however, to the direction of the board of public works of said city in the construction of said tracks, and the paving and keeping in repair of so much of said streets, alleys and crossings as may be occupied by said railway company with its tracks, switches and turnouts; Provided, however, that said railway company is hereby required to sink its tracks along Rockwell street below the natural surface at least four feet, wherever there is no impediment in the way of such depression.

¶ 2. **Motive power—subject to ordinances.**] § 2. Said Columbus, Chicago and Indiana Central Railway Company, and its successors, are hereby authorized to run their cars over and along said tracks with steam, or such other motive power as said company may deem best, subject, however, to all general ordinances of the city of Chicago as to railroad companies similarly situated.

¶ 3. **Viaducts—conditions as to erection of.**] § 3. Convenient crossings shall be made and maintained by said company where said track or tracks cross any street or alley within the limits of said city, according to the directions of the board of public works of said city. The permission and authority herein granted are upon the express condition that the said Columbus, Chicago and Indiana Central Railway Company shall erect and maintain viaducts over its said tracks at Halsted, Sangamon, Lake and Madison streets, within one year from the passage of this ordinance, and shall annually thereafter erect two viaducts in each year over its said tracks, and the board of public works shall, in each year, on or before the first day of January, designate the streets over which such viaducts, and approaches to such viaducts shall be constructed, the same to be constructed and maintained in such manner as the said board of public works shall direct; Provided, however, that the said viaduct or viaducts shall have approaches thereto on either side thereof with the proper area on either side of said approaches; said approaches to have an elevation of not more than one foot to every forty feet in length thereof, and that said approaches to

said viaducts shall likewise be erected and built by and at the expense of said railroad company; Provided, however, that where any such viaduct cannot be built at any such street crossing without the same be built over the track or tracks of some other railroad company or companies, then said company shall only be obliged to join with such other last mentioned railroad company or companies in the construction and maintenance of such viaduct, and to pay its fair proportion of the cost of such viaduct or viaducts, and if such other railroad company or companies shall not join in the erection of any such viaduct, then, if the proportion of such other company or companies shall be otherwise provided, the said Columbus, Chicago and Indiana Central Railway Company shall pay its fair proportion of the cost of any such viaduct.

¶ 4. **Depot place—wall.**] § 4. Said railway company shall have no right to lay or use any track on Depot place until it shall have first erected a brick or stone wall ten (10) feet in height and twelve inches in thickness, south of their proposed tracks along Depot place, from the east line of Ashland avenue to the west line of Ada street (the south line of said wall to be not more than thirty feet south of the north line of Depot place), said wall to be so built under the direction of said board of public works, and be kept by said company in good repair during its occupancy of said Depot place.

¶ 5. **Subject to ordinances concerning railroads.**] § 5. The privileges hereby granted shall be subject to all general ordinances that are now or may hereafter be in force concerning railroads in the city of Chicago.

¶ 6. **Indemnity.**] § 6. The permission and authority hereby granted are upon the further express condition that the said Columbus, Chicago and Indiana Central Railroad Company shall and will forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees, costs and expenses of same which it may suffer or which may be recovered or obtained against said city for or by reason of the granting of such privileges and authority, or for or by reason of, or growing out of, or resulting from, the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted.

¶ 7. **Adjustment of damages to property.**] § 7. The permission and authority herein granted are upon the further express condition that said railroad company shall, and will within three years from the time that said company shall lay down and construct said track or tracks upon said streets, commence and prosecute in good faith, in some court of competent jurisdiction, proceedings for the ascertainment of and the making of compensation for all legal damages that may be suffered by any person or persons in their property or possessions by reason of such laying down and construction of such track or tracks, or any part thereof; and that having so commenced such proceedings, said railroad company shall prosecute the same in good faith,

without unreasonable delay, to completion; Provided, that this section shall not apply to any property or possessions the owner of or party interested in which shall not have claimed such compensation within said three years.

¶ 8. **Side tracks.**] § 8. The permission and authority herein granted are upon the further express condition, to-wit: That said Columbus, Chicago and Indiana Central Railroad Company shall permit any corporation, person or persons duly authorized by ordinance of said city to construct side tracks to intersect any track or tracks of said railroad company within the limits of said city, for the purpose of conveying property to and from said railroad to any warehouse, lumber yard, coal yard or manufactory situated within one thousand (1,000) feet of such railroad, and upon reasonable compensation being made therefor, shall at all times permit the owners or lessees of any such side track, or the consignees of any property, to take the cars containing such property to him or them consigned to any such warehouse, lumber yard, coal yard or manufactory, situated upon any such side track; and that any such owner, lessee or person conducting or carrying on any such warehouse, lumber yard, coal yard or manufactory, shall be entitled to have any property taken from any such warehouse, lumber yard, coal yard or manufactory, over any such side track, to and upon the track of said railroad, under the directions and regulations of said Columbus, Chicago and Indiana Central Railroad Company, without unreasonable delay; Provided, however, that any cars so taken shall be returned without any unnecessary delay.

¶ 9. **Bridge over west branch of south fork of river—joint user.**] § 9. The permission and authority hereby granted are in consideration of and upon the further express condition that said Columbus, Chicago and Indiana Central Railway Company shall as soon as work thereon can be commenced, and without unnecessary delay, construct and forever maintain a swing or draw bridge across the west branch of the south branch of the Chicago river, at the point or place where the track of said company crosses said stream in said city of Chicago; such bridge or draw to be of sufficient length to admit the free passage of all boats and vessels navigating said stream; said bridge to be built in accordance with the directions of the board of public works of said city; and said permission and authority are granted upon the further express condition, that said Columbus, Chicago and Indiana Central Railway Company shall permit and allow the Chicago, Danville and Vincennes Railroad Company, and the Milwaukee and St. Paul Railroad Company (or in the event that said Chicago, Danville and Vincennes Railroad Company, or said Milwaukee and St. Paul Railroad Company shall not accept of the privileges hereby granted, then any other railroad company in the place of the company that shall so decline to accept), to use the said tracks hereby authorized to be laid, and also those authorized to be laid by an ordinance of the common council of the city of Chicago, passed October 8th, 1866,

entitled "An ordinance concerning the Chicago and Great Eastern Railway Company," jointly with said Columbus, Chicago and Indiana Central Railway Company, and to lay tracks upon and across any lands owned, leased or occupied by said Columbus, Chicago and Indiana Central Railway Company necessary to the enjoyment of the privileges hereby granted, upon such fair and equitable terms as may be agreed upon by said companies, and in the event that said companies cannot agree upon such terms, the same shall be settled and determined by three disinterested persons, one to be selected by said Columbus, Chicago and Indiana Central Railway Company, one to be named by such other company as may desire to use said tracks, and the third to be selected by the said two persons, and the terms and conditions which shall be fixed and determined by said persons so selected, or by a majority of said persons, shall be the terms and conditions upon which said companies, respectively, shall use and occupy said tracks and lay tracks upon and across any of said lands; and said railroad companies, the Chicago, Danville and Vincennes Railroad Company, and the Milwaukee and St. Paul Railroad Company, or such other railroad company or companies that may be allowed the use of said tracks in the place of the said last named companies, or either of them, shall have the same privilege to run cars upon and across said streets and alleys as are herein given to said Columbus, Chicago and Indiana Central Railway Company, and shall be subject to all the terms and conditions and restrictions of this ordinance.

§ 297. Chicago, St. Louis & Pittsburgh Railroad company.

¶ 1. Route—occupation of part of Ford street lengthwise.
¶ 2. Conditions.
¶ 3. Drains and ditches.
¶ 4. Grant defined.
¶ 5. When in force—acceptance.

An ordinance granting right of way to the Chicago, St. Louis & Pittsburgh Railroad company in the town of Lake. (Passed October 22, 1883. Accepted April 5, 1884.)

¶ 1. Route—occupation of part of Ford street lengthwise.] Be it ordained by the trustees of the town of Lake: § 1. That permission and authority be and the same is hereby granted to the Chicago, St. Louis and Pittsburgh Railroad Company, its successors and assigns, to lay down, maintain and operate with steam power, one or more railroad tracks, with all necessary turnouts and switches along and upon the following route in the town of Lake, to wit: Commencing at a point on the Chicago, St. Louis and Pittsburgh Railroad Company's track between 58th and Fifty-ninth (59th) street, and running thence east between said streets as near as possible, so as to connect with the railroad known as the Pittsburgh, Fort Wayne and Chicago Railway; said railroad tracks to be constructed on lands owned or acquired by said company, and for such purpose to cross all intervening streets and alleys with said track or tracks, but in no case to occupy

any street or alley running lengthwise with such track or tracks, excepting one hundred and fifty feet on Ford street as now laid out.

¶ 2. **Conditions.**] § 2. The permission and authority hereby granted are upon the following express conditions; the willful and continuous violation of any one of which shall work a forfeiture of the permission and authority hereby granted, in which event the trustees of said town of Lake may, by thirty days' notice in writing to the superintendent of said railroad, require the track or tracks laid under the provisions hereof to be taken up, and upon failure of said company to comply with the requirement of such notice the said tracks may be removed at the expense of said company.

First. The said Chicago, St. Louis and Pittsburgh Railroad Company, its grantees, lessees, successors and assigns, shall and will forever indemnify and save harmless the town of Lake against and from any and all damages, judgments, decrees and costs of the same, which it may suffer, or which may be recovered against said town of Lake, for or by reason of the granting of such privileges or authority, or for or by reason, or growing out of, or resulting from, the passage of this ordinance, or any matter or thing connected therewith, or with the exercise, by said company, its grantees, successors or assigns, of the privileges and authority hereby granted.

Second. That said company shall construct, in accordance with plans and specifications to be approved by the board of trustees of the town of Lake, and forever maintain a viaduct or viaducts, with suitable approaches over its tracks, at such street or streets as the board of trustees of the town of Lake shall hereafter designate, whenever, in the opinion of said board of trustees, the public necessity shall require the construction of such viaduct or viaducts over such street or streets, and will construct the said viaducts or viaduct within a reasonable time from the date of the service of a written notice on said company, its grantees, lessees, successors or assigns, from said board of trustees that such viaduct or viaducts is or are needed: Provided, however, that when any such viaduct cannot be built at any such street crossing, without the same be built over the track or tracks of some other company or companies, then the said Chicago, St. Louis and Pittsburgh Railroad Company shall only be obliged to join with such other company or companies in the construction or maintenance of such viaducts, and to pay its fair proportion of the cost of such viaduct or viaducts, and if such other railway company or companies shall not join in the erection of such viaduct, then, when the proportion of such other company or companies shall be otherwise provided, the said Chicago, St. Louis and Pittsburgh Railroad Company shall pay its fair proportion of the cost of any such viaduct.

Third. That said Chicago, St. Louis and Pittsburgh Railroad Company shall construct said road so as to have its cars running thereon within two years from the date of the adoption of this ordinance.

Fourth. That said Chicago, St. Louis and Pittsburgh Railroad

Company, its grantees, lessees, succcessors and assigns, shall be held bound to pay all legal damages that may accrue to the owners of the property by reason of the operation by said company, of its railroad and trains, in pursuance of the privileges and authority granted by this ordinance.

Fifth. That the said Chicago, St. Louis and Pittsburgh Railroad Company, its grantees, lessees, successors and assigns, shall and will without compensation grant the right of way to the town of Lake, for a street or streets over the tracks and property of said company, whenever the board of trustees shall deem that the public necessities require the opening of any streets across said tracks, and will, at its own expense, construct and maintain suitable crossings at such streets: Provided, however, that this provision shall not be construed to include any property which has or may be set apart for depot and yard purposes between Whitney streets and said Chicago, St. Louis and Pittsburgh Railroad.

¶ 3. **Drains and ditches.**] § 3. The privileges and authority hereby granted are upon the further express condition that said Chicago, St. Louis and Pittsburgh Railroad Company, its successors and assigns, will construct and maintain all drains and ditches, on both sides of or under its railroad, necessary for carrying off the water which may accumulate by reason of the construction of said railway, and prevent the accumulation of water by reason of the construction of said railroad.

¶ 4. **Grant defined.**] § 4. The privileges, conditions and limitations of this ordinance shall be confined to the territory named in section 1 hereof, and extend to, and be binding upon, all the grantees, lessees or purchasers, successors and assigns, deriving title through or under the Chicago, St. Louis and Pittsburgh Railroad Company, and this ordinance shall not be in force until a written acceptance thereof by said company shall be filed with the clerk of the town of Lake.

¶ 5. **When in force—acceptance.**] § 5. This ordinance shall take effect and be in force from and after its passage and acceptance.

Note.—See following repealing ordinance.

§ 298. Chicago, St. Louis & Pittsburgh Railroad company.

¶ 1. Repeal.
¶ 2. When in force.

An ordinance repealing certain sections of an ordinance of October 22, 1883, to the Chicago, St. Louis & Pittsburgh Railroad company in the town of Lake. (Passed March 25, 1885.)

¶ 1. **Repeal.**] Be it ordained by the board of trustees of the town of Lake: § 1. That sections one (1), two (2), three (3), four (4) and five (5) of an ordinance granting right of way to the Chicago, St. Louis and Pittsburgh Railroad Company, passed by the board of trustees of the town of Lake on the twenty-second day of October, A. D. 1883, be and the same is hereby repealed.

¶ 2. **When in force.**] § 2. This ordinance shall take effect and be in force from and after its passage.

§ 299. Chicago, St. Louis & Pittsburg Railroad company.

¶ 1. Rockwell street.

An ordinance authorizing the Chicago, St. Louis & Pittsburg Railroad company to lay, maintain and operate a switch track. (Passed July 7, 1885.)

¶ 1. **Rockwell street.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and are hereby given to the Chicago, St. Louis and Pittsburgh Railroad Company, and its successors, said company being the successor of the Columbus, Chicago and Indiana Central Railway Company, to lay down, maintain and operate a switch track, with a suitable curve, from the main track of said company on Rockwell street, to lot twenty-six (26) of block eight (8), Carter H. Harrison's addition to Chicago.

Note.—See following amendatory ordinance.

§ 300. Chicago, St. Louis & Pittsburg Railroad company.

¶ 1. Rockwell street (amendatory).

An ordinance amending an ordinance passed July 7, 1885, authorizing the Chicago, St. Louis & Pittsburg Railroad company to lay a switch track. (Passed April 11, 1887.)

¶ 1. **Rockwell street (amendatory).**] Be it ordained by the city council of the city of Chicago: That an ordinance passed July 7th, 1885, as follows: § 1. That permission and authority be and are hereby given to the Chicago, St. Louis and Pittsburgh Railroad Company and its successors, said company being the successor of the Columbus, Chicago and Indiana Central Railway Company, to lay down, maintain and operate a switch track, with a suitable curve, from the main track of said company on Rockwell street, to lot twenty-six (26) of block eight (8), Carter H. Harrison's addition to Chicago, be and the same is hereby amended, by inserting the words "twenty-five (25) or" before the words "twenty-six" in the next to the last line.

§ 301. Chicago, St. Louis & Pittsburg Railroad company.

¶ 1. Preamble.
¶ 2. Defining the right of way.
¶ 3. Viaduct—cost.
¶ 4. Right to open streets across tracks.
¶ 5. Mutual obligations extend to town of Lake and company.
¶ 6. Acceptance.

An ordinance relating to the Chicago, St. Louis & Pittsburg Railroad company in the town of Lake. (Passed April 5, 1888. Accepted May 1, 1888.)

¶ 1. **Preamble.**] Whereas, a question has arisen between the Chicago, St. Louis and Pittsburg Railroad Company, a corporation of the states of Illinois and Indiana, on the one part, and the town of Lake, in the county of Cook and state of Illinois, on the other, respecting the right of said railroad company to lay additional tracks on the

right of way extending north and south, one hundred feet in width claimed by said company within said town of Lake; and,

Whereas, the town of Lake is desirous of providing the public with suitable and safe means for crossing the said right of way of said railroad company and such tracks as are now or shall hereafter be laid thereon across the public streets that are now laid out or shall hereafter be laid out in pursuance of law across said right of way;

Therefore, in order forever to settle the rights of the parties in the premises, it is hereby ordained by the board of trustees of the town of Lake as follows:

¶ 2. **Defining the right of way.**] § 1. The town of Lake hereby recognizes and grants to the said Chicago, St. Louis and Pittsburgh Railroad Company the right to lay within the limits of its said right of way extending north and south through the west half of sections six (6), seven (7), eighteen (18), nineteen (19), thirty (30) and thirty-one (31) in said town of Lake and over and across all streets and alleys now or hereafter opened across the same whatever main tracks, side tracks, turnouts and switches said company now or at any time hereafter may desire to construct and maintain upon said right of way, and to operate its engines and cars thereon subject to such proper police and sanitary regulations as the town of Lake may in pursuance of lawful authority from time to time prescribe. Provided, that when said railroad company shall wish to construct any track or tracks across any street or streets in pursuance of the authority herein granted, said company shall first notify in writing the board of trustees of said town of Lake of such proposed construction and furnish a plat and statement showing the place and manner in which it is proposed to construct such additional track or tracks, and the same shall be so constructed as not to interfere unnecessarily with public travel.

And provided, also, that nothing herein contained shall be construed to give said railroad company a right to construct any track or tracks across any of the streets or alleys in said town of Lake outside of said one hundred feet of right of way, except upon such terms and conditions as the town of Lake may from time to time prescribe.

¶ 3. **Viaduct—cost.**] § 2. This ordinance is adopted upon the express understanding and condition that said Chicago, St. Louis and Pittsburgh Railroad Company shall and will pay to said town of Lake the reasonable cost of so much of any viaduct or viaducts which said town of Lake may hereafter wish to construct over the said right of way of said railroad company as is within the boundary lines of said right of way, including therein the cost of such piers or supports as may be necessary to carry such viaduct or viaducts over said right of way.

¶ 4. **Right to open streets across tracks.**] § 3. This ordinance is adopted upon the further express understanding and condition that said railroad company shall and will grant to said town

of Lake forever the right to locate across the said right of way of said railroad company such public streets and alleys as said town of Lake shall hereafter by ordinance duly enacted provide for, without any compensation whatever to be paid to said railroad company. Provided, however, that such streets shall be so located and laid out as not to require the said railroad company to change the grade of any of its tracks which may be constructed upon its said right of way, nor shall they be so located as to pass over or through any station ground or buildings or the yard of said company, said yard not to be more than one mile in length, it being expressly understood that in case said town of Lake shall deem that the public interest require that such streets or alleys shall be located or laid out across said company's tracks in such a manner as to pass through said station grounds, buildings or yard of said railroad company or in such a manner as to require a change in the grade of said company's tracks, said company does not waive its legal right to damages therefor.

¶ 5. **Mutual obligations extend to town of Lake and company.**] § 4. The duties and obligations, rights and privileges herein contained shall extend to and be binding upon said town of Lake, and the municipal corporation or corporations within whose limits said right of way or any portion thereof may hereafter be situated, and upon said Chicago, St. Louis and Pittsburgh Railroad Company, its successors, assigns and lessees.

¶ 6. **Acceptance.**] § 5. This ordinance shall not take effect or be in force until said Chicago, St. Louis and Pittsburgh Railroad Company, in pursuance of lawful action of its board of directors, shall file with the clerk of the town of Lake a written acceptance hereof, wherein and whereby said company shall accept the foregoing ordinance (as embodying a correct statement of all its rights in said town of Lake, so far as the same relates to the matters hereinbefore referred to), and agrees to perform each and every of the conditions upon which said ordinance is granted, said acceptance to be filed as aforesaid within sixty days from the passage hereof.

§ 302. Chicago, St. Louis & Pittsburg Railroad company.

¶ 1. Rockwell street station—grant in perpetuity.
¶ 2. Vacation of part of alley.
¶ 3. Dedication of land for street purposes—conditions.
¶ 4. Bond.
¶ 5. Ordinance void, unless.
¶ 6. Acceptance.
¶ 7. Plat of proposed street.

An ordinance granting permission to the Chicago, St. Louis & Pittsburg Railroad company to erect a passenger station. (Passed July 18, 1889. Accepted August 10, 1889.)

¶ 1. **Rockwell street station—grant in perpetuity.**] Be it ordained by the city council of the city of Chicago: § 1. Subject to terms and conditions of this ordinance permission and authority is

hereby given to the Chicago, St. Louis and Pittsburgh Railroad Company, and to its successors, to perpetually use, free of public use and interference, the east one-half of Rockwell street, from the south line of Madison street to the north line of Monroe street, for the purpose of a passenger station and for no other purpose. Said company may construct or erect said station partly or wholly within the line of the east half of Rockwell street, to allow of convenient access to and from trains which may run upon the existing railroad tracks operated by said company in said Rockwell street, but no additional tracks or switches shall be placed upon the said one-half of Rockwell street, between the south line of Madison street and the north line of Monroe street.

¶ 2. **Vacation of part of alley.**] § 2. That all that portion of the alley now situate betwen lots eighteen (18) and nineteen (19), and the west seven (7) feet of lots seventeen (17) and twenty (20), in the subdivision of lots one (1) and two (2), except the west seventy-five (75) feet of the south one hundred and twenty-five (125) feet of lot one (1), in block eight (8) in Rockwell's addition to the city of Chicago be, and the same is hereby, vacated for the purposes of using that portion of said alley above described as a part of the passenger station of said company.

¶ 3. **Dedication of land for street purposes—conditions.**] § 3. The permission and authority hereby granted are upon the conditions that said railroad company shall dedicate by plat and lay out, free of all costs to the city of Chicago, or the adjoining property owners, a public street or highway, thirty (30) feet in width, from the south line of Madison street to the north line of Monroe street, said street to occupy what is now known as the west twelve (12) feet of lots sixteen and twenty-one (21), and the east eighteen (18) feet of lots seventeen (17) and twenty (20), in the subdivision of lots one (1) and two (2), mentioned in section 2. And this ordinance shall not be operative until said plat shall have been made and recorded and said street opened for travel as herein provided. And it is further conditioned that said railroad company shall fill, grade, curb and pave the west twenty-four (24) feet of said thirty (30) feet for the purpose of a roadway, and shall build upon the east six feet of said thirty (30) feet a sidewalk of stone or other incombustible material. The paving, filling, grading and said sidewalk to be done under specifications to be furnished by the commissioner of public works, and said company shall, so far as it shall use the said east half of Rockwell street, keep, maintain and repair said thirty (30) feet in good condition at all times, as directed by the commissioner of public works, and shall be liable to any person, firm or corporation for any damages that may be suffered by any person by reason of failing to properly keep and maintain said thirty (30) feet in a condition as prescribed by this ordinance. And no trains shall be permitted or allowed to stop to receive or let off passengers

at said station until the work herein prescribed shall be done to the satisfaction and approval of the commissioner of public works.

¶ 4. **Bond.**] § 4. Said railroad company shall give a bond in the penal sum of ten thousand (10,000) dollars, to pay any person, firm or corporation any damages that may arise or accrue by reason of the passage of this ordinance, or any act or thing done under the same.

¶ 5. **Ordinance void, unless.**] § 5. Unless said new street shall be laid out, dedicated and opened and improved as provided in this ordinance, within six (6) months from the passage hereof this ordinance shall become null and void, and all rights of said company hereunder shall cease.

¶ 6. **Acceptance.**] § 6. Said railroad company shall accept this ordinance and all the terms and conditions thereof within thirty (30) days after its passage.

¶ 7. **Plat of proposed street.**] § 7. Said new street to be opened is shown on the plat hereto attached and marked thereon "proposed street."

CHICAGO & STRAWN RAILWAY COMPANY.

§ 303. Chicago & Strawn Railway company.

¶ 1. Grant for telegraph line.
¶ 2. Grant for railway line—route.
¶ 3. Motive power—tracks, manner of laying.
¶ 4. Repair of streets, ditches, etc.—flagmen.
¶ 5. Indemnity.
¶ 6. Construction completed—trains—fare.
¶ 7. Land damages.
¶ 8. Use of Wallace street prohibited, except.
¶ 9. When in force—acceptance.

An ordinance granting the right of way to the Chicago & Strawn Railway company for telegraph and railway line in the town of Lake. (Adopted November 14, 1879. Accepted December 5, 1879.)

¶ 1. **Grant for telegraph line.**] § 1. Permission is hereby granted by the town of Lake to the Chicago and Strawn Railway Company to erect a telegraph line, consisting of one or more wires, placing the necessary poles on either side of the route of the railroad of said company as hereinafter described. The poles hereby authorized to be erected shall be placed in such position, on streets or otherwise, as shall be directed by the board of trustees of said town.

¶ 2. **Grant for railway line—route.**] § 2. Permission is hereby further granted to said Chicago and Strawn Railway Company to lay down one or more railroad tracks, with the necessary and proper turn-outs, sidings and switches, from a point near the

southwest corner of section thirty-five (35), township thirty-eight (38) north, range thirteen (13), east of the third (3rd) principal meridian, in said town of Lake; thence on a tangent northeasterly through said section thirty-five (35) to the northeast corner thereof; thence on a tangent northeasterly through the south half (½) of section twenty-five (25), in said township and range, to a point on the east and west half section line of said section twenty-five (25), six hundred and sixty (660) feet west of the east line thereof; thence east on the east and west half section line to the west line of section twenty-eight (28), township (38) north, range fourteen (14), east of the third (3rd) principal meridian; thence making a proper curve to a point in the east line of the west half (½) of the northwest quarter (¼) of said section twenty-eight (28); thence northerly over the tracks of the Chicago and Western Indiana Railroad Company to the north line of the town of Lake; it being expressly provided that the board of trustees of the town of Lake grant by this ordinance no right to enter upon or use private property without the consent of the owners thereof first being obtained by said railway company.

¶ 3. **Motive power—tracks, manner of laying.**] § 3. The said Chicago and Strawn Railway Company may forever afterward operate the said tracks with steam power, subject, however, at all times, to the general ordinances of the town of Lake now in force, or that may hereafter be adopted by the board of trustees. It may cross any and all streets, alleys, highways and railroads it may be necessary to do to pursue the route designated in the second section hereof, but the tracks hereby authorized to be laid shall be laid and maintained when they are laid in or along a public street or alley, subject to the direction of the board of trustees of the town of Lake.

¶ 4. **Repair of streets, ditches, etc.—flagmen.**] § 4. The permission, authority and privilege hereby granted are upon the express condition that the said railway company, its grantees, lessees, or assigns, shall also at all times keep in good repair and condition, in accordance with the ordinances of the town of Lake now in force, or which may hereafter be passed, a good and sufficient road bed for the accommodation and use of the public in and along all such streets or parts of streets in which it shall construct its tracks, under the provisions of this ordinance, and shall build and maintain such road bed where such tracks are laid in and along a public street, and such tracks shall be laid in such manner as to interfere as little as possible with the use of such streets for teams and pedestrians, and shall keep in repair, under the direction of the board of trustees of said town, all culverts, drains and ditches necessary for the carrying off the water on both sides of said railroad, and to prevent the accumulation of water by reason of the construction of said railroad, and also shall construct and maintain under the direction of the board of trustees of said town, a ditch or drain on each side of said railroad and continuous therewith. Said rail-

way company shall also build and maintain all crossings at streets and roads, and the approaches thereto, under the direction of the board of trustees of said town, and shall keep a flagman at all such crossings as shall be required by said board of trustees.

¶ 5. **Indemnity.**] § 5. The permission and authority hereby granted are upon the further express condition that the said railway company and its grantees, lessees and assigns shall and will forever indemnify and save harmless the town of Lake against and from any and all damages, judgments, decrees and costs and expenses of the same which it may suffer, or which may be recovered or obtained against said town for, or by reason of, the granting of such privileges and authority, or for, or by reason of, or growing out of, or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company, its grantees, lessees or assigns, of the privileges hereby granted, or from any act or acts of the said company, its grantees, lessees or assigns, under or by virtue of the provisions of this ordinance.

¶ 6. **Construction completed—trains—fare.**] § 6. The permission and authority hereby granted are upon the further express conditions that the said railway company shall construct said road so as to have its cars running thereon within one year from this date, and shall establish and forever maintain at least two trains each way per day to run over the said line from Chicago through said town at convenient hours, and stopping at convenient places, for the accommodation of passengers, and at such places as the board of trustees of the town of Lake may direct; that all passenger trains run over said road, whether by the said Chicago and Strawn Railway Company, its assigns, grantees or lessees, shall stop for the accommodation of passengers at Sixty-third street, in said town of Lake, and commutation tickets for ten rides, good on all passenger trains which may run over said road, shall be kept on sale at the Chicago office of said company at a rate not exceeding five (5) cents for single fare between said Sixty-third street and the terminal depot of said company in Chicago, and not exceeding one cent per mile in addition thereto for all distances south of said Sixty-third street.

¶ 7. **Land damages.**] § 7. The permission, authority and privileges hereby granted are upon the express condition that the said Chicago and Strawn Railway Company, and any other railroad companies that shall construct or operate said railroad under this ordinance, or under lease from or contract with the Chicago and Strawn Railway Company, shall be held jointly, or severally, bound to pay all legal damages that may accrue to the owners of property by reason of the operation of said railroad under this ordinance.

¶ 8. **Use of Wallace street prohibited, except.**] § 8. It is expressly provided that no right is granted by this ordinance to the Chicago and Strawn Railway Company to use any portion of Wallace

street, Wallace parkway, or Market street, except under contract therefor with the Chicago and Western Indiana Railroad Company, and then only to the extent to which the right to use said Wallace street, Wallace parkway, or Market street was granted to the Chicago and Western Indiana Railroad Company by an ordinance adopted by the board of trustees of the town of Lake on the 7th day of November, 1879, and in accordance with the provisions of said last-mentioned ordinance.

¶ **9. When in force—acceptance.**] § 9. The provisions of this ordinance shall extend to and be binding upon all the grantees, lessees or purchasers deriving title through or under said Chicago and Strawn Railway Company, and this ordinance shall not be in force until a written acceptance thereof by said Chicago and Strawn Railway Company is filed with the town clerk of the town of Lake, which written acceptance must be so filed within ten days from this date.

§ 304-325c. Chicago & Western Indiana Railroad company.
§ 326. Chicago & West Ridge Railroad company.
§ 327. Dalton & South Chicago Railroad company.
§ 328. Grand Trunk Junction Railway company.
§ 329–339. Illinois Central Railroad company.
§ 340–343. South Chicago Railroad company.
§ 344. Illinois & Wisconsin Railroad company.
§ 345-346. Junction Railway company.
§ 347–349. Lake Shore & Michigan Southern Railroad company.
§ 350. Lake Shore & Michigan Southern Railroad company (amendment).
§ 351–354. Lake Shore & Michigan Southern Railroad company.
§ 354a–355. New York, Chicago & St. Louis Railway company.
§ 356. Northern Railway company.
§ 357. Pittsburg, Cincinnati & St. Louis Railway company.
§ 358–371. Pittsburg, Fort Wayne & Chicago Railroad company.
§ 372–372a. South Chicago & Southern Railroad company.
§ 373–377. Union Stock Yard & Transit company.
§ 378. Wabash Railroad company.

CHICAGO & WESTERN INDIANA RAILROAD COMPANY.

(Chicago & Western Indiana Belt Railway company and South Chicago & Western Indiana Railroad company.)

§ 304. Chicago & Western Indiana Railroad company.

¶ 1. Route—liability for damages—crossings, etc.
¶ 2. Bond.

An ordinance granting permission to the Chicago & Western Indiana Railroad company to operate a railroad in the village of Hyde Park. (Passed and approved August 15, 1879.)

¶ 1. Route—liability for damages—crossings, etc.] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission be and is hereby granted to the Chicago & Western Indiana Railroad Company to locate, construct, lay down and forever hereafter operate with steam power, a line of railroad with one or more tracks upon the following route, viz.: Commencing on the line of said railroad, at a point on the south boundary line of the village of Hyde Park in the center of the west half of section thirty-four (34), town thirty-seven (37) north, range fourteen (14) east, third principal meridian, and thence northward to about the center of the northwest quarter of section twenty-seven (27), same town and range, and

thence northwestwardly to the east boundary line of the township of Calumet, Cook county, Illinois, or upon the line aforesaid extended northwardly through the center line of the west halves of sections thirty-four (34), twenty-seven (27), and twenty-two (22), until about half a mile south of Kensington station, and thence northwestwardly to the western boundary line of the village of Hyde Park, or if the said railroad company shall so elect, the line may be located upon and over the center line of the west half section thirty-four (34), as aforesaid to the northern boundary line of the section, and thence northwestwardly through the southwest quarter of section twenty-seven (27) aforesaid to the eastern boundary line of the township of Calumet, Cook county, Illinois, with the right on the part of the said railroad company to occupy and cross all streets and alleys which are necessary to be occupied or crossed, in pursuing either of the routes aforesaid; Provided, said company shall pay any and all damages arising from, or in any way growing out of, such taking or using such portion of said streets or alleys or any of them, to any and all persons injured or damaged by the same. And provided, said railroad company shall construct and maintain good and convenient crossings and sidewalks, and upon such grade or grades as may be from time to time required by the board of trustees, as well as cattle guards, culverts and warning tables across their tracks and grounds at the intersection of all streets and alleys now existing, or which may hereafter be authorized or opened by said board, and comply with, and be subject to all laws and ordinances of said village now in force or which may hereafter be adopted.

¶ 2. **Bond.**] § 2. This ordinance shall not take effect until after said company shall have entered into a bond with or to said village of Hyde Park, in the penal sum of twenty-five thousand dollars, conditioned for the payment of all damages for which said village may become liable to any person or persons, by reason of the said road entering or running through a portion of said village, or by reason of said company constructing, laying down, using or occupying said railroad track or tracks within said village, and conditioned also for the payment of all damages which may arise to the said village of Hyde Park, and to any person or persons whomsoever, by reason of said company constructing, laying down, maintaining, using and occupying said railroad track or tracks, or crossing said streets or alleys within said village of Hyde Park.

§ 305. Chicago & Western Indiana Railroad company.

¶ 1. Route—right of user.
¶ 2. Steam power—subject to ordinances.
¶ 3. Reservation of street space—repair—ditches, crossings, etc.
¶ 4. Indemnity.
¶ 5. Time of completion—rate of fare.
¶ 6. No right on private property, except.
¶ 7. Provisions binding on grantees, etc.—acceptance.

An ordinance granting the right of way to the Chicago & Western Indiana Railroad company. (Adopted September 5, 1879. Accepted December 5, 1879.)

¶ 1. Route—right of user.] § 1. Permission is hereby granted by the town of Lake to the Chicago and Western Indiana Railroad Company to lay down one or more railroad tracks, with the necessary and proper turn outs, sidings and switches as may be necessary along and upon the following route in the said town of Lake, to-wit: Commencing on Stewart avenue at the south line of said town; thence running north, not exceeding 2,000 feet, on said Stewart avenue; thence in a northerly direction, using the alley east of the Holland road, and across any intervening streets or alleys to Wallace street, where the north line of the school-house lot intersects said street; thence north on or alongside of Wallace street, across the Chicago, Rock Island and Pacific Railroad; thence northwesterly on such lots, lands and property as the said company now owns, or hereafter may acquire, lease or purchase, by condemnation or otherwise, until it crosses Halsted street, and as far north as the center line of section 28, town 38 N. R. 14 E. and no further. The right to use said streets, and alleys being granted only so far as the same are dedicated for public purposes, and to the extent that the town of Lake has power to grant the same.

¶ 2. Steam power—subject to ordinances.] § 2. The said Chicago & Western Indiana Railroad Company may forever afterward operate the said tracks with steam power, subject however at all times to the general ordinances of the town of Lake now in force, or that may hereafter be adopted by the board of trustees. It may cross any and all streets, alleys, highways and railroads it may be necessary to do to pursue the route designated in the first section hereof, but the tracks hereby authorized to be laid shall be laid and maintained subject to the direction of the board of trustees of the town.

¶ 3. Reservation of street space—repair—ditches, crossings, etc.] § 3. The said company shall also, at all times, keep in good repair and condition, in accordance with the ordinances of the town of Lake now in force, or which may hereafter be passed, a good and sufficient road bed for the accommodation and use of the public in and along all such streets or parts of streets in which it shall construct its tracks under the provisions of this ordinance, and shall build and maintain such road bed, where such tracks are laid in or along a public street, and such tracks shall be laid in such manner as to interfere as little as practicable with the use of such streets for teams and pedestrians, and said railroad company shall at all times keep such tracks in such condition as to allow the free and easy passage of vehicles over them, and keep in repair, under the direction of the board of trustees of said town, all culverts, drains and ditches necessary for the carrying off the waters on both sides of said railroad, and to prevent the accumulation of water by reason of the construction of said railroad, and also shall construct and maintain, under the direction of the board of

trustees of said town, a ditch or drain on each side of said railroad, continuous through the town of Lake, of sufficient width and depth to afford free discharge of all water that may accumulate along the line of said railroad. Said railroad company shall also build and maintain all crossings at streets and roads and the approaches thereto, under the direction of the board of trustees of said town, and shall keep flagman at all such crossings as shall be required by said board of trustees.

¶ 4. **Indemnity.**] § 4. The said Chicago and Western Indiana Railroad Company and its grantees and lessees shall forever save, indemnify and keep harmless the town of Lake from all loss, costs, damages and suits by reason of the passage of this ordinance, and the exercise by the said railroad company, or its grantees or lessees of the privileges hereby granted, and shall at its own expense defend any such suit or suits, in any court of law or equity in which they may be brought, and fully pay and satisfy all judgments that may be rendered therein against said town of Lake.

¶ 5. **Time of completion—rate of fare.**] § 5. The said Chicago and Western Indiana Railroad Company shall complete said road, and have its cars running thereon, on or before the first day of January, 1881, and shall establish, and forever maintain, at least two trains each way per day to run over the said line from Chicago to Dalton, at convenient hours for the accommodation of passengers, and commutation tickets for ten rides or more shall be kept on sale by the company at its offices in Chicago, at a rate not exceeding one cent per mile.

¶ 6. **No right on private property, except.**] § 6. It is especially understood that the board of trustees of the town of Lake grant, by this ordinance, no right to enter upon or use private property or private streets without the consent of the owners thereof first being obtained by said railroad company, and that all dummy trains run over said road, shall stop for the accommodation of passengers at the crossing of the Vincennes road.

¶ 7. **Provisions binding on grantees, etc.—acceptance.**] § 7. The provisions of this ordinance shall extend to and be binding upon all the grantees, lessees or purchasers deriving title through or under said Chicago and Western Indiana Railroad Company, and this ordinance shall not be in force until a written acceptance thereof by said Chicago and Western Indiana Railroad Company is filed with the town clerk of the said town of Lake; and in case of a failure to keep and observe the conditions of section five of this ordinance, on the part of said railroad company, its grantees, lessees or assigns, the town of Lake shall have the right to repeal this ordinance, and to forfeit all rights acquired thereunder.

§ 306. Chicago & Western Indiana Railroad company.

¶ 1. Route.
¶ 2. Supervision—repair of streets, etc.
¶ 3. Authority granted.
¶ 4. Viaducts.
¶ 5. Subject to laws and ordinances.
¶ 6. Indemnity.
¶ 7. Side tracks—power to lease main tracks.
¶ 8. Limit for construction.
¶ 9. When in force.

An ordinance granting permission to the Chicago & Western Indiana Railroad company to lay down certain tracks. (Passed September 15, 1879.)

¶ 1. **Route.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same is hereby given and granted to the Chicago and Western Indiana Railroad Company to lay down, maintain and operate a railroad with one or more tracks and such switches, sidings and turn outs as may be necessary, along and upon the following route in the city of Chicago, to-wit: commencing at the southern boundary line of the city of Chicago, at some point within one hundred feet of the west line of Stewart avenue, and thence northwardly over such lots, lands and property as the said company now owns, or hereafter may acquire by lease, purchase, condemnation or otherwise, parallel to said Stewart avenue to the intersection of Grove street and said Stewart avenue, and thence over and upon such lots, lands, and property as the said company now owns, or hereafter may acquire by lease, purchase, condemnation or otherwise, unto such terminus as it may establish between the east bank of the south branch of Chicago river and the west side of State street, and between Sixteenth street, and the south line of Van Buren street in said city.

¶ 2. **Supervision—repair of streets, etc.**] § 2. The said railroad company may cross any and all intervening streets, alleys and railroad tracks upon, or along the line of the said route as designated, in the first section; said company to be subject, at all times, to the direction of the department of public works or other proper department or officer of said city, in the construction of its said tracks, in making the crossings or connections with other roads, and the keeping in repair of so much of said streets, alleys and crossings as may be occupied by said railroad company, with its tracks, switches and turnouts.

¶ 3. **Authority granted.**] § 3. The said railroad company may and it is hereby authorized to lay down, maintain and operate one or more railroad tracks, with such turnouts, side tracks and switches, as it shall deem necessary, over and across any land which it may acquire upon the line of said route by lease, purchase, condemnation or otherwise, and the said railroad company may use and operate the railroad tracks hereby authorized to be laid, with locomotive engines and cars, subject to all ordinances of the city of Chicago, applicable to railroads which are now or hereafter may be enforced.

¶ 4. **Viaducts.**] § 4. The permission, authority, and privileges hereby granted are upon the express condition, that the said railroad company shall erect and maintain viaducts over any of its said tracks, or any street or streets of said city which may be crossed by its said tracks where, and as the said city council may, from time to time, require, and under the supervision of the department of public works or other proper department or officer of said city, and erect and construct the approaches to all such viaducts with proper areas or either side of such approaches. Provided, however, that where any such viaduct cannot be built at any such street crossing without the same be built over the track or tracks of some other railroad company or companies, then the said Chicago and Western Indiana Railroad Company shall only be obliged to join with such other last mentioned railroad company or companies, in the construction and maintenance of such viaduct, and to pay their fair proportion of the cost of such viaduct or viaducts, and if such other railroad company or companies shall not join in the erection of any such viaduct, then when the proportion of such other company or companies shall be otherwise provided, the said Chicago and Western Indiana Railroad Company shall pay its fair proportion of the cost of any such viaduct.

¶ 5. **Subject to laws and ordinances.**] § 5. The said railroad company shall be subject to all general laws and ordinances of the city of Chicago in relation to railroads which are now or may hereafter be in force.

¶ 6. **Indemnity.**] § 6. The permission and authority hereby granted are upon the further expressed condition that the said railroad company shall, and will forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs and expenses of the same, which it may suffer or which may be recovered or obtained against said city, for or by reason of the granting of such privileges and authority, or for or by reason of, or growing out of, or resulting from, the passage of this ordinance or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted, or from any act or acts of the said company, under or by virtue of, the provisions of this ordinance.

¶ 7. **Side tracks—power to lease main tracks.**] § 7. The permission and authority herein granted are upon the further expressed condition, to-wit: That said railway company shall permit any corporation, person or persons, duly authorized by ordinance of said city, to construct side tracks to intersect any track or tracks of said railroad company, within the limits of said city, for the purpose of conveying property to and from such railroad to any warehouse, lumber yard, coal yard or any manufactory situated within one thousand feet of said railroad, and upon reasonable compensation being made therefor shall at all times permit the owners, or lessees of any such side tracks, or the consignees of any property, to take the cars containing such property

to him or them consigned, to any such warehouse, lumber yard, coal yard or manufactory, situated upon any such side track; Provided, however, that any cars so taken shall be returned without any unnecessary delay, and that any such owner, lessee or person conducting or carrying on any such warehouse, lumber yard, coal yard or manufactory, shall be entitled to have any property taken from any such warehouse, lumber yard, coal yard or manufactory, over any such side track to and upon the tracks of said railroad, under the directions and regulations of said railroad company without unreasonable delay:

And provided further, that the privileges authorized herein are granted upon the express condition, that the Chicago and Western Indiana Railroad Company shall permit any other railroad companies, not exceeding two in number (which have not at present any right of entrance into the city of Chicago under any existing ordinance), to use the said main railroad tracks herein authorized to be laid jointly with the said Chicago and Western Indiana Railroad Company, upon such fair and equitable terms, as may be agreed upon by said companies, and in the event that said companies cannot agree upon such terms, the same shall be settled by three disinterested persons, one to be selected by said Chicago and Western Indiana Railroad Company, one to be named by such other company as may desire to use said tracks, and the third by said two persons, and the terms and conditions which shall be fixed and determined by said persons, or a majority of them, shall be the terms and conditions upon which said companies respectively shall use and occupy said tracks; and upon the further express condition that said Chicago and Western Indiana Railroad Company, and any other railroad company or companies, that shall construct or operate said railroad under this ordinance, or under lease from or contract with the said Chicago and Western Indiana Railroad Company shall be held jointly bound to pay all legal damages that may accrue to the owners of property by reason of the construction or operation of said railroad under this ordinance.

¶ 8. **Limit for construction.**] § 8. The privilege and authority hereby granted are so granted upon the further express condition, that the tracks authorized by this ordinance shall be laid down and constructed within one year from the passage of this ordinance, and if not so constructed and in operation, all the rights and privileges granted by this ordinance to such company shall cease and be null and void.

¶ 9. **When in force.**] § 9. This ordinance shall be in force from and after its passage.

Note.—See following ordinance.

§ 307. Chicago & Western Indiana Railroad company.

¶ 1. Preamble.
¶ 2. Prohibited territory as to track laying.
¶ 3. Route designated.

¶ 4. Track on Fourth avenue—crossing Fourteenth street.
¶ 5. Purchase of school land—stipulation with board of education.
¶ 6. Ordinance of September 15, 1879, ratified.
¶ 7. When in force—acceptance.

An ordinance construing the ordinance of September 15, 1879, granting rights to the Chicago & Western Indiana Railroad company, and granting other and further rights. (Passed August 6, 1883. Accepted August 15, 1883.)

¶ 1. **Preamble.**] Whereas, differences have arisen between the city of Chicago and the Chicago and Western Indiana Railroad Company, as to the rights of said company under an ordinance passed by the city council of said city, dated September 15th, 1879; and whereas, the said city has, by ordinance, ordered the extension of Dearborn street through part of the territory in which the said railroad company has located its railroad, and proceedings have been had to ascertain the compensation to be paid to the owners of the portions of the lots sought to be taken for that purpose in the superior court of Cook county, Illinois, and judgment has been rendered therein, from which said judgment said company has taken an appeal to the supreme court of Illinois; and whereas, the said railroad company has intimated that it would compromise all of said matters provided the city would grant it certain privileges on certain alleys and streets, as hereinafter set forth, and abandon the proposed opening of Dearborn street from Polk to Taylor streets, and also sell to said company what is known as the school property, on Third avenue, near Twelfth street, at a reasonable price; and whereas, the board of education has requested said council, upon certain conditions hereinafter more fully set forth, to sell the said school property for the sum of ninety thousand dollars ($90,000), and whereas, the said railroad company owns more than a majority of the frontage on both sides of the parts of the streets and alleys, which by the terms of this ordinance the said railroad company is authorized to construct its tracks upon, or use for railroad purposes; and whereas, the public interests require that all differences and disputes aforesaid shall be settled at the earliest possible time, therefore for the purpose of settling the same, and by way of compromise,

¶ 2. **Prohibited territory as to track laying.**] Be it ordained by the city council of the city of Chicago: § 1. The Chicago and Western Indiana Railroad Company shall not lay down any track or tracks upon any of the following described territory in the city of Chicago, viz.: The territory lying north of the south line of Polk street, or upon the territory between Twelfth and Polk streets, east of the west line of Third avenue, or upon the territory between Twelfth and Polk streets, west of the east line of Clark street.

¶ 3. **Route designated.**] § 2. Permission and authority is hereby granted to the Chicago and Western Indiana Railroad Company to use for railroad and depot purposes, the streets and alleys described as follows, to-wit: Those portions of Third avenue and of Fourth avenue dedicated for street purposes in the subdivision known

as Walker, Shelby and Greer's subdivision of the Ulich tract, in the east fraction of the northeast quarter of section twenty-one (21), township thirty-nine (39) north, range fourteen (14) east of the third principal meridian, in the city of Chicago, Cook county, Illinois, and also the alley extending north and south between Third avenue and State street, from Fourteenth street to near Twelfth street; thence running west to Third avenue, and also the alley running north and south between Taylor and Polk streets, between Third avenue and Fourth avenue, whenever and wherever the said railroad company owns the land on both sides of said several parts of said streets and alleys; Provided, that whenever and wherever the said railroad company has acquired or shall acquire the title to the adjoining lots fronting on both sides of said parts of streets, avenues, and alleys, and each or either of them, and shall also acquire the interests of the owners of any reversionary right or title to the land occupied thereby, thereupon such street, avenue or alley, and such streets, avenues or alleys shall at once and without further ordinance, become vacated, and all interest therein held by said city shall cease and pass to said railroad company.

¶ 4. **Track on Fourth avenue—crossing Fourteenth street.**] § 3. Permission and authority is hereby granted to the Chicago and Western Indiana Railroad Company to lay down one track on the east side of Fourth avenue, extending from Fourteenth street to Twelfth street, the west rail of said track to be not more than nine and one-half feet from the east side of said avenue, and in connecting the said track may cross Fourteenth street west of the west line of said Fourth avenue where the said company owns the land on both sides of said streets at the point of crossing.

¶ 5. **Purchase of school land—stipulation with board of education.**] § 4. The board of education having presented to this council the following resolution passed by said board at its regular meeting held July 26th, 1883, to-wit:

"Whereas, The real estate known and described as lots 13 and 18, and the north part of lot 19, in block 130, and lots 15 and 16, and the north part of lot 21, in block 131, all in School section addition to Chicago, in the county of Cook and state of Illinois, is held by the city of Chicago, in trust, for schools, and is used for school purposes:

"And whereas, The Chicago and Western Indiana Railroad Company has offered to purchase the same for the sum of eighty-five thousand (85,000) dollars, and the board of education of the said city of Chicago thinks it advisable that a sale of said property should be made to the said Chicago and Western Indiana Railroad Company:

"And whereas, The Chicago and Western Indiana Railroad Company has agreed that in case of its purchase of said property at said sum, the city of Chicago shall have, and continue to have, the use, for school purposes, of the east eighty feet of said property above described, which lies in block 131, together with the east eighty feet of the remainder of lot 21 and of lot 22, both in said block 131, together with

the buildings situate thereon, for the period of two years from the first day of the present month of July, A. D. 1883, as the tenant of the said Chicago and Western Indiana Railroad Company, but without rent;

"Now, therefore, In conformity with law, the board of education of the city of Chicago, by this, its resolution, requests the city council of said city of Chicago to sell the said property above described, to-wit: Lots 13 and 18, and that part of lot 19, in block 130, and lots 15 and 16, and that part of lot 21, in block 131, all in School section addition to Chicago, in the county of Cook and state of Illinois, which is held and owned by the city of Chicago, to the Chicago and Western Indiana Railroad Company at and for the sum of ninety thousand (90,000) dollars, and to convey the same to the said Chicago and Western Indiana Railroad Company; Provided, however, that, in case of such sale, the city of Chicago shall have the use and occupation of all that portion of the lots in block 131, so to be sold, east of a line twenty feet west of the west line of the school building known as the Third avenue school building, and also the use, as lessee, of all that portion of the remainder of lot 21 and lot 22, in said block 131, east of the same line above described continued south to Twelfth street, for school purposes, for the period of two years from the first day of July inst., without rent; and that the said Chicago and Western Indiana Railroad Company shall, immediately upon receiving possession of the westerly portion of the property above described, put up and thereafter maintain a high-board fence satisfactory to the committee on buildings and grounds of the board of education, on the line above described twenty feet west of the west wall of the school building, and the said railroad company shall also at the same time level and put in good condition for use as a playground, the ground east of said line twenty feet west of the west wall of the school building, lying between the school lot and Twelfth street. Such conveyance to be upon the express condition that the said Chicago and Western Indiana Railroad Company, its grantees, successors, lessees and assigns, shall first file with this board its agreement that it or they will in no case extend, or attempt to extend, the northern terminus of said railroad north of the south line of Polk street, as now laid out in the city of Chicago. This condition to be assented to by said company and to be specially embraced in the deed of conveyance of said property, and a violation thereof to have the effect to forfeit the grant and authorize a re-entry by the grantors, and terminate all rights of said railroad company, its successors, grantees or assigns in or to said premises."

Therefore, It is hereby ordered that a conveyance be made by the city of Chicago to the Chicago and Western Indiana Railroad Company of the said described premises, and upon the terms and conditions and for the consideration named in said resolution of the board of education, and in all respects in conformity with said resolution.

¶ 6. **Ordinance of September 15, 1879, ratified.**] § 5. The privileges granted to the Chicago and Western Indiana Railroad Com-

pany by the ordinances passed September 15th, 1879, and the acts of said company under the same, are hereby ratified and confirmed except as hereinbefore mentioned.

¶ 7. **When in force—acceptance.**] § 6. This ordinance is intended as an offer of compromise of the disputed questions between the city of Chicago and the said Chicago and Western Indiana Railroad Company, as stated in the preamble hereto, and shall not take effect and be in force until it shall be accepted by said company, and until such acceptance shall be filed with the city clerk, said acceptance to contain an express relinquishment or release by said railroad company of all claim or right upon the part of said company to use or occupy for railroad purposes any territory north of the south line of Polk street, in the city of Chicago, or any other territory from which it is excluded by the terms of this ordinance.

§ 308. Chicago & Western Indiana Railroad company.

¶ 1. Grant—route.

A grant by the commissioners of highways of the town of Calumet to the Chicago & Western Indiana Railroad company. (Granted September 15, 1879.)

¶ 1. **Grant—route.**] Know all men by these presents: That the undersigned, commissioners of highways of the town of Calumet, in the county of Cook and state of Illinois, do hereby consent to the construction, by the Chicago and Western Indiana Railroad Company, of its railway across and along the highways in the said town, which the route of said railway, as at present selected and located, intersects, touches and passes over, provided that the said railroad company shall first construct the necessary culverts and sluices, as the natural lay of the land requires for the necessary drainage thereof, and shall restore the highways so intersected, touched or passed over to their former state, or to such state as not unnecessarily to impair their usefulness, as provided for by the statutes of said state. And shall efficiently restore any portion or system of public drainage which may be constructed, injured or impaired by the construction of the said railway upon its route as now located, commencing at the center of the north line of section four (4) in said town, and running thence south on the center lines of sections four (4), nine (9) and sixteen (16), to the center of the south line of said section sixteen (16), and thence southeasterly through the east half of section twenty-one (21), in said town, to the east line of said town.

Dated this 15th day of September, A. D. 1879.

F. A. RICH, JR.,
H. G. MYRICK,
LOUIS MELCHER,

Commissioners of Highways of the Town of Calumet, Cook County, Illinois.

Note.—See the following agreement.

AN AGREEMENT OF THE CHICAGO & WESTERN INDIANA RAILROAD COMPANY WITH THE COMMISSIONERS OF HIGHWAYS OF THE TOWN OF CALUMET.

Dated September 15, 1879.

Whereas, the commissioners of highways of the town of Calumet, in the county of Cook and state of Illinois, have granted to the Chicago and Western Indiana Railroad Company their consent to the construction of its railway across, along and upon the highways in the said town, which the route of the said railway, as now selected and located, intersects and touches;

Now, therefore, in consideration of such consent, the said railroad company does hereby covenant and agree to and with the said commissioners of highways and their successors in office, that the said railroad company will construct and maintain the necessary culverts and sluices, as the natural lay of the land requires for the necessary drainage thereof; that it will restore the highways so intersected, touched or passed over to their former state, or to such state as not unnecessarily to impair their usefulness, as is provided by the statutes of said state, and that it will efficiently restore any portion or system of public drainage which may be obstructed, injured or impaired by the construction of its said railway.

In testimony whereof, John B. Brown, president of the said the Chicago and Western Indiana Railroad Company, has hereunto set his hand and caused the seal of the said company to be hereunto affixed, this 15th day of September, A. D. 1879.

CHICAGO & WESTERN INDIANA RAILROAD COMPANY.
[Seal.] By J. B. BROWN, President.
Attest: H. G. STONE, Secretary.

§ 309. Chicago & Western Indiana Railroad company.

¶ 1. Telegraph line.
¶ 2. Route of railroad—dedication of alley—construction of sewer.
¶ 3. Grant in perpetuity—no right to use private property, except.
¶ 4. Use of streets—maintenance and repair—ditches—flagmen.
¶ 5. Indemnity.
¶ 6. Construction, time limit—stations—five cent fare.
¶ 7. Company and lessees liable for damages.
¶ 8. Who bound—acceptance.

An ordinance granting right of way to the Chicago & Western Indiana Railroad company. (Passed October 10, 1879. Accepted October 10, 1879.)

¶ 1. Telegraph line.] § 1. Permission is hereby granted by the town of Lake to the Chicago and Western Indiana Railroad Company to erect a telegraph line consisting of one or more wires, placing the necessary poles on the east side of the route of the railroad of said company, as heretofore described in an ordinance granted by said town, and as further provided herein. The poles herein authorized

to be erected shall be placed in such position on streets or otherwise as shall be directed by the board of trustees of said town.

¶ 2. **Route of railroad—dedication of alley—construction of sewer.**] § 2. Permission is hereby further granted to said Chicago and Western Indiana Railroad Company to lay down one or more railroad tracks with the necessary and proper turnouts, sidings and switches, from a point near Auburn, the terminus of the line, as granted in a former ordinance by said town to said railroad company; thence north on Wallace or Market street, or any ground which the company now owns or hereafter may acquire by purchase, donation, condemnation or otherwise, to or near Cushman street; thence making a proper curve to a point on the west side of Stewart avenue on any lands said company may acquire, using such part of Cushman street as may be necessary, and crossing Forty-seventh street at a point not more than two hundred and fifty feet west of said Stewart avenue, thence north along Stewart avenue to the north line of said town upon any land the said company may acquire by purchase, using the street or alley lying between Layton street and Forty-fifth street, and adjoining said Stewart avenue, provided that said company shall dedicate an alley sixteen feet in width west of and adjoining such right of way, as said company may acquire between said Layton street and Forty-fifth street; also provided that said railroad track shall be laid east of the center line of said Wallace or Market, and not nearer than six feet to the east line of said street: And provided further, that if said railroad company shall, under the direction of the board of trustees, construct a brick sewer in said Wallace or Market street of sufficient capacity to drain said street, and not less than three and one half feet in diameter, together with all necessary catch basins, and fill said street to grade and cover the same with gravel to the depth of at least one foot, then, and in that case, the said railroad company may occupy seven feet in width of said street west of and adjoining the route hereinbefore described, making in all thirty-four (34) feet in width that said railroad company may use of said street west of and adjoining the east six feet thereof, and said sewer shall thereafter belong to and be under control of the town of Lake: And provided further, that when said sewer is built, and said street graded and graveled as hereinbefore described, then and thereafter said railroad company are not to be liable for the maintenance or repairs of said sewer or streets: And provided further, that said sewer need not be built nor street filled to grade and graveled in that portion of said Wallace or Market street lying south of Sixty-third street until ordered by the board of trustees, and not sooner than thirty (30) months from this date; and where said Wallace street does not form a straight line said railroad company may occupy such portion thereof as may be necessary in order to lay their tracks, but not to exceed the width above designated, the right to use said streets and alleys being granted only so far as the same are dedicated for public purposes, and

to the extent that the board of trustees of the town of Lake has power to grant the same.

¶ 3. Grant in perpetuity—no right to use private property, except.] § 3. The said Chicago and Western Indiana Railroad Company may forever afterward operate the said tracks with steam power, subject, however, at all times, to the general ordinances of the town of Lake now in force, or that may hereafter be adopted by the board of trustees. It may cross any and all streets, alleys, highways and railroads it may be necessary to do to pursue the route designated in the second section hereof, but the tracks hereby authorized to be laid and maintained when they are laid in or along a public street or alley subject to the direction of the board of trustees of the town, and it is expressly understood that the board of trustees of the town of Lake grant by this ordinance no right to enter upon or use private property or private streets without the consent of the owners thereof first being obtained by said railroad company.

¶ 4. Use of streets—maintenance and repair—ditches—flagmen.] § 4. The permission, authority and privileges hereby granted, are upon the express condition that the said railroad company, its grantees, lessees or assigns, shall also at all times keep in good repair and condition, in accordance with the ordinance of the town of Lake now in force or which may hereafter be passed, a good and sufficient road bed for the accommodation and use of the public in and along all such streets or parts of streets in which it shall construct its tracks under the provisions of this ordinance, and shall build and maintain such road bed where such tracks are laid in and along a public street, and such tracks shall be laid in such a manner as to interfere as little as possible with the use of such streets for teams and pedestrians, and shall keep in repair under the direction of the board of trustees of said town, all culverts, drains, and ditches necessary for the carrying off of water on both sides of said railroad, and to prevent the accumulation of water by reason of the construction of said railroad, and also shall construct and maintain under the direction of the board of trustees of said town a ditch or drain on each side of said railroad, continuous through the town of Lake, of sufficient width and depth to afford free discharge of all water that may accumulate along the line of said railroad; the inside line of said ditches on said Wallace or Market street, to be six feet from the east and west sides respectively of said street, and the said railroad company may, in lieu of such ditches, construct one or more covered drains or sewers if of sufficient capacity; said railroad company shall also build and maintain all crossings at streets and roads and the approaches thereto, under the direction of the board of trustees of said town, and shall keep a flagman at all such crossings as shall be required by said board of trustees. The above obligations to repair and maintain the street and sewer in said Wallace or Market street to be subject to the limitations of the last proviso of section two (2) of this ordinance.

¶ 5. **Indemnity.**] § 5. The permission and authority hereby granted are upon the further express condition that the said railroad company and its grantees, lessees and assigns, shall and will forever indemnify and save harmless the town of Lake against and from any and all damages, judgments, decrees and costs and expenses of the same, which it may suffer, or which may be recovered or obtained against said town, for or by reason of granting of such privileges and authority, or for or by reason of or growing out of or resulting from the passage of this ordinance or any matter or thing connected therewith, or with the exercise by said company, its grantees, lessees or assigns of the privileges hereby granted, or from any act or acts of the said company, its grantees, lessees, or assigns, under or by virtue of the provisions of this ordinance.

¶ 6. **Construction, time limit—stations—five cent fare.**] § 6. The permission and authority hereby granted are upon the further express conditions that the said railroad company shall construct said road so as to have its cars running thereon within one year from this date, and shall establish and forever maintain at least two trains each way per day, to run over the said line from Chicago through said town at convenient hours, and stopping at convenient places for the accommodation of passengers, and at such places as the board of trustees of the town may direct, and that all passenger trains run over said road, whether by the said Chicago and Western Indiana Railroad Company, its assigns, grantees or lessees, shall stop for the accommodation of passengers at Sixty-third street in said town of Lake, and commutation tickets for ten rides or more, good on all passenger trains which may run over said road, shall be kept on sale at the Chicago office of said company, at a rate not exceeding five (5) cents for single fare between said Sixty-third street and the terminal depot of said company in Chicago, and not exceeding one (1) cent per mile for all distances south of said Sixty-third street.

¶ 7. **Company and lessees liable for damages.**] § 7. The permission, authority and privileges hereby granted are upon the express condition that said Chicago and Western Indiana Railroad Company, and any other railroad company or companies, that shall construct or operate said railroad under this ordinance, or under lease from or contract with the Chicago and Western Indiana Railroad Company shall be held jointly or severally bound to pay all legal damages that may accrue to the owners of property by reason of the operation of said railroad under this ordinance.

¶ 8. **Who bound—acceptance.**] § 8. The provisions of this ordinance shall extend to and be binding upon all the grantees, lessees or purchasers deriving title through or under said Chicago and Western Indiana Railroad Company, and this ordinance shall not be in force until a written acceptance thereof by said Chicago and Western Indi-

ana Railroad Company is filed with the town clerk of the town of Lake.

Note.—See following amendatory ordinance.

§ 310. Chicago & Western Indiana Railroad company.

¶ 1. Preamble.
¶ 2. Amendment—telegraph line authorized.
¶ 3. Route of railroad line—dedication of alley—sewer.
¶ 4. Grant in perpetuity—crossing of streets and alleys—rights of owners of property.
¶ 5. Use of streets—maintenance and repair—ditches—flagmen.
¶ 6. Indemnity.
¶ 7. Construction, time of—stations—five cent fare.
¶ 8. Company and its lessees liable for damages.
¶ 9. Who bound—acceptance.

An ordinance amending an ordinance granting a right of way to the Chicago & Western Indiana Railroad Company, passed October 10, 1879. (Adopted November 7, 1879. Accepted November 7, 1879.)

¶ 1. **Preamble.**] Whereas, on the 10th day of October, A. D. 1879, an ordinance was passed by the trustees of the town of Lake, by which the Chicago and Western Indiana Railroad Company was granted the right of way on Wallace street, or Market street from Auburn to Cushman street, it being intended thereby to grant them the right to use Wallace street through Beck park:

And, whereas, there is some doubt as to whether said ordinance did expressly grant said company the right to use what is designated on recorded plat as Wallace parkway, being the street through said park on the route of said Wallace street.

And, whereas, the said company has only used said Wallace street to Forty-ninth street:

Now, therefore, for the purpose of more clearly expressing the intent of said ordinance as to Wallace parkway, and for the purpose of limiting the use of Wallace street south of Forty-ninth street,

¶ 2. **Amendment—telegraph line authorized.**] Be it ordained by the board of trustees of the town of Lake, that an ordinance passed on the tenth (10) day of October, A. D. 1879, is hereby amended so as to read as follows: An ordinance granting the right of way to the Chicago and Western Indiana Railroad Company: § 1. Permission is hereby granted by the town of Lake to the Chicago and Western Indiana Railroad Company to erect a telegraph line consisting of one or more wires, placing the necessary poles on the east side of the route of the railroad of said company as heretofore described in an ordinance granted by said town and as further provided herein. The poles hereby authorized to be erected shall be placed in such position, on streets or otherwise, as shall be directed by the board of trustees of said town.

¶ 3. **Route of railroad line—dedication of alley—sewer.**] § 2. Permission is hereby further granted to said Chicago and Western In-

diana Railroad Company to lay down one or more railroad tracks, with the necessary and proper turnouts, sidings and switches, from a point near Auburn, the terminus of the line, as granted in former ordinance by said town to said railroad company; thence northwardly on Wallace street to Wallace parkway, thence on Wallace parkway, following the meanderings thereof to the north line of Beck's park; thence northwardly on Wallace street and Market street, or in whole or in part on any ground which the company now owns or hereafter may acquire by purchase, donation, condemnation or otherwise, to or near 49th street, it being intended to grant said company the use of said streets between said Auburn and said 49th street; thence making a proper curve to a point on the west side of Stewart avenue, on any lands said company may acquire, and crossing Forty-seventh street at a point not more than two hundred and fifty feet west of said Stewwart avenue; thence north along Stewart avenue to the north line of said town, upon any land the said company may acquire by purchase, using the street or alley lying between Layton street and Forty-fifth street, and adjoining said Stewart avenue: Provided, the said company shall dedicate an alley sixteen feet in width west of and adjoining such right of way as said company may acquire, between said Layton street and Forty-fifth street, Also provided, that said railroad tracks shall be laid east of the center line of said Wallace or Market street, and not nearer than six feet to the east line of said street: And provided further, that if said railroad company shall, under the direction of the board of trustees, construct a brick sewer on said Wallace or Market street of sufficient capacity to drain said street, and not less than three and one-half feet in diameter, together with all necessary catch basins, and fill said street to grade and cover the same with gravel to the depth of at least one foot, then, and in that case, the said railroad company may occupy seven feet in width of said street west of and adjoining the route hereinbefore described, making in all thirty-four (34) feet in width that said railroad company may use of said street west of and adjoining the east six feet thereof, and said sewer shall thereafter belong to and be under control of the town of Lake: And provided further, that when said sewer is built, and street graded and graveled, as hereinbefore described, then and thereafter said railroad company are not to be liable for the maintenance or repairs of said sewer or street: And provided further, that said sewer need not be built, nor street filled to grade and graveled in that portion of said Wallace street, Market street, and Wallace parkway lying south of Sixty-third (63) street, until ordered by the board of trustees, and not sooner than thirty (30) months from this date, and where said Wallace street or Wallace parkway does not form a straight line said company may occupy such portion thereof as may be necessary in order to lay their tracks, but not to exceed the width last above designated, the right to use said streets and alleys being granted only so far as the same are

dedicated for public purposes, and to the extent that the board of trustees of the town of Lake has power to grant the same.

¶ 4. Grant in perpetuity—crossing of streets and alleys—rights of owners of property.] § 3. The said Chicago and Western Indiana Railroad Company may forever afterwards operate the said tracks with steam power, subject, however, at all times to the general ordinances of the town of Lake now in force, or that may hereafter be adopted by the board of trustees. It may cross any and all streets, alleys, highways and railroads it may be necessary to do to pursue the route designated in the second section hereof, but the tracks hereby authorized to be laid shall be laid and maintained when they are laid in or along a public street or alley, subject to the direction of the board of trustees of the town, and it is expressly understood that the board of trustees of the town of Lake grant, by this ordinance, no right to enter upon, or use private property or private streets, without the consent of the owner thereof first being obtained by said railroad company.

¶ 5. Use of streets—maintenance and repair—ditches—flagmen.] § 4. The permission, authority and privileges hereby granted are upon the express condition that the said railroad company, its grantees, lessees, or assigns, shall also at all times keep in good repair and condition, in accordance with the ordinances of the town of Lake now in force, or which may hereafter be passed, a good and sufficient road bed for the accommodation and use of the public in and along all such streets, or parts of streets in which it shall construct its tracks, under the provisions of this ordinance, and shall build and maintain such road bed where such tracks are laid in and along a public street, and such tracks shall be laid in such manner as to interfere as little as possible with the use of such streets for teams and pedestrians, and shall keep in repair under the direction of the board of trustees of said town, all culverts, drains and ditches necessary for the carrying off the water on both sides of said railroad, and to prevent the accumulation of water by reason of the construction of said railroad, and also shall construct and maintain, under the direction of the board of trustees of said town, a ditch or drain on each side of said railroad continuous through the town of Lake, of sufficient width and depth to afford free discharge of all water that may accumulate along the line of said railroad, the outside line of said ditches on said Wallace street, Market street, or Wallace parkway to be six feet from the east and west sides respectively, of said street, and the said railroad company may, instead of such ditches, construct one or more covered drains or sewers, if of sufficient capacity; said railroad company shall also build and maintain all crossings at streets and roads and the approaches thereto, under the direction of the board of trustees of said town, and shall keep a flagman at all such crossings as shall be required by said board of trustees; the above obligations to repair and

maintain the street and sewer in said Wallace street, Market street, or Wallace parkway, to be subject to the limitations of the last proviso of section two (2) of this ordinance.

¶ 6. **Indemnity.**] § 5. The permission and authority hereby granted are upon the further expressed conditions that the said railroad company and its grantees, lessees, and assigns shall and will forever indemnify and save harmless the town of Lake against and from any and all damages, judgments, decrees and costs and expenses of the same, which it may suffer, or which may be recovered or obtained against said town, for or by reason of the granting of such privileges and authority, for or by reason of, or growing out of, or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company, its grantees, lessees, or assigns, of the privileges hereby granted, or from any act or acts of the said company, its grantees, lessees, or assigns, under or by virtue of the provisions of this ordinance.

¶ 7. **Construction, time of—stations—five cent fare.**] § 6. The permission and authority hereby granted are upon the further express conditions that the said railroad company shall construct said road so as to have its cars running thereon within one year from this date, and shall establish and forever maintain at least two trains each way per day, to run over the said line from Chicago through said town at convenient hours, and stopping at convenient places for the accommodation of passengers, and at such places as the board of trustees of the town of Lake may direct; that all passenger trains run over said road, whether by the said Chicago and Western Indiana Railroad Company, its assigns, grantees or lessees, shall stop for the accommodation of passengers at 63rd street, in said town of Lake, and commutation tickets for ten rides, good on all passenger trains which may run over said road, shall be kept on sale at the Chicago office of said company, at a rate not exceeding five (5) cents for single fare between said 63rd street and the terminal depot of said company in Chicago, and not exceeding one cent per mile for all distances south of 63rd street.

¶ 8. **Company and its lessees liable for damages.**] § 7. The permission, authority and privileges hereby granted are upon the express condition that said Chicago and Western Indiana Railroad Company, and any other railroad company or companies that shall construct or operate said railroad under this ordinance, or under lease from, or contract with the Chicago and Western Indiana Railroad Company, shall be held jointly or severally, bound to pay all legal damages that may accrue to the owners of property by reason of the operation of said railroad under this ordinance.

¶ 9. **Who bound—acceptance.**] § 8. The provisions of this ordinance shall extend to and be binding upon all the grantees, lessees, or purchasers deriving title through or under said Chicago and West-

ern Indiana Railroad Company, and this ordinance shall not be in force until a written acceptance thereof, by said Chicago and Western Indiana Railroad Company is filed with the town clerk of the town of Lake.

Note.—See two following amendatory ordinances.

§ 311. Chicago & Western Indiana Railroad company.

¶ 1. Amendment.
¶ 2. Route—ditches or sewer.
¶ 3. Additional tracks—viaduct.
¶ 4. Not to modify or repeal former ordinance, except.
¶ 5. Ordinance construed—acceptance.

An ordinance in relation to the Chicago & Western Indiana Railroad company. (Passed September 8, 1880. Accepted September 8, 1880.)

¶ 1. Amending paragraph 3 of former ordinance.] **Be it** ordained by the board of trustees of the town of Lake: § 1. For the purpose of enabling the Chicago and Western Indiana Railroad Company to extend to the Chicago and Strawn Railroad Company additional track privileges, from the point where said last-mentioned railway intersects with said first mentioned railroad company's tracks, section 2 of the former ordinance, passed November 7, 1879, be and the same is hereby amended so as to read as follows, to wit:

¶ 2. Route—ditches or sewer.] § 2. Permission is hereby further granted to said Chicago and Western Indiana Railroad Company to lay down one or more railroad tracks, with the necessary and proper turn-out, sidings and switches, from a point near Auburn, the terminus of the line, as granted in said former ordinance by said town to said railroad company; thence northwardly on Wallace street, Market street, or any street or part of street in line with said street, or in whole or in part on any ground which the company owns or hereafter may acquire by purchase, donation, condemnation or otherwise, to or near Forty-ninth street, it being intended to grant said company the use of so much of said streets or part of streets, between said Auburn and said Forty-ninth, as is necessary to lay one or more tracks thereon; thence making a proper curve to a point on the west side of Stewart avenue or any lands said company may acquire, and crossing Forty-seventh street at a point at which the center of the right of way hereby granted shall be not more than two hundred and sixty (260) feet nor less than two hundred and fifty (250) feet west of the west line of said Stewart avenue; thence north along said Stewart avenue to the north line of said town, upon any land the said company may acquire by purchase, condemnation or otherwise; hereby also granting to said railroad company the right to use the alleys and turn-outs between Forty-third and Forty-sixth streets, lengthwise or otherwise, for the purpose of laying down their tracks thereon when the company owns the lots on both sides of the same, or on one side when there is a street on the

other: Provided, that said company shall lay out and dedicate to public use an alley sixteen (16) feet in width on the west side of its yards, and right of way between Layton street and Forty-fifth street: And provided, further, that said railroad tracks shall be laid east of a line twelve (12) feet west of the center line of said Wallace street, Market street, or any street or part of street in line with said streets, and not nearer than six (6) feet to the east line of said street: Provided, further, that said railroad company shall not use any portion of said Wallace street, Market, or any street or part of street in line with said street west of the center line thereof, until it shall have removed the water pipe in said street, and relaid the same with connections on a line twelve (12) feet east of the west line of said street, and shall have filled to grade the west twenty-one (21) feet of said streets, so as to make a good dry road for teams to travel thereon, which grade shall be maintained and road kept in repair by said railroad company for one year, after which time said railroad company shall be relieved from repairing said street as required in section 4 of said former ordinance: And provided, further, that said railroad company shall construct and forever maintain an open ditch or brick sewer of sufficient capacity to drain said street, and if a brick sewer the same shall be of not less than three and one-half feet internal diameter, and shall be constructed according to specifications to be furnished by the engineer of the town of Lake. In case an open ditch is used by said railroad company the same shall be constructed on the east side of the railroad tracks of at least six (6) feet in width across the top, and the east line thereof shall be at least six (6) feet west of the east line of said Wallace street: Provided, also, the said railroad company shall build and forever maintain covered culverts or drains across said Wallace street, so as to connect the ditches on both sides of all streets intersecting said Wallace street on the line of said tracks, of sufficient capacity to afford free access into said Wallace street ditch or sewer of all water that may accumulate on said intersecting streets: And provided, further, that no tracks shall be laid on the six feet strip of any of said streets which lies adjoining and west of the six (6) feet on the east side of said streets until said railroad company shall first have constructed a brick sewer on said streets as aforesaid, and where said Wallace street, Market street, or any street or part of street in line with said street does not form a straight line. Said company may occupy such portion thereof as may be necessary in order to lay their tracks, but not to exceed the width above designated. All of the work in this section provided for shall be done under the direction and supervision of the superintendent of public works of the town of Lake. The right to use said streets and alleys being granted only so far as the same are dedicated for public purposes and to the extent that the board of trustees of the town of Lake has power to grant the same.

¶ 3. **Additional tracks—viaduct.**] § 2. Permission is here-

by further granted to the said Chicago and Western Indiana Railroad Company to lay such additional tracks for yard purposes between Forty-first and Forty-seventh street as are shown by plat this day filed with the clerk of this board; this grant being upon the express condition that said Chicago and Western Indiana Railroad Company shall unite with the Pittsburg, Ft. Wayne and Chicago Railway Company in the erection on Forty-third street of a substantial viaduct and suitable approaches thereto, across said yard tracks and the main and switch tracks of said railroad companies, within six months from this date, according to plans and specifications this day filed with the clerk of this board, and that said Chicago and Western Indiana Railroad Company shall forever maintain its part of said viaduct and the approach thereto, and keep the same in repair, and shall save and keep the Town of Lake harmless from all legal damages by reason of the construction of its part of said viaduct and approach thereto, and from all judgments and costs that may be obtained against it because of any legal damage to property by reason of its construction, but such liability to be the same as if such viaduct and approach were constructed by said town, and until said viaduct and the approaches thereto shall be completed and accepted by the board of trustees of the town of Lake, the said railroad company shall lay down no more tracks across any street than are at present laid, and in case of a failure on the part of said railroad companies to erect and complete said viaduct and the approaches thereto within said time the town of Lake shall have the right to repeal this ordinance, provided when repealed said section two (2) shall be at the same time re-enacted so as to stand as it was before it was amended herein.

¶ 4. **Not to modify or repeal former ordinance, except.**] § 3. This ordinance shall not be construed as changing, modifying, repealing, or in any way affecting any portion of the ordinance aforesaid passed by the board of trustees of the town of Lake, on the seventh day of November, A. D. 1879, and to which this is an amendment, except as to section two (2) of said ordinance, but the same shall be in all respects be and continue in force, except as to said section two (2) hereby amended, and also wherein said former ordinance it is provided for ditches on each side of said company's railroad such provision shall be so far modified and construed as not to apply to that portion of Wallace street, between Auburn and Forty-ninth street, and as to such street the ditching shall be done as herein provided.

¶ 5. **Ordinance construed — acceptance.**] § 4. This ordinance shall be construed as a contract between the town of Lake and the Chicago and Western Indiana Railroad Company, its lessees and assigns, and shall not take effect until the railway company shall have filed with the town of Lake its acceptance thereof subject to all its terms and conditions.

Note.—See the following ordinance repealing the foregoing.

§ 312. Chicago & Western Indiana Railroad company.

¶ 1. Preamble.
¶ 2. Repeal and amendatory.
¶ 3. Route—use of streets—sewers, culverts and drains.
¶ 4. When in force—ordinance construed—acceptance.

An ordinance adjusting differences between the town of Lake and the Chicago & Western Indiana Railroad company, repealing an ordinance of September 8, 1880, and amending and re-enacting section 2 of an ordinance passed November 7, 1879. (Passed April 4, 1884. Accepted August 27, 1884.)

¶ 1. Preamble.] Whereas, on the 8th day of September, A. D. 1880, an ordinance was passed by the board of trustees of the town of Lake amending an ordinance passed by the said board of trustees of the Town of Lake on the 7th day of November, A. D. 1879, by which the Chicago and Western Indiana Railroad Company was granted certain rights in the said town of Lake,

And whereas, by the said amendatory ordinance passed on the 8th day of September, A. D. 1880, it was provided that the said Chicago and Western Indiana Railroad Company should, within six months from the date thereof, unite with the Pittsburg, Fort Wayne and Chicago Railway Company in the erection of a viaduct upon 43rd street, where certain of the tracks of the said companies cross said 43rd street, in said Town of Lake.

And whereas, the said Chicago and Western Indiana Railroad Company had the necessary plans prepared in accordance with said ordinance, for the erection of such viaduct and the approaches thereto, and submitted the same to the said board of trustees, and the same were by them approved, and said railroad company immediately contracted for the erection of the same, and had part of the material upon their ground, when it was notified by the said board of trustees to proceed no further in its construction until further notified by said board of trustees, and said railroad company thereafter made repeated applications to said board of trustees to come to some understanding so that said viaduct might be completed according to the said ordinance, but was not able to obtain the permission of said board to proceed in its construction, and was therefore compelled to pay a large amount as damages to the contractor to cancel said contracts;

And whereas, the said board of trustees and the said railroad company have come together for the purpose of adjusting the matters of difference connected with the building of said viaduct and the rights of said railroad company under the ordinance heretofore granted by said town of Lake, as well as all matters of difference existing between them, and have agreed upon a basis of compromise,

Now, Therefore, for the purpose of putting the terms of said compromise in proper shape,

¶ 2. Repeal and amendatory.] Be it ordained by the board of trustees of the town of Lake: § 1. That the said ordinance passed by the said board of trustees of the town of Lake on the 8th day of

September, A. D. 1880, be, and the same is hereby repealed, and the said railroad company is released from all liability and obligation which it assumed under said ordinances, or otherwise, to construct the viaduct at 43rd street, and to improve said Wallace street, and section 2 of the said ordinance passed by said board of trustees on the 7th day of November, 1879, be, and is hereby re-enacted, and is hereby amended so as to read as follows:

¶ 3. **Route—use of streets—sewers, culverts and drains.**] § 2. Permission and authority is hereby further granted to said Chicago and Western Indiana Railroad Company to lay down and maintain one or more railroad tracks, with the necessary and proper turn-outs, sidings, yard tracks and switches, from the point near Auburn, which is the terminus of the line as granted in former ordinances by said town to said railroad company, thence northwardly on Wallace street, Market street, or any street or parts of streets, in line with Wallace street, and on any ground which said railroad company now owns or hereafter may acquire by purchase, donation, condemnation or otherwise, and across intervening streets and alleys to a point near 49th street, it being intended to grant to said company the use of so much of said streets or parts of streets lengthwise between said Auburn and said 49th street as is necessary to lay and maintain one or more tracks thereon, and continuing from said point near 49th street by a proper curve to a point on the west side of Stewart avenue on any lands said company may acquire, and crossing 47th street within a distance of two hundred and sixty-seven feet of the west line of said Stewart avenue, thence north within the territory lying between said Stewart avenue and a line 267 feet west thereof to the north line of said town upon any land the said company may acquire by purchase, condemnation or otherwise, with the right and permission within the limits by this ordinance defined, to cross all intervening streets and alleys with its yard and main tracks; hereby also granting to said railroad company the right to use the alleys between 43rd and 46th streets lengthwise for railroad purposes, when the railroad company owns the lots on both sides of the same, or on one side when there is a street on the other.

Provided, that said main railroad tracks shall not be laid in Wallace street and the streets running north and south, connecting north and south therewith, west of where the present west track now lies in said streets at any point where the said railroad company does not own the west frontage of that portion of said streets or has not the consent of the owner or owners thereof, and where, on any part of said streets used lengthwise said railroad company does not own the land fronting said streets on the east, or has not settled with the owner of the land fronting on the east for the damages occasioned by reason of the occupation of said street with its said tracks, the east rail of the east track shall not be laid nearer than six feet from the east line of said streets.

And provided, further, that within six months after the said board of trustees shall have extended a sewer on said Wallace street from the north to the south line of 49th street, so as to give an outlet to the sewer as hereafter provided by said railroad company to be constructed, the said railroad company shall construct a brick sewer commencing at and connecting with the sewer in Wallace street, at the south line of 49th street, thence along a line on the west side of the middle of Wallace street and as near the water pipe in said street as the nature of the work will admit, said sewer commencing with an internal diameter of three and one-half feet, and continuing with the same internal diameter to the south line of Fifty-first (51st) street, thence to the south line of Fifty-fifth (55th) street, with an internal diameter of three feet, thence to the south line of Fifty-ninth (59th) street, with an internal diameter of two and one-half feet, thence to the south line of Sixty-fifth (65th) street with an internal diameter of two feet; said sewer to be constructed according to specifications to be furnished by the engineer of the town of Lake, and be under his supervision, said sewer when completed to belong to, be under the control of, said town of Lake.

Provided, also, that the said railroad company shall build and forever maintain covered culverts or drains across said Wallace street so as to connect the ditches on both sides of all streets intersecting said Wallace street on the line of said tracks of sufficient capacity to afford free access into said Wallace street sewer of all water that may accumulate on said intersecting streets.

¶ 4. **When in force—ordinance construed—acceptance.**] § 3. This ordinance shall not be construed to affect, vary or modify any of the provisions of said ordinance of November 7th, 1879, except as found in said section two (2), and shall be in force from and after its passage and acceptance by said Chicago and Western Indiana Railroad Company.

§ 313. Chicago & Western Indiana Railroad company.

¶ 1. Route—company liable for damages.
¶ 2. Bond.
¶ 3. Conditions—mileage.

An ordinance granting permission to the South Chicago & Western Indiana Railroad company to lay down and maintain a railroad line or lines in the village of Hyde Park. (Passed and approved May 5, 1880. Bond approved July 16, 1880.)

¶ 1. **Route—company liable for damages.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission be and is hereby granted to the South Chicago and Western Indiana Railroad Company to locate, construct, lay down and forever hereafter operate with steam power a line of railroad, with one or more tracks, upon the following route, viz.: Commencing on the west boundary line of said village of Hyde Park in the

northwest quarter of section three, thence southeasterly and across sections two, one and part of six to the right of way of the Lake Shore & Michigan Southern and Pittsburg, Fort Wayne & Chicago Railroad Companies, thence northeasterly to and in section five to the lands of the North Chicago Steel Company, near the government lighthouse; such railroad to be built north of and along the right of way of the Chicago, Rock Island & Pacific Railroad Company, across said sections three, two, one and part of six, thence crossing to the southeasterly side of the right of way of said Chicago, Rock Island & Pacific Railroad Company, and thence along the southeasterly line of Harbor avenue to said lands of the North Chicago Steel Company in said section five; also commencing near the southeast corner of said section one, thence southeasterly, crossing the right of way of the Chicago, Rock Island & Pacific Railroad Company, thence southerly, along the east side of the right of way of said Chicago, Rock Island & Pacific Railroad Company, to and across section seven and part of section eighteen to the south line of 106th street; also commencing at the south line of 106th street, about 800 feet east of Torrence avenue, thence northeasterly, along the east side of the right of way of the Pittsburg, Fort Wayne & Chicago Railroad Company to and across sections seven and six, to an intersection with the right of way hereinbefore permitted in said section[s] five and six, with the right on part of said railroad company to occupy and cross all streets and alleys which are necessary to be occupied or crossed in pursuing either of the routes aforesaid: Provided, said company shall pay any and all damages arising from, or in any way growing out of such taking or using such portion of said streets or alleys, or any of them, to any and all persons injured or damaged by the same, and provided, said railroad company shall construct and maintain good and convenient crossings and sidewalks, and upon such grade or grades as may be required by the board of trustees, as well as cattle guards, culverts and warning tables across their tracks and grounds, at the intersection of all streets and alleys now existing, or which may hereafter be authorized or opened by said board, and comply with and be subject to all laws and ordinances of said village now in force or which may hereafter be adopted.

¶ 2. **Bond.**] § 2. This ordinance shall not take effect until after said company shall have entered into a bond with said village of Hyde Park, in the penal sum of twenty-five thousand dollars, conditioned for the payment of all damages for which said village may become liable to any person or persons, by reason of the said entering or running through a portion of said village, or by reason of said company constructing, laying down, using or occupying said railroad track or tracks within said village, and conditioned also for the payment of all damages which may arise to the said village of Hyde Park, and to any person or persons whomsoever, by reason of said company constructing, laying down, maintaining, using and occupying said rail-

road track or tracks, or crossing said streets or alleys within the said village of Hyde Park.

¶ 3. **Conditions—mileage.**] § 3. That the rights and privileges granted to the said railroad company by the first section of this ordinance, are granted, upon the further conditions contained in this section, to wit: That neither the said railroad company, nor the lessee or assignee thereof, shall exact, receive from or charge local passengers who shall purchase and pay for any commutation ticket or tickets, of not less than one hundred miles at a time, more than one and one-half cents per mile for a single passenger fare, for riding upon the said railroad anywhere within the said village of Hyde Park.

§ 314. Chicago & Western Indiana Railroad company.

¶ 1. Route—conditions.
¶ 2. Bond—adjustment of damages.

An ordinance granting permission to the South Chicago & Western Indiana Railroad company to construct and maintain a branch railway in the village of Hyde Park. (Passed and approved November 26, 1880.)

¶ 1. **Route—conditions.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission be and is hereby granted to the South Chicago and Western Indiana Railroad Company to locate, construct, lay down, and forever hereafter operate by steam power, a branch railroad of one or more tracks, from a point on the branch to Brown's Mill, as located by said South Chicago and Western Indiana Railroad Company, not more than one hundred and fifty (150) feet south of Ninety-sixth street, thence making a proper curve in a northwesterly direction so as to connect with a line running southwesterly, parallel to the Pittsburg, Fort Wayne and Chicago Railroad Company's right of way, and between said right of way and the car axle factory, and extending to the Calumet river, with the right on the part of said railroad company to occupy and cross all streets and alleys, which are necessary to be occupied or crossed in pursuing the route aforesaid: Provided, said railroad company shall pay any and all damages arising from, or in any way growing out of, such taking or using such portion of said streets or alleys, or any of them, to any and all persons injured or damaged by the same; and provided said railroad company shall construct and maintain good and convenient crossings and sidewalks, upon such grade or grades as may be from time to time required by the board of trustees, as well as cattle guards, culverts and warning tables, across their tracks and grounds, at the intersection of all streets and alleys now existing, or which may hereafter be authorized or opened by said board, and comply with, and be subject to, all laws and ordinances of said village now in force or which may hereafter be adopted.

¶ 2. **Bond—adjustment of damages.**] § 2. This ordinance shall not take effect until after said railroad company shall have en-

tered into a bond with or to said village of Hyde Park, in the penal sum of twenty-five thousand dollars, conditioned for its payment of all damages for which said village may become liable to any person or persons, by reason of said road entering or running through a portion of said village, or by reason of said company constructing, laying down, using or occupying said railroad track or tracks within said village; and conditioned also for the payment of all damages which may arise to the said village of Hyde Park, and to any person or persons whomsoever, by reason of said company constructing, laying down, maintaining, using and occupying said streets or alleys within the said village of Hyde Park.

§ 315. Chicago & Western Indiana Railroad company.

¶ 1. Route—use, maintenance and repair of streets—fences.
¶ 2. Telegraph line authorized.
¶ 3. Conditions.
¶ 4. Bridge over Calumet river—maintenance.
¶ 5. Tracks in streets—rights of private owners.
¶ 6. Indemnity.
¶ 7. Bond.

An ordinance granting permission to the South Chicago & Western Indiana Railroad company to lay down and operate a railroad and telegraph line in and through the village of Hyde Park. (Passed and approved July 18, 1881. Bond approved July 29, 1881.)

¶ 1. Route—use, maintenance and repair of streets—fences.] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission be and the same is hereby granted to the South Chicago and Western Indiana Railroad Company to locate, construct, lay down, and forever hereafter operate with steam power lines of railroad, with one or more tracks upon the following routes, namely: Commencing at a point on the south line of said town between the center of sections 31 and 32, near the state line; thence northwesterly between a limit not exceeding one mile in width, crossing the Calumet river between Chittenden bridge and on the point where Torrence avenue would intersect said river, and running in the same direction until an intersection is made with said Torrence avenue; thence north upon Torrence avenue to the south line of One Hundred and Tenth street; thence, bearing to the east, upon such ground as said railroad company may acquire, until it intersects with the line of said railroad company at a point, authorized by a former ordinance granted by said town to said company on May 5, 1880, and making a connection from said line on the south side of One Hundred and Sixth street, so as to connect with a branch, authorized by said last named ordinance, extending alongside of the right of way of the Pittsburg, Fort Wayne and Chicago Railway Company. Also a line upon the following route: Commencing on the last named line at Torrence avenue, near One Hundred and Twelfth street, and thence running in a northwesterly direction, within a limit of one mile wide, to a point

near the northwest corner of section 11, and connecting with the main line of said railway company, near where it crosses the Illinois Central Railroad; thence following in about the same direction, until it reaches at or near the northwest corner of said town. Also another line commencing at a point on said first named line in the southwest quarter of section 30, town 37, range 15, thence in a northeasterly direction between the Calumet river and what is known as Hyde Park, till it intersects Phillips avenue, at the center of section 19, thence following on the line of Phillips avenue on such streets as may be on a line therewith, to a point near One Hundred and Seventh street, thence in a northeasterly direction to the north side of One Hundred and Sixth street, about sixty rods east of said Phillips avenue, thence north on "M" avenue to the north side of Ninety-fifth street, thence bearing in a northeasterly direction till it strikes Douglas slip, thence southeasterly alongside said slip to said Ninety-fifth street, thence along said last named street to Lake Michigan. Also another line along the following route, viz.: Commencing at a point on said last described line, south of where it crosses the right of way of the Pittsburg, Fort Wayne and Chicago Railroad Company, thence northwesterly along the said last named right of way, till it intersects the tracks already laid by the South Chicago and Western Indiana Railroad Company, near Ninety-fifth street; and in connection therewith the further authority and permission at any and all times hereafter to lay down such turn-outs, "Y's" and sidings on the different lines above set forth as such railroad company may deem necessary, in order to enable it to reach any station, depot grounds, manufacturing establishments, elevators, coal and lumber yards, and also maintain proper switching grounds in connection with its lines of railroad, and at any railroad crossing at present or hereafter constructed in the town of Hyde Park, and which may be crossed or intersected by said railroad company. It being understood that said railroad company hereby has consent to cross any and all streets, alleys and highways on the different lines aforesaid, as well as in the direction of the different railroad connections referred to in the last paragraph, and with the further permission and grant to said railroad company, the use of the east thirty-six feet of the following streets and avenues lengthwise, for the purpose of laying the said tracks, viz.: Torrence avenue, Phillips avenue and "M" avenue, and the north thirty-six (36) feet of 95th street: Provided, the use of said streets and avenues lengthwise are upon the condition that said railroad company shall, whenever so directed by the said board of trustees, grade the remaining part of said streets and avenues, in such manner as to render that portion of the same passable for teams, and further, that upon Torrence avenue, whenever the travel shall increase so that said board shall consider it necessary for the best interest of the public to have a board fence erected on the west side of said portion of Torrence avenue, on which said railroad company is authorized hereby to lay its tracks; then said company shall,

within sixty (60) days after notice, from said board, erect such a fence on such line, as may be indicated by said board, that will permit said railroad company to use the strip hereby granted to said company for the purposes herein stated.

¶ 2. **Telegraph line authorized.**] § 2. Permission is also hereby granted to the said South Chicago and Western Indiana Railroad Company to erect, and forever thereafter maintain, a telegraph line consisting of one or more lines of wires, with necessary poles, along said line of said railroad company, on the different routes before designated, but upon the condition that the poles hereby authorized to be erected shall be placed in such position where they are upon any street, highway or alley, as shall be directed by the board of trustees or officers of said town.

¶ 3. **Conditions.**] § 3. The privileges and authority hereby granted to said company are granted upon the express conditions that said company, its successors and assigns, will promptly fulfill all obligations or duties that are now, or may hereafter be, imposed by ordinance by its board upon railroad companies generally in the town of Hyde Park, and in respect to ditches, drains, culverts, and the suitable and proper maintenance of the street and railway crossings of the tracks of said company, and in respect to police and sanitary regulations.

¶ 4. **Bridge over Calumet river—maintenance.**] § 4. The rights and privileges hereby granted are so granted upon the express understanding and condition, that said railroad company shall erect over the Calumet river at the two points where it crosses the same, a good and substantial drawbridge, with a draw not less than thirty (30) feet in the clear, and shall forever thereafter maintain the same, and upon the further condition that said company shall provide for a keeper of said bridge, so that at all seasonable hours the same shall be open, for the passage of such vessels and steamers as may desire to pass through the same.

¶ 5. **Tracks in streets—rights of private owners.**] § 5. Where said railroad company shall construct its tracks lengthwise upon any public street or highway, such tracks shall be by said company laid in such manner as to interfere as little as practicable with the use of such streets by teams and pedestrians; said railroad company shall at all times keep such tracks in such condition as to allow the free and easy passage of vehicles over them. It being understood, in granting the privilege heretofore set forth, that said railroad company shall have the right to acquire from private owners by purchase, donation, condemnation, or otherwise, such a width of right of way on the different routes aforesaid as is authorized by law, and may occupy any street, highway or alley, or part of street, highway or alley, on the different lines upon the routes as indicated aforesaid, length-

wise by their said tracks, where it can be done so as to comply with the conditions aforesaid.

¶ 6. **Indemnity.**] § 6. The privileges and authority hereby granted to said railroad company are granted upon the express condition, that said company, its successors, grantees, lessees and assigns shall forever indemnify and save harmless the town of Hyde Park against and from any and all damages, judgments, decrees, costs and expenses of the same which it may suffer, or which may be obtained against said town by reason of the granting of said privileges and authority, or for, or by reason, or growing out, or resulting from the passage of this ordinance, or with the exercise by its grantees, lessees and assigns of the privileges hereby granted under or by virtue of the provisions of this ordinance.

¶ 7. **Bond.**] § 7. This ordinance shall not take effect until after said company shall have entered into a bond to said village of Hyde Park, in the penal sum of $25,000, conditioned for the payment of all damages for which said village may become liable to any person or persons, by reason of the said road entering or running through the portion of said village aforesaid, or by reason of said company constructing, laying down or operating said railroad track or tracks within said village, and conditioned also for the payment of all damages which may arise to the said village of Hyde Park, or any person or persons whomsoever, by reason of said company constructing, laying down or operating said railroad track, or the occupation of said streets or alleys within the said village of Hyde Park.

Note.—See following amendatory ordinance.

§ 316. Chicago & Western Indiana Railroad company.

¶ 1. Preamble.
¶ 2. Grant in perpetuity—route.
¶ 3. Telegraph line authorized.
¶ 4 Maintenance of ditches, etc., and crossings.
¶ 5. Draw-bridge over Calumet river.
¶ 6. Tracks—use of streets.
¶ 7. Indemnity.
¶ 8. Bond—to take place of former bond.

An ordinance vesting and merging the rights of the Chicago & Western Indiana Railroad company into the Chicago & Western Indiana Railroad company and amending ordinance of July 18, 1881. (Passed and approved April 3, 1882.)

¶ 1. **Preamble.**] Whereas, On the 18th day of July, 1881, an ordinance was passed by the president and board of trustees of the village of Hyde Park, by which the South Chicago and Western Indiana Railroad Company was granted the right of way on certain routes therein described, and

Whereas, It is for the public interest to so amend said ordinance as to change in part the route as therein set forth, and to extend the limits within which some of its lines may be located and constructed,

and to grant such other permissions in connection therewith as is necessary to connect the system of tracks thereby provided for, and

Whereas, Since the passage of said ordinance, the said South Chicago and Western Indiana Railroad Company has been merged and consolidated with and into the Chicago and Western Indiana Railroad Company,

Now, therefore, for the purpose of amending said ordinance aforesaid, and vesting the rights granted to said South Chicago and Western Indiana Railroad Company to the Chicago and Western Indiana Railroad Company,

¶ 2. **Grant in perpetuity—route.**] Be it ordained by the president and board of trustees of the village of Hyde Park, that the ordinance passed on the 18th day of July, 1881, be and the same is hereby amended, so as to read as follows: § 1. That permission be and the same is hereby granted to the Chicago and Western Indiana Railroad Company to locate, construct, lay down and forever hereafter to operate with steam power, lines of railroad with one or more tracks upon such right of way as said company now owns, may hereafter acquire or may by this ordinance be granted to it, within the limits hereafter defined upon the following described routes and connections herewith, namely: Commencing at some point on the south line of said town, between the center of sections 31 and 32, near the state line, thence in a northwesterly direction within a limit not exceeding one mile in width, to some point on the Calumet river between Chittenden bridge and the point on said Calumet river where Torrence avenue would intersect it, if extended; thence continuing in a northerly direction, within a limit not exceeding 250 feet wide, to the south line of One Hundred and Sixth street, at or near Torrence avenue, so as to make an intersection with the line of said railroad company, authorized by a former ordinance as granted by the said village of Hyde Park, to the South Chicago and Western Indiana Railroad Company on May 5th, 1880. And also making the connection from said line on the south side of One Hundred and Sixth street, so as to connect with the branch authorized by said last named ordinance, extending alongside of the right of way of the Pittsburg, Fort Wayne and Chicago Railway Company, and with the further right and permission to extend and connect the line on said last named route with the line indicated by the next described route, such connection to be made within a limit bounded north and south by the center of sections 12 and 13, north of the Indian boundary line. Also, upon the following route, commencing on the last named route east of Torrence avenue, between One Hundred and Eleventh street, and 200 feet north of One Hundred and Tenth street, thence running within a limit of not over one mile wide in a northeasterly direction, and making a connection with the line of said railroad company, running from its main line to South Chicago by suitable "Y's" connections east and west, and all within a space of one quarter of a mile east and west of the northeast quarter of said section eleven;

thence continuing in about the same direction as said main line until it reaches at or near the northwest corner of said town. Also the following route: Commencing at a point on said first named line in the southwest quarter of section 30, township 37, north, range 15, thence in a northeasterly direction, between the Calumet river and what is known as Hyde Park Lake, until it intersects Phillips avenue at or near section 19, thence following along on either side, or upon the line of said Phillips avenue, or such street or streets as may be in a line therewith to a point near One Hundred and Seventh street, thence in a northwesterly direction to the north side of One Hundred and Sixth street, and about 60 rods east of Phillips avenue, thence north on either side, or upon "M" avenue, to the north side of Ninety-fifth street, thence bearing in a northeasterly direction, until it strikes Douglas slip, thence southeast alongside of said slip to said Ninety-fifth street, thence along on either side, upon said last named street, to Lake Michigan; also upon the following route, namely: Commencing at a point on said last described line, within 200 feet south of where it crosses the right of way of the Pittsburg, Fort Wayne and Chicago Railway, thence northwesterly, on a route not to exceed 200 feet from the right of way of said last named company, until it intersects with the tracks already laid by the said South Chicago and Western Indiana Railroad Company near Ninety-fifth street, and connecting therewith; and it is hereby understood that said railroad company, at its discretion, is hereby granted the right to locate and establish its said different lines, within a reasonable distance from the line of said routes, upon lots or lands as it, the said company, now owns or hereafter may acquire, when the route as herein described is upon any avenue, street or streets. And the further authority and permission at any and all times to lay down such turnouts and sidings on the different lines above set forth, as such railroad company may deem necessary in order to enable it to reach any station, depot grounds, manufacturing establishments, elevators, coal or lumber yards, and also to maintain proper switching grounds in connection with the operation of its lines of railroad, and at any railroad crossing at present or hereafter constructed in the town of Hyde Park, and which may be crossed or intersected by said railroad company. It being further understood that said railroad company hereby has consent to cross any and all streets, alleys and highways with its tracks, side tracks, turnouts on the different lines aforesaid, as well as on the routes of the different railroads, and other connections referred to herein, and with the further permission and grant to said railroad company, the use of the east 36 feet of the following streets and avenues lengthwise, for the purpose of laying its tracks, namely, Torrence avenue, Phillips avenue, "M" avenue, and the north 36 feet of Ninety-fifth street; Provided, the use of said streets and avenues lengthwise are upon the condition that said railroad company shall, whenever so directed by the said board of trustees, grade the remaining part of said streets and avenues in such manner as to render

that portion of the same passable for teams; and further, that upon Torrence avenue, whenever the travel shall increase so that said board shall consider it necessary for the best interest of the public to have a board fence erected on the west side of the said portion of Torrence avenue, on which said railroad company is authorizd hereby to lay its tracks, then said company shall within sixty days after notice from said board, erect such fence on such line as may be indicated by said board, that will permit said railroad company to use the strip hereby granted to said company, for the purpose herein stated.

¶ 3. **Telegraph line authorized.**] § 2. Permission is also hereby granted to the Chicago and Western Indiana Railroad Company to erect, and forever hereafter maintain, a telegraph line, consisting of one or more lines of wire, with necessary poles, along said lines of said railroad company on their different routes before designated, but upon the condition, that the poles hereby authorized to be erected shall be placed in such position where they are upon any street, highway or alley, or shall be directed by the board of trustees or officers of said town.

¶ 4. **Maintenance of ditches, etc., and crossings.**] § 3. The privileges and authority hereby granted to said company, are granted upon the express conditions that said company, its successors and assigns, will promptly fulfill all obligations and duties that are now or may hereafter be imposed by ordinance by the board, upon railroad companies generally, in the town of Hyde Park, and in respect to ditches, drains, culverts, and the suitable and proper maintenance of the street and railway crossings of the tracks of said company and in respect to police and sanitary regulations.

¶ 5. **Draw-bridge over Calumet river.**] § 4. The rights and privileges hereby granted, are so granted upon the express understanding and condition, that said railroad company shall erect over the Calumet river, at the two points where it crosses the same, a good substantial drawbridge, with a draw not less than 30 feet in the clear, and shall forever thereafter maintain the same, and upon the further condition that it, said company, shall provide for a keeper of said bridge, so that at all reasonable hours the same shall be open for the passage of such vessels and steamers, as may desire to pass through the same.

¶ 6. **Tracks—use of streets.**] § 5. Where said railroad company shall construct its tracks lengthwise upon any public street or highway, such tracks shall be, by said company, laid in such manner as to interfere as little as practicable with the use of such streets by teams and pedestrians. Said railroad company shall at all times keep such tracks in such condition as to allow the free and easy passage of vehicles over them, it being understood in granting the privileges heretofore set forth, that said railroad company shall have the right to acquire from private owners by purchase, donation, condemnation or

otherwise, such a width of right of way on the different routes aforesaid as is authorized by law, and may occupy any street, highway, or alley, or part of street, highway, or alley, on the different lines upon the route as indicated aforesaid, lengthwise by their said tracks, where it can be done so as to comply with the conditions aforesaid.

¶ 7. **Indemnity.**] § 6. The privileges and authority hereby granted to said railroad company, are granted upon the express condition that said company, its successors, grantees, lessees and assigns, shall forever indemnify and save harmless the town of Hyde Park against and from any and all damages, judgments, decrees, costs and expenses of the same, which it may suffer, or which may be obtained against said town, by reason of the granting of said privileges and authority, or for or by reason, or growing out of, or resulting from the passage of this ordinance, or with the exercise by its grantees, lessees and assigns of the privileges hereby granted under or by virtue of the provisions of this ordinance.

¶ 8. **Bond—to take place of former bond.**] § 7. This ordinance shall not take effect until after said company shall have entered into a bond to said village of Hyde Park, in the penal sum of $25,000, to take the place of a bond for the same amount heretofore filed by the said South Chicago and Western Indiana Railroad Company, as provided in said ordinance passed July 18th, 1881, conditioned for the payment of all damages for which said village may become liable to any person or persons, by reason of the said road entering or running through the portion of said village aforesaid, or by reason of said company constructing, laying down, and operating said railroad track or tracks within said village, and conditioned also for the payment of all damages which may arise to the said village of Hyde Park, or any person or persons whomsoever, by reason of said company constructing, laying down, and operating said railroad track or the occupation of said streets or alleys within the said village of Hyde Park.

§ 317. Chicago & Western Indiana Railroad company.

¶ 1. Bridge and viaduct.
¶ 2. Provision as to a new bridge.
¶ 3. Completion of work—not to ratify ordinance of September 15, 1879.
¶ 4. Bond.
¶ 5. Acceptance.

An ordinance granting permission to the Chicago & Western Indiana Railroad company to raise Eighteenth street bridge, and the approaches thereto. (Passed March 7, 1881.)

¶ 1. **Bridge and viaduct.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same are hereby granted to the Chicago and Western Indiana Railroad Company to raise the present bridge crossing the south branch of the Chicago river at Eighteenth street, not to exceed three and one-third feet higher than it now is, and erect, at the east end of said bridge,

a suitable viaduct, fifty-eight feet long; and the authority and permission is hereby further granted to said Chicago and Western Indiana Railroad Company to raise the approaches at both ends of said bridge, also the approach from Lumber street to connect with the west approach aforesaid, to the necessary grade, as appears by the profile plan marked B, now in the office of the department of public works of said city. All of the material to be used in making said changes and erecting said viaduct is to be of wood; Provided, and this is upon the express condition that the raising of said bridge, the building of said viaduct, together with all of the said approaches, shall be at the expense and cost of said company.

¶ 2. **Provision as to a new bridge.**] § 2. The permission and authority hereby granted are upon the further express condition that whenever the said city shall build or erect another bridge or widen the present one at said point, that then the said Chicago and Western Indiana Railroad Company shall at its own cost and expense build the abutments at the east end of said bridge, and at the east end of such viaduct, of stone masonry, and shall at its own cost and expense renew the said viaduct of such material and width as may be required by said city; and further, shall pay to the city the cost and expense of the additional height, and the cost and expense of the additional base and proportions required by such increased heights of the center pier of said bridge, whenever the city shall build or erect another bridge or widen the present one. All of said work to be constructed according to plans and specifications to be made by the department of public works, and to be under the superintendence and direction and to the satisfaction of the commissioner of public works of said city. The viaduct mentioned in the foregoing sections is to be maintained and kept in repairs by and at the cost and expense of said Chicago and Western Indiana Railroad Company, subject to the direction and superintendence of the proper officer authorized by said city.

¶ 3. **Completion of work—not to ratify ordinance of September 15, 1879.**] § 3. The rights and privileges hereby granted are upon the express conditions that the aforesaid work shall be so done that it will not interfere with travel across said bridge for a longer period than thirty days; and upon the further condition that nothing herein contained shall operate or in any way be construed as operating, to ratify or in any manner confirm the ordinance passed September 15th, 1879, purporting to grant to said railroad company permission and authority to lay down, maintain and operate a railroad in said city, or as in any manner extending the rights or privileges purported to be granted by said last mentioned ordinance, or the time within which such rights or privileges were to be exercised.

¶ 4. **Bond.**] § 4. That the said railroad company, before exercising any of the rights hereby granted, shall execute to the city of Chicago a good and sufficient bond, in the penal sum of fifty thou-

sand dollars ($50,000), with surety or sureties to be approved by the commissioner of public works, conditioned that it will observe, perform and carry out all the provisions of this ordinance, and will forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees, costs and expenses which it may suffer, or which may be recovered or obtained against said city, for or by reason, or growing out of, or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges of any of them hereby granted, or from any act or acts of the said company under or by virtue of the provisions hereof.

¶ 5. **Acceptance.**] § 5. This ordinance is granted upon the further express condition that it shall be formally accepted by the Chicago and Western Indiana Railroad Company within ten days after its passage, and that the work herein authorized shall be done and completed within six months from the passage of the ordinance; otherwise all rights and privileges herein granted shall cease and be null and void.

§ 318 Chicago & Western Indiana (Belt) Railway company.

¶ 1. Telegraph line and route of railroad—indemnity—viaduct.
¶ 2. Conditions.
¶ 3. Failure to comply with conditions.
¶ 4. When in force—acceptance.

An ordinance granting to the Chicago & Western Indiana (Belt) Railway company the right of way for railroad tracks and other privileges. (Adopted July 5, 1881. Accepted July 15, 1881.)

¶ 1. **Telegraph line and route of railroad—indemnity—viaduct.**] Be it ordained by the board of trustees of the town of Lake: § 1. That permmission and authority be and the same is hereby granted to the Chicago and Western Indiana Belt Railway Company, to erect a telegraph line and lay down, maintain and forever operate with steam power two or more tracks on and along the route hereinafter indicated, and such switches, sidings, turnouts, with track connections with any railroad now or hereafter constructed; also with any manufacturing and other establishment, lumber and coal yards on or near the said route as may be necessary, and as required in the county of Cook and state of Illinois, to-wit: Commencing at or near Wallace street on the north line of where 75th street intersects the same; thence west on the north side of 75th street where said streets exist, and on the north side of the right of way of the Chicago and Strawn Railway Company to a point where it intersects with the right of way of the Chicago and Grand Trunk Railway Company, with the right to cross with said tracks for said purposes all the streets, highways and alleys on said route. The said telegraph line to be placed upon the poles on the route aforesaid, and on the lands of said company, and where necessary to be placed upon any of the streets, highways or alleys of said route, to be under the direction of the said board.

The permission and authority hereby granted are upon the following express conditions: That the said railway company and its grantees, lessees and assigns shall and will forever indemnify and save harmless the town of Lake against and from any and all damages, judgments, decrees, costs and expenses of the same which it may suffer, or which may be recovered or obtained against said town for or by reason of or growing out of or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company, its grantees, lessees or assigns, under or by virtue of the provisions of this ordinance.

Second, That the said company shall construct and forever maintain a viaduct or viaducts, with suitable approaches, over any of its said tracks at Halsted street or any other street in said town, in case the public necessity shall hereafter at any time require the construction of such viaduct or viaducts and approaches thereto; such viaducts and approaches to be constructed according to a plan to be approved by the board of trustees of said town, and to be constructed within nine (9) months from service on the company of a written notice from said board that the same is required.

Provided, That such viaduct shall not be ordered by said board until 18 months from this date.

And Provided further, that any corporation constructing or owning a railroad crossing said Halsted street, adjacent to the tracks of said railway, shall be bound by ordinance of the town to contribute in the construction of said viaduct and approaches a sum equal to the cost of constructing the same over the tracks of said corporation.

¶ 2. **Conditions.**] § 2. The privileges and authority hereby granted to said company are granted upon the express conditions that said company, its successors and assigns, will promptly fulfill all obligations and duties that are now or may hereafter be imposed by ordinance of this board upon railway companies generally in the town of Lake, in respect to ditches, drains, culverts and the suitable and proper maintenance of the street and railway crossings of the tracks of said company, and in respect to all police and sanitary regulations, and in case of failure of said railroad company to comply with the provisions of this ordinance, then the town of Lake may remove the tracks of said railroad from any and all streets and thoroughfares of said town.

¶ 3. **Failure to comply with conditions.**] § 3. A failure of the said company, its successors or assigns, to comply with and fulfill the obligations and duties imposed on it by this ordinance, shall be cause of forfeiture of all rights and privileges hereby granted.

¶ 4. **When in force—acceptance.**] § 4. This ordinance shall take effect and be in force from and after its passage, and a written acceptance by said company filed with the town clerk of said town within thirty days after its passage.

§ 319. Chicago & Western Indiana (Belt) Railway company.

¶ 1. Route—conditions.
¶ 2. Stipulation—failure—removal of tracks.
¶ 3. When in force—acceptance.

An ordinance granting to the Chicago & Western Indiana (Belt) Railway company right of way for railroad tracks and other purposes. (Passed November 1, 1881. Accepted November 1, 1881.)

¶ 1. Route—conditions.] Be it ordained by the board of trustees of the town of Lake: § 1. That permission and authority be and the same is hereby granted to the Chicago and Western Indiana (Belt) Railway Company, to erect a telegraph line, and lay down, and forever operate with steam power two or more tracks, on or along the route hereinafter indicated, and on adjoining land, necessary switches, sidings, turnouts, track connections with any railroad now or hereafter constructed in Cook county, Illinois, and with any manufacturing or other establishments including lumber and coal yards on or near the said route, to-wit:

Commencing at the point of termination of right of way as described in ordinance granted to said company by the said town of Lake, on July 5th, 1881, at the crossing of the Chicago and Grand Trunk Railway; thence westerly to a point on the dividing line between the west half and the east half of the northwest quarter of section 27, in township 38 north, range 13 east of the third principal meridian; thence on said dividing line north to the north line of said town of Lake.

To cross with said tracks for all of said purposes, all the streets, highways and alleys on said route and adjoining lands. The said telegraph line to be placed upon poles upon the route aforesaid, and upon the lands of said company, and where necessary may be placed upon any of the streets, highways or alleys upon said route; but such poles to be erected under the direction of said board.

The provisions and authority hereby granted are upon the following express conditions:

That the said railway company and its grantees, lessees and assigns shall and will forever indemnify and save harmless the town of Lake against and from any and all damages, judgments, decrees, costs and expenses of the same which it may suffer or which may be recovered or obtained against said town for or by reason of or growing out of or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company, its grantees, lessees or assigns, under or by virtue of the provisions of this ordinance.

¶ 2. Stipulation—failure—removal of tracks.] § 2. The privileges and authority hereby granted to said company are granted upon the express conditions that said company, its successors and assigns, will promptly fulfill all obligations and duties that are now or may hereafter be imposed by ordinance of this board upon railway companies generally in the town of Lake, in respect to ditches, drains,

culverts and the suitable and proper maintenance of the present and future streets and railway crossings of the tracks of said company, and in respect to all police and sanitary regulations. And in case of failure of said railroad company to comply with the provisions of this ordinance, then the town of Lake may, after due notice in writing, remove the tracks of said railroad from any and all streets and thoroughfares of said town.

¶ 3. When in force—acceptance.] § 3. This ordinance shall take effect and be in force from and after its passage, provided a written acceptance by said company is filed with the town clerk of said town within thirty days thereafter.

§ 320. Chicago & Western Indiana Railroad company.

¶ 1. Grant in perpetuity—route.
¶ 2. Vacation of streets—conditions.
¶ 3. When in force—acceptance.

An ordinance granting to the Chicago & Western Indiana Railroad company and to the Chicago & Western Indiana Belt Railway company certain privileges for railroad tracks and other purposes. (Passed November 1, 1881. Accepted November 1, 1881.)

¶ 1. Grant in perpetuity—route.] Be it ordained by the board of trustees of the town of Lake: § 1. That permission and authority be and the same is hereby granted to the Chicago and Western Indiana Railroad Company, to lay down, maintain and forever operate with steam power the necessary tracks required in the prosecution of its business south of 47th street, and north of 55th street, and between Wallace street and the west side of Wright street, with the privileges of using lengthwise any of the intervening streets and alleys running north and south, whenever said railroad company own the abutting lands on both sides of such streets and alleys, and the like permission and authority is hereby further granted to said last named railroad company and to the Chicago and Western Indiana Belt Railway Company, jointly and severally, to the extent that said companies respectively do now or may hereafter own or control the land in the district herein described, and to the same extent and subject to the same conditions with the above grant within the following territory:

Bounded on the south by the south line of said town of Lake, on the west by the east line of Wallace street, as laid down in a plat of Sission and Newman's subdivision of South Englewood, till it reaches, if extended, the north side of Vincennes avenue, and from thence north until it intersects the center of Wallace street at 81st street, on the east by the east line of the Seymour estate subdivision of the west half of the southeast quarter of section thirty-three (33), township thirty-eight (38) north, range fourteen (14) to the northeast corner of said west half of southeast quarter, and from that point west to the northwest corner thereof; thence northwesterly to the northeast corner of lot five (5) in Sutherland's subdivision of part of the northwest quarter

of said section thirty-three (33), and continued to an intersection of the main line of said railroad company, and for that purpose to cross with said tracks all of the streets, highways and alleys within the said limits in the two localities before described.

¶ 2. **Vacation of streets—conditions.**] § 2. In the territory last described south of Vincennes avenue, the streets and alleys and highways upon which the said railroad company or railway company shall have or hereafter acquire, all the lands abutting thereon may be considered as vacated to that extent, and be occupied by said companies and used as aforesaid for their use for railroad purposes.

Provided, however, that before what is known as the Holland settlement road shall be so appropriated to such use by said railroad companies, the said railroad companies shall first put in good condition for travel, 87th street from a point where said Holland road intersects it, west to Wallace street, and the said Wallace street from said intersection to Vincennes avenue. Said part of said streets to be properly graded and necessary ditches constructed to the entire satisfaction of the board of trustees of the said town.

The right to use said streets and alleys being granted only so far as the same are dedicated for public purposes, and to the extent that the town of Lake has power to grant the same, and upon the following express conditions:

1st. That the said railroad companies and their grantees, lessees and assigns, shall and will forever indemnify and save harmless the town of Lake against and from any and all damages, judgments, decrees, costs and expenses of the same which it may suffer, or which may be recovered or obtained against said town for or by reason of or growing out of or resulting from the passage of this ordinance, or any matter or thing connected therewith or with the exercise by said companies, their grantees, lessees or assigns, under and by virtue of the provisions of this ordinance.

2d. That said railroad companies shall set apart and reserve a strip of land 33 feet in width on the east side of the land acquired by them for railroad purposes lying between 49th street and 51st street, for drainage and highway purposes, except when such east side abuts on a public street, and it is expressly understood, that it is not intended hereby to grant permission to lay any tracks across 47th street.

3rd. That said companies, their successors and assigns, will promptly fulfill all obligations and duties that are now or may hereafter be imposed upon railroad companies generally, in the town of Lake, in respect to ditches, drains, culverts, and the suitable and proper maintenance of the present and future street and railway crossings of the tracks of said companies, and in respect to all police and sanitary regulations. In case of failure of said railroad companies to comply with the provisions of this ordinance, then the town of Lake may, after due notice in writing, remove the tracks of said railroads from any and all streets and thoroughfares of said town.

¶ 3. **When in force—acceptance.**] § 3. This ordinance shall take effect and be in force from and after its passage, provided a written acceptance by said companies is filed with the town clerk of said town within thirty days thereafter.

§ 321. Chicago & Western Indiana Railroad company.

¶ 1. Grant—Wallace street between Fifty-eighth and Fifty-ninth streets and across Fifty-eighth street.
¶ 2. Construction of ditches, etc.—street railway crossings.
¶ 3. When in force.
¶ 4. Indemnification of town of lake.

An ordinance granting to the Chicago & Western Indiana Railroad company the right to lay down side track on Wallace street between Fifty-eighth and Fifty-ninth streets, so as to make a connection with the manufacturing establishment of H. W. Fowler to be erected at that point. (Passed November 11, 1881.)

¶ 1. **Grant—Wallace street between 58th and 59th streets and across 58th street.**] Be it ordained by the board of trustees of the town of Lake: § 1. That permission and authority is hereby granted to the Chicago and Western Indiana Railroad Company to lay down one or more tracks from its main line at a point 170 feet from the north line of 59th street, thence to the property of said Fowler, and continuing the same on his property to a point 50 feet south of the south line of 58th street, thence across 58th street, making a connection with the main line of said railroad company as soon as practicable; and for that purpose permission is given to cross said 58th street, occupying such portion of Wallace street as may be necessary to make the connection aforesaid.

¶ 2. **Construction of ditches, etc.—street railway crossings.**] § 2. The permission and authority granted as aforesaid are that said company and its successors will promptly fulfill all obligations that are now, or hereafter may be, imposed upon railroad companies in the town of Lake in constructing ditches, culverts, drains and suitable and proper maintenance of present and future street railway crossings of the tracks of said company, and in respect to all rules for sanitary regulation.

¶ 3. **When in force.**] § 3. This ordinance shall take effect and be in force from and after its passage.

¶ 4. **Indemnification of town of Lake.**] § 4. It is further agreed that the permission and authority hereby granted are granted upon the express condition that said Chicago and Western Indiana Railroad Company, and its grantees, lessees and assigns, shall and will forever indemnify and save harmless the town of Lake against and from all damages, judgments, decrees, costs and expenses of the same which it may suffer or which may be recovered or obtained against said town for, or by reason of, or growing out of, or resulting from the passage of this ordinance, or any matter or thing connected

therewith, or with the exercise by said company, its grantees, lessees, or assigns, under of by virtue of the provisions of this ordinance.

§ 322. Chicago & Western Indiana Railroad company.

¶ 1. Preamble.
¶ 2. Grant—additional track.
¶ 3. When in force.

An ordinance granting to the Chicago & Western Indiana Railroad company permission to cross Sixty-third street with track connecting its main line with its depot ground. (Passed December 16, 1881.)

¶ 1. Preamble.] Be it ordained by the board of trustees of the town of Lake: § 1. Whereas, heretofore permission was granted to said company to lay down one or more tracks on Wallace street or on such right of way as might be acquired by said company adjoining thereto;

And whereas, by a general ordinance now in force, it is unnecessary to obtain permission from said board before additional tracks are laid;

And whereas, said company has made application to said board for such permission to lay down an additional track at 63d street, so as to connect its depot ground with the main line;

And whereas, said application is supported by a petition of property owners and citizens of Englewood;

¶ 2. Grant—additional track.] § 2. Now, therefore, permission and authority is hereby granted unto said company to lay down such additional track adjoining its main line on the east, and crossing 63d street, to be laid not exceeding fifteen (15) feet east of its main line connecting with its main track, not exceeding ninety (90) feet and not less than eighty (80) feet from the north line of 63d street. Said permission is granted upon the condition that a good and substantial crossing, with proper culverts for the drainage of water along 63d street under said track, shall be put in when said track is laid and shall be maintained by said company, and said side track shall be so laid and constructed as to not interfere with the drainage of water towards the north on the east side of Wallace street.

¶ 3. When in force.] § 3. This ordinance to take effect and be in force from and after its passage.

§ 323. Chicago & Western Indiana Railroad company.

¶ 1. Wallace street.
¶ 2. How laid.
¶ 3. When in force.

An ordinance granting to the Chicago & Western Indiana Railroad company, by the board of trustees of the town of Lake, the right to put in switch connection with its main line between Fifty-ninth street and a point 300 feet north of said street. (Passed January 6, 1882.)

¶ 1. Wallace street.] § 1. Permission and authority is hereby granted to the Chicago and Western Indiana Railroad Company to

lay down and operate one track, to be connected with its main line, at or near 59th street, in said town, on the west side of said main line; the said connection to be made at the point named, and to run in a northwesterly direction to the west side of what is known as Wallace street, and to be then laid upon the land west of and outside of said street, and to be extended north until it reaches the side track heretofore authorized to be laid by said company, about 300 feet north of said 59th street.

¶ 2. **How laid.**] § 2. Said track to be laid down and connection made in a manner to be satisfactory to the board of trustees of said town.

¶ 3. **When in force.**] § 3. This ordinance to take effect and to be in force from and after its passage.

§ 324. Chicago & Western Indiana Railroad company.

¶ 1. Grant—railroad—telegraph line—route.
¶ 2. Subject to ordinances.
¶ 3. Viaducts—flagmen.
¶ 4. Time of completion.
¶ 5. Ditches and culverts.
¶ 6. Powers reserved in council.
¶ 7. When in force.

An ordinance granting to the Chicago & Western Indiana Belt Railway company privileges for railroad tracks and other purposes. (Passed November 26, 1881.)

¶ 1. **Grant—railroad—telegraph line—route.**] Be it ordained by the board of trustees of the town of Cicero: § 1. That permission and authority be and the same are hereby granted to the Chicago and Western Indiana Belt Railway Company, its grantees, lessees, successors and assigns, to erect a telegraph line, and lay down, maintain and forever operate with steam power two or more railroad tracks on its right of way on the route hereinafter indicated, and on adjoining land which it may acquire, such switches, sidings, turnouts, yards and track connections with any railroad now or hereafter constructed; and also to build and maintain railroad tracks connecting with any manufacturing and other establishments, lumber and coal yards, on or near the said route, as may be deemed necessary, within the town of Cicero, in the county of Cook and state of Illinois, that is to say, over, through and upon the street or highway running north and south through said town, and known and designated as 46th street, or on any other street intervening between the limits of said route, and where no street, then upon such land as said company may acquire; said route commencing at or near the center of the west half of section thirty-four, in township thirty-nine north, range thirteen, east of the third principal meridian, on the south line of said town of Cicero; that is at a point where 46th street, if produced, would intersect said town line, thence running north until it intersects the center of 46th street where laid out; thence north till it reaches the west side and adjoining the

tracks of what is known as the Wisconsin division of the Chicago and Northwestern Railroad Company, at or near the main line of said last named company, and from thence continuing north in the same direction to the north side of said town of Cicero.

And, for said purposes, the right is hereby granted to cross with said tracks all of the streets, highways and alleys on said route, and to use such portion of 46th street, or any other street intervening between the limits of said route lengthwise: the right to use said streets, alleys and highways being granted only so far as the same are dedicated for public purposes, and to the extent that the board of trustees of the town of Cicero have power to grant the same, and upon condition that it is subject at all times to the general ordinances of the said town of Cicero now in force, or that may hereafter be adopted by the board of trustees of said town.

¶ 2. **Subject to ordinances.**] § 2. The permission and authority hereby granted are upon the express condition that the said railway company and its grantees and lessees will keep and perform all obligations and duties that are now or hereafter may be imposed by any general or special ordinance or ordinances of the board of trustees of said town, pertaining to the management, regulation and control of railway and telegraph companies; and also in respect to ditches, drains and rests, and the suitable and proper maintenance of the street and railway crossings of the tracks of said railway company, and all police ordinances and health regulations of said town.

¶ 3. **Viaducts—flagmen.**] § 3. The permission and authority hereby granted are upon the further express condition that the said railway company shall, at its own cost and expense, within such time as the board of trustees of said town shall by ordinance direct and order, construct and forever maintain such viaduct or viaducts, with suitable approaches, over any of its tracks at its crossings of any street, highway, thoroughfare, avenue, alley or road in said town, and all such viaducts, and the approaches thereto, shall be constructed in the manner and of the material designated, and within the time required, and in accordance with plans and specifications prepared or approved by said board of trustees.

Provided, that the board of trustees of said town shall notify said railway company in writing, when and where any such viaduct shall be erected, and shall also furnish said company with a copy of any ordinance and specifications adopted by said board of trustees, directing or ordering the construction of any viaduct over or upon the tracks or route of said railway company; and

Provided further, that in the erection of any such viaducts, and the approaches thereto, the said railway company shall act as the agent of said town, and be only liable for damage to property to the extent that said town would be; and

Provided further, that said railway company shall, at its own cost

and expense, keep a flagman or flagmen at all such crossings as shall be required by any ordinance of said town; and shall keep or maintain all street and highway crossings along the route of said railway in good condition, so that the same may be used and easily crossed in all directions and at all times, without damage to person or property.

¶ 4. **Time of completion.**] § 4. The permission and authority hereby granted are upon the further express condition that said railway company shall complete said road within the period of one year from the date of the passage hereof.

Provided, also, that if said railway company shall be delayed from completing said railway within the time above specified, by any injunction or other legal proceeding, then the period of any such delay shall be excluded in the computation of time within which said road is hereby required to be built; and upon the further express condition that said railway company and its grantees, lessees and assigns shall and will forever indemnify and save harmless the town of Cicero against and from any and all damages, judgments, decrees and costs which it may suffer or which may be obtained against said town, for or by reason of the granting of the privileges and authority contained in this ordinance.

¶ 5. **Ditches and culverts.**] § 5. The privileges and authority hereby conferred are granted upon the further express conditions that the said railway company shall at all times keep the ditches or drains on the sides of its railway track open and operative and free from weeds and other obstructions, and to that end said railway company shall, at its own cost and expense, build and maintain such culverts of the nature and kind, at such places along the route, including culverts under the tracks of said company, as the board of trustees of said town may by ordinance direct.

¶ 6. **Powers reserved in council.**] § 6. The privileges and authority hereby conferred are so granted upon the express condition that the tracks, switches, "Ys," side tracks and turn tables shall always be laid and maintained, so far as they are upon the public highways, subject to the direction of the board of trustees of the town of Cicero, and that the poles for the telegraph line hereby authorized to be erected, shall be placed in such portion of the highway as shall be directed by the board of trustees of said town.

¶ 7. **When in force.**] § 7. This ordinance shall take effect and be in force from and after its passage.

§ 325. Chicago & Western Indiana Railroad company.

¶ 1. Viaduct at Ogden avenue—construction.
¶ 2. Subject to ordinances.
¶ 3. Indemnity clause.
¶ 4. Conditions.
¶ 5. When in force.

An ordinance granting to the Chicago & Western Indiana Railroad company the right to build a viaduct over Twenty-sixth street and Ogden avenue at a point where the tracks of said company cross the said street and avenue in the town of Cicero. (Passed September 30, 1882.)

¶ 1. **Viaduct at Ogden avenue—construction.**] Be it ordained by the board of trustees of the town of Cicero, in meeting assembled: § 1. Permission and authority are hereby given and granted by the town of Cicero to the Chicago and Western Indiana Railroad Company to erect, construct and maintain a viaduct, to be built of stone and iron, over Ogden avenue, at a point where the tracks of said company cross said avenue, said viaduct to have a span of not less than eighty feet, or the width of said avenue in the clear, and to be not less than seventeen (17) feet in the clear above the grade of said street as it at present exists. Like permission and authority are also given and granted said company to erect, construct and maintain a viaduct of the same width of span over Twenty-sixth (26th) street, at a point where the tracks of said company cross said street, which viaduct shall be not less than seventeen (17) feet above the grade of said street in the clear.

The abutments of said viaducts shall be built of stone, and the superstructure thereof of iron, and shall be built in a good, safe and substantial manner.

In constructing said viaducts the said company shall not occupy any portion of said street and avenue for the abutments thereof.

¶ 2. **Subject to ordinances.**] § 2. The permission and authority hereby granted are given and granted upon the express condition that the said railroad company and its grantees, lessees and successors will keep and perform all obligations and duties that are now or hereafter may be imposed by any general or special ordinance of the town of Cicero, pertaining to the management, regulation and control of railway and telegraph companies, and also in respect to ditches, drains and sewers, and the suitable and proper maintenance of the street and railway crossings of the track of said railroad company, and all the police ordinances and health regulations of said town.

¶ 3. **Indemnity clause.**] § 3. The permission and authority hereby given and granted are given and granted upon the express condition and understanding that the said railroad company, its grantees, lessees and successors, shall and will forever indemnify and save harmless the said town of Cicero and its successors against and from any and all damages, judgments, decrees and costs and expenses which it may suffer or which may be obtained against it for or by reason of the granting of the privileges and authority contained in this ordinance.

¶ 4. **Conditions.**] § 4. The permission and authority hereby granted is upon the further express condition that it is subject to all the conditions and liabilities, so far as applicable, and as more fully and at large set forth in the ordinance heretofore granted by said town

of Cicero, to the Chicago and Western Indiana Belt Railway Company, which company, it is claimed, has been consolidated with the said Chicago and Western Indiana Railroad Company, and this ordinance shall be taken and read as an addenda to said ordinance.

¶ 5. **When in force.**] § 5. This ordinance shall take effect and be in force from and after its passage.

§ 325a. Chicago & Western Indiana Railroad company.

¶ 1. Route.
¶ 2. Conditions.
¶ 3. Viaducts—flagmen—maintenance of ditches and crossings.
¶ 4. Indemnity.
¶ 5. Acceptance.

An ordinance granting permission to the Chicago & Western Indiana Railroad company to lay down and operate certain tracks in the village of Jefferson. (Passed and approved November 10, 1883. Accepted November 20, 1883.)

¶ 1. **Route.**] Be it ordained by the president and board of trustees of the village of Jefferson. § 1. That permission and authority be, and the same are hereby granted, to the Chicago and Western Indiana Railroad Company to lay down, maintain and operate with steam power one or more railroad tracks on and over the route described as follows, viz.: From a point in the south line of section 34, township 40, range 13, east of the third principal meridian, in Cook county, Illinois, which said point is west of the right of way of the Chicago and Northwestern Railway as now constructed from Austin to Montrose, in said county, and thence running northwardly to Grand avenue. Thence across said Grand avenue and continuing northwesterly to and along the right of way of the Chicago and Pacific Railroad Company, so as to make its connections with the tracks on the said right of way, with the right and authority to cross with said tracks for the purposes aforesaid any street, avenue, public road or alley on the line of said route and in connection therewith to erect and maintain a telegraph line along the route above described; Provided, that nothing herein contained shall be construed to authorize the said Chicago and Western Indiana Railroad Company to run along or upon any public street, road, avenue, highway or alley in the said village of Jefferson, except so far only as may be necessary to cross the same as aforesaid, and the right to cross any street, road, avenue, highway or alley as aforesaid, is hereby granted only so far as the same are dedicated for public purposes, and to the extent that the said board of trustees may lawfully grant the same.

¶ 2. **Conditions.**] § 2. The permission and authority hereby granted are upon the express condition that the said Chicago and Western Indiana Railroad Company will faithfully keep and perform all obligations and duties which are now or may hereafter be imposed by any general ordinances of the said village, pertaining to the management, regulation or control of railroad and telegraph companies,

and also in respect to ditches, drains, sewers, culverts and the proper construction and maintenance of the street and railroad crossings.

¶ 3. **Viaducts—flagmen—maintenance of ditches and crossings.**] § 3. The permission and authority aforesaid are hereby granted upon the further express condition, that the said Chicago and Western Indiana Railroad Company shall at its own cost and expense, erect viaducts over any of its tracks upon any street or streets of said village which may be crossed by its tracks whenever the public necessities shall require; Provided, however, that when any such viaducts and approaches cannot be built without extending the same over the track or tracks of some other railroad company or companies, then and in that case the said Chicago and Western Indiana Railroad Company shall only be obliged to join with such other company or companies in the construction of such viaduct or viaducts and in paying the damages and expenses therewith connected, and shall only be liable to contribute its fair and reasonable proportion of the same.

And further provided, That the said Chicago and Western Indiana Railroad Company shall, at its own cost and expense, keep a flagman at all grade crossings, along the line of its road, in the said village, as shall be required by the board of trustees, and whenever the public necessities require shall in place of said flagman erect and operate suitable crossing gates at all points where said railroad company's tracks cross any street or highway at grade. And shall also keep and maintain all street, highway and road crossings along its route in good condition so that the same may be used at all times without danger to persons and property; and also all the ditches and drains on the sides of its said tracks, open and operative, free from weeds and other obstructions, and erect and maintain at its own cost and expense, culverts at such places along the line of said road in said village, as the said board of trustees shall direct, and no trains, cars or other rolling stock shall be allowed to stand on or across any street, avenue, road or highway in said village, for more than ten minutes at a time.

¶ 4. **Indemnity.**] § 4. The permission and authority aforesaid are upon the further express condition, that the said Chicago and Western Indiana Railroad Company shall indemnify and forever save harmless the said village of Jefferson and its successors of and from all loss and damage arising from or in any manner growing out of the grant aforesaid or the construction or operation of its said railroad, the viaducts and approaches to the same as aforesaid.

¶ 5. **Acceptance.**] § 5. The said Chicago and Western Indiana Railroad Company shall, within five days after the passage of this ordinance, file with the clerk of the said village of Jefferson its written acceptance of the terms, provisions, privileges and conditions by this ordinance granted and imposed and to apply to all tracks already constructed as well as all tracks hereafter to be constructed, and this

ordinance shall take effect and be in force from and after such written acceptance being filed as aforesaid.

§ 325b. Chicago & Western Indiana Railroad company.

¶ 1. Preamble.
¶ 2. Foregoing ordinance—amendment.
¶ 3. Viaduct—specifications.
¶ 4. Subject to ordinances.
¶ 5. Indemnity clause.
¶ 6. Addenda to ordinance of C. & W. I. R. R. Co.
¶ 7. Removal of certain tracks.
¶ 8. Maintain viaduct.
¶ 9. Ditches and culverts.
¶ 10. When in force—acceptance.

An ordinance amending an ordinance entitled, "An ordinance granting to the Chicago & Western Indiana Railroad company the right to build a viaduct on West Forty-sixth street, and over Kinzie and other streets, in the town of Cicero," passed August 25, A. D. 1883. (Passed September 26, 1885.)

¶ 1. **Preamble.**] Whereas, the best interests of the Chicago and Western Indiana Railroad Company require that the viaduct provided to be built by the ordinance passed August 25th, 1883, should be extended to the south so as to make an overhead crossing of all of the streets south of the tracks of the Chicago and Northwestern Railway Company, to and including Madison street, and that to authorize the building thereof, said ordinance should be amended:

¶ 2. **Foregoing ordinance amended.**] Now, therefore, be it ordained by the board of trustees of the town of Cicero in meeting assembled:

That the recitations and the several sections of the ordinance passed August 25th, 1883, entitled, "An ordinance granting to the Chicago and Western Indiana Railroad Company the right to build a viaduct on West Forty-sixth street and over Kinzie and other streets, in the town of Cicero, be amended so as to read as follows, to-wit:

Whereas, heretofore the board of trustees of the town of Cicero, by ordinance granted to the Chicago and Western Indiana Railway Company, its grantees, lessees, successors and assigns, among other things, the right to construct two or more tracks across the streets, alley and avenues intervening on the route as therein set forth, with the right also to occupy a portion of West Forty-sixth street, on the line of that route.

And whereas, said Chicago and Western Indiana Belt Railway Company has been consolidated with, and merged into, the Chicago and Western Indiana Railroad Company, and the latter company has thereby acquired all the rights of said Chicago and Western Indiana Belt Railway Company under said ordinance.

And whereas, the Chicago and Northwestern Railway Company has insisted that in crossing its tracks on the line of said route, the said Chicago and Western Indiana Railroad Company shall pass over its

tracks by an overhead crossing, thereby making it necessary to elevate the tracks of the Chicago and Western Indiana Railroad Company, so as to pass over the tracks of the said Chicago and Northwestern Railway Company, which are situated north of and adjacent to Kinzie street at the intersection thereof with West Forty-sixth street at the height of nineteen (19) feet in the clear over and above the top of the rails of the track of the said Chicago and Northwestern Railway Company aforesaid, and in order to do this it is necessary that the Chicago and Western Indiana Railroad Company should build viaducts over and across certain streets, as well as across said tracks of said Chicago and Northwestern Railway Company, having an elevation in the clear across said Kinzie street of at least nineteen (19) feet; also an approach on either end of said viaduct across the tracks of said Chicago and Northwestern Railway Company, to-wit: to the south from the north line of Kinzie street, and to the north from the north line of the right of way of the Chicago and Northwestern Railway Company aforesaid.

¶ 3. **Viaduct—specifications.**] Therefore, be it ordained by the board of trustees of the town of Cicero, in meeting assembled:

§ 1. Permission and authority are hereby given and granted by said town of Cicero to the Chicago and Western Indiana Railroad Company to erect, construct and maintain a viaduct, as follows:

Commencing on the north side of the tracks of the Chicago and Northwestern Railway Company, opposite the point of intersection of West Forty-sixth street, and running thence north to the present grade of the Chicago and Western Indiana Railroad Company, and also on the south side of the tracks of the Chicago and Northwestern Railway Company over and across Kinzie street, using such portions of West Forty-sixth street as may be necessary therefor, with such stone piers on Kinzie street as may be necessary, such viaduct to have a span across Kinzie street of not less than twenty-four feet, and shall rest on good and sufficient stone piers, and to be at least nineteen (19) feet in the clear above the top of the rails of the Chicago and Northwestern Railway Company and above Kinzie street, as aforesaid, and sloping from the north line of the right of way of the Chicago and Northwestern Railway Company to the north on a grade of about one (1) foot in each one hundred (100) feet until it shall reach the grade of the Chicago and Western Indiana Railroad Company, and extending from the north line of Kinzie street southwardly until it shall reach the grade of the Chicago and Western Indiana Railroad Company south of Madison street.

That such viaduct shall be so constructed that the bents therefor, except at the street crossings herein named, shall not be less than fifteen (15) feet apart, center to center, and shall cross Lake street with a length of span of sixty (60) feet; said span shall rest on good and sufficient stone piers and at a height of at least sixteen (16) feet; shall

cross Fulton street with a length of span of not less than twenty-four (24) feet and at a height of at least sixteen (16) feet; shall cross Park avenue with a length of span of seventy (70) feet, and at a height of at least sixteen (16) feet; shall cross Randolph street with a length of span of seventy (70) feet, and a height of at least sixteen (16) feet; shall cross Washington street with a length of span of seventy (70) feet, and a height of not less than fifteen (15) feet; shall cross Madison street with a length of span of eighty (80) feet, and a height not less than fourteen (14) and one-half (½) feet; and from the south side of Madison street shall slope with a grade of about one (1) foot in each one hundred (100) feet to the grade of the Chicago and Western Indiana Railroad Company

The elevation of the viaduct over said streets shall be based upon the present grade of said streets, it being understood that such viaduct or viaducts as herein provided for, shall not be disturbed after once established to suit any possible shifting of the grades of any such streets.

The viaduct, except over the streets running at right angles therewith and already specified may be built of wooden trestle work; but when the same shall become decayed and unsafe, it shall be replaced with iron supports resting on good and sufficient stone foundations, as and when the same may be ordered by the said board of trustees of said town; that the superstructure of that portion on said viaduct over Kinzie and Lake streets, Park avenue and Randolph, Washington and Madison streets, shall, in the first instance, be built of iron work and be supported by good and sufficient stone piers; the space between the tracks of said Chicago and Western Indiana Railroad and the surface of the ground shall at all times remain open and unobstructed except by the piers and bents of said viaduct; no portion shall be filled in, except from the grade to a point where said viaduct will not be more than eight (8) feet above the grade of the level. This filling applies only to the south end of the viaduct.

¶ 4. **Subject to ordinances.**] § 2. The permission and authority hereby granted, are given and granted upon the express condition that the said railroad company, and its grantees, lessees and successors, will keep and perform all obligations and duties that are now or hereafter may be imposed by any general or special ordinance of the town of Cicero, pertaining to the management, regulations and control of railway and telegraph companies, and also in respect to ditches, drains and sewers, and the suitable and proper maintenance of the street and railway crossings of the track of said railroad company and all police ordinances and health regulations of said town.

¶ 5. **Indemnity clause.**] § 3. The permission and authority hereby given and granted are given and granted upon the express condition and understanding that the said railroad company, its grantees, lessees and successors, shall and will forever indemnify and save harm-

less the said town of Cicero, and its successors, against and from all and any damages and expense which it may suffer or be put to, and all judgments, decrees and costs, which may be rendered or obtained against it for or by reason of the granting, using or exercising of the privileges and authority contained in this ordinance.

¶ 6. **Addenda to ordinance of C. & W. I. B. R. R. Co.**] § 4. The permission and authority hereby granted, are upon the further express condition that they are subject to all the conditions and liabilities, so far as applicable, and as more fully and at large set forth in the ordinance heretofore granted by the town of Cicero to the Chicago and Western Indiana Belt Railway Company, which company it is claimed has been consolidated with the Chicago and Western Indiana Railroad Company, and to the said Chicago and Western Indiana Railroad Company, and this ordinance shall be taken and read as an addenda to said ordinance and as a part thereof.

¶ 7. **Removal of certain tracks.**] § 5. The permission and authority hereby granted are given and granted upon the further condition, that when the said viaduct over said streets is completed and ready for the operations of trains thereover, the tracks now laid on said West Forty-sixth street at grade, north of the south line of Madison street and south of the north line of Kinzie street, shall be removed by the said railroad company, and that thereafter no tracks shall be laid on the surface or grade, between the streets last aforesaid, without further consent from the board of trustees of the town of Cicero; and in case of the failure of said company to remove said grade tracks as aforesaid, the town of Cicero hereby reserves the right, and the said railroad company assents to the same, to enter upon and remove said tracks at the cost of the said company.

¶ 8. **Maintain viaduct.**] § 6. The permission and authority hereby given and granted, are given and granted upon the express condition and understanding that the said Chicago and Western Indiana Railroad Company, its grantees, lessees and successors, shall at all times keep the said viaduct and its approaches in good repair and condition.

And the acceptance of the privileges granted by this ordinance shall be taken as an acceptance of all its conditions and penalties herein imposed.

¶ 9. **Ditches and culverts.**] § 7. It is further provided that said railroad company shall construct a ditch along its track through the town of Cicero, said ditch to be on the west side of the right of way south to 26th street and then pass under their tracks through a culvert east, and from thence to Mud lake on the east side of said right of way, with a reasonably sufficient depth and width for surface drainage along the whole line and thereafter maintain the same, whenever the town shall cause proper culverts to be constructed to connect said ditch un-

der the rights of way of the Chicago and Northwestern Railway Company and the Chicago, Burlington and Quincy Railway Company.

¶ 10. **When in force—acceptance.**] § 8. This ordinance shall take effect and be in force from and after a written acceptance thereof shall be filed by said Chicago and Western Indiana Railroad Company with the town clerk of Cicero.

Note.—See following ordinance.

§ 325c. Chicago & Western Indiana Railroad company.

¶ 1. Preamble.
¶ 2. Foregoing ordinance construed.
¶ 3. When in force.

An ordinance concerning the Chicago & Western Indiana Railroad company. (Passed November 14, 1885.)

¶ 1. **Preamble.**] Whereas, heretofore, on the 26th day of September, A. D. 1885 the board of trustees of the town of Cicero passed an ordinance authorizing the Chicago and Western Indiana Railway Company to build a viaduct in West Forty-sixth street across certain streets therein named, and providing, among other things, that the spans of said viaduct across said streets should rest on good and sufficiet stone piers; and,

Whereas, the said Chicago and Western Indiana Railroad Company, in place of the said stone piers, now desires to put in iron piers to support the spans of said viaduct over several of said streets; now, therefore, be it ordained by the board of trustees of the town of Cicero, in meeting assembled:

¶ 2. **Foregoing ordinance construed.**] § 1. That said Chicago and Western Indiana Railroad Company be, and the same is hereby authorized in the construction of the said viaduct, in the place of the stone piers provided for in the ordinance in the recitations hereof referred to, for the support of the spans of said viaduct across Park avenue, Randolph, Washington and Madison streets, to make and use good and sufficient iron piers or supports, said iron piers to be kept well painted, and that the use of the same shall be considered a full and complete compliance with the requirements of the above mentioned ordinance.

¶ 3. **When in force.**] § 2. This ordinance shall take effect and be in force from and after its passage.

CHICAGO & WEST RIDGE RAILROAD COMPANY.

§ 326. Chicago & West Ridge Railroad company.

¶ 1. Route.
¶ 2. Time to complete—failure—rights determined.
¶ 3. Subject to ordinances.
¶ 4. Public crossings—opening of streets.
¶ 5. Land damages—indemnity.
¶ 6. Bond.
¶ 7. When in force—acceptance.

An ordinance granting rights to the Chicago & West Ridge Railroad company in the village of West Ridge. (Passed March 29, 1893. Accepted April 5, 1893.)

¶ 1. **Route.**] Be it ordained by the president and board of trustees of the village of West Ridge: § 1. That permission and authority be and are hereby granted to the Chicago & West Ridge Railroad Company to lay down, maintain and operate, for general railroad purposes, one or more railway tracks, with all necessary side tracks, turnouts and switches, from the north boundary of the village of West Ridge to the southern boundary thereof, over, upon and across, in a straight line as nearly as practicable, such land or right of way between such boundaries as said railroad company may acquire by condemnation, purchase or otherwise; said tracks to be constructed within the territory embraced between two lines drawn parallel to the western boundary of said village, the first thirty-three feet east of said western boundary line, and the second two hundred feet east of said boundary line, and over, upon and across Tuohy avenue and Church road within the territory aforesaid.

¶ 2. **Time to complete—failure—rights determined.**] § 2. The tracks hereby authorized to be laid shall be laid on or before one year from date of passage, and if said company shall fail to complete said tracks within such time, the rights and privileges hereby granted shall cease and determine; Provided, that if said company shall be restrained or prevented from proceeding with the work upon said railway tracks by the order or writ of any court of competent jurisdiction, the time during which said company shall be delayed shall be added to the time herein prescribed for the completion of said railway tracks.

¶ 3. **Subject to ordinances.**] § 3. The franchise hereby granted is granted subject to all general ordinances of the Village of West Ridge applicable thereto, now in force, or which may hereafter be passed by said village.

¶ 4. **Public crossings—opening of streets.**] § 4. The franchise and privileges hereby granted are granted upon the further express condition, that said railroad company shall, within sixty days after receiving written notice therefor, open, construct and maintain public crossings over its tracks and right of way to connect with and be of the same width as any street or streets which shall have been laid out east of such crossings, by condemnation, dedication or otherwise, and for

so doing said railroad company shall not be entitled to receive any sum of money whatsoever as damages or compensation from said village for opening such street or streets across its tracks or right of way. In case said railroad company shall construct any track or tracks within the territory aforesaid above the surface of any street or streets crossing the same, said company shall construct and maintain at such street crossings all necessary approaches to and from such streets.

¶ 5. **Land damages—indemnity.**] § 5. Said railroad company shall pay all damages to the owners of property abutting upon the land used under this ordinance by said railroad company for railroad purposes which said owners may sustain by reason of the location, construction and operation of said railroad, and shall save and keep harmless the village of West Ridge from any and all damages in any way arising out of the granting by said village of the privileges contained in this ordinance.

¶ 6. **Bond.**] § 6. Said railroad company shall execute to the village of West Ridge a good and sufficient bond in the penal sum of ten thousand dollars, to be approved by the president of the village, conditioned for the faithful observance and performance of the provisions and conditions of this ordinance on its part to be observed and performed as aforesaid, and conditioned further for the faithful observance by said railroad company of all general ordinances of said village applicable to the construction, operation or maintenance of railroads therein.

¶ 7. **When in force—acceptance.**] § 7. This ordinance shall take effect and be in force whenever said company shall file with the village clerk of said village its formal acceptance of the same, and its bond as hereinabove prescribed; Provided, however, if such acceptance and bond shall not be filed as aforesaid within ninety days of the passage hereof, this ordinance shall be null and void.

DALTON & SOUTH CHICAGO RAILROAD COMPANY.

§ 327. Dalton & South Chicago Railroad company.
¶ 1. Route—land damages—maintenance of crossings.
¶ 2. Bond.

An ordinance granting rights to the Dalton & South Chicago Railroad company in the village of Hyde Park. (Passed and approved August 24, 1878.)

¶ 1. **Route—land damages—maintenance of crossings.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission be and is hereby granted to the Dalton & South Chicago Railroad Company to construct and operate one or

more railroad tracks, in and upon that certain strip of land not exceeding one hundred feet in width, which said company may acquire in said village, commencing on the line of said railway where the same enters said village on the south line of section thirty-four (34), town thirty-seven (37) north, range fourteen (14), east of the third principal meridian, and running thence north, crossing the Calumet river, and curving to the east until it reaches the center line of said section thirty-four (34), and thence east through said section thirty-four (34) and section thirty-five (35), and passing thence through sections thirty-six (36), twenty-five (25), twenty-four (24) and thirteen (13) in said town thirty-seven (37), range fourteen (14), and through sections eight (8), seventeen (17), eighteen (18) and nineteen (19) in town thirty-seven (37) north, range fifteen (15) east, and also through sections five (5), six (6) and seven (7), both north and south of the Indian boundary line in town thirty-seven (37) north, range fourteen (14) east, as well as across any street or alley in their line of road within the boundaries aforesaid. Provided, said company shall pay any and all damages arising from, or in any way growing out of such taking and using such portions of such streets or alleys, or any of them, to any and all persons injured or damaged by the same. And provided, said railroad company shall construct and maintain good and convenient crossings and sidewalks, and upon such grade or grades as may be from time to time required by the board of trustees, as well as cattle guards, culverts and warning tables, across their tracks and grounds at the intersection of all streets and alleys now existing, or which may hereafter be authorized or opened by said board, and comply with, and be subject to all laws and ordinances of said village now in force, or which may hereafter be adopted.

¶ 2. **Bond.**] § 2. This ordinance shall not take effect until after said company shall have entered into a bond with or to said village of Hyde Park, in the penal sum of fifty thousand dollars, conditioned for the payment of all damages for which the said village may become liable, to any person or persons, by reason of the said road entering or running through a portion of said village, or by reason of said company constructing, laying down, using or occupying said railroad track or tracks within said village, and conditioned also for the payment of all damages which may arise to the said village of Hyde Park, and to any person or persons whomsoever, by reason of said company constructing, laying down, maintaining, using and occupying said railroad track or tracks, or crossing said streets or alleys within the village of Hyde Park.

GRAND TRUNK JUNCTION RAILWAY COMPANY.

§ 328. Grand Trunk Junction Railway company.

¶ 1. Route—connection with other railways.
¶ 2. Southern boundary—conditions of grant.
¶ 3. Provisions binding upon lessees, etc.—acceptance.
¶ 4. Fulfillment of conditions.
¶ 5. Failure to fulfill—forfeiture.
¶ 6. When in force.

An ordinance granting right of way to the Grand Trunk Junction Railway company in the town of Lake. (Passed May 6, 1881. Accepted May 6, 1881.)

¶ 1. **Route—connection with other railways.**] Be it ordained by the board of trustees of the town of Lake: § 1. That permission and authority be and the same is hereby granted to the Grand Trunk Junction Railway Company to lay down, maintain and operate a railroad with main tracks as hereinafter provided, and such switches, sidings and turn-outs as may be necessary along and upon the following routes in the town of Lake, to wit: Commencing at the north and south center line of section 11, township 38 north, range 13, east of the 3rd principal meridian, at some point between 49th street on the north and 51st street on the south, and thence easterly over such lots, lands and property as the said company now owns, or hereafter may acquire by lease, purchase, condemnation or otherwise, between 49th street on the north and 51st street on the south, to a connection with a track or tracks of the Chicago & Western Indiana Railroad, which are now laid, or which may hereafter be laid, on Wallace street, in said town of Lake, and for that purpose to cross all intervening streets with said track or tracks, with the right to cross 51st street at or near the west end of said line to connect with the Chicago and Grand Trunk Railway.

¶ 2. **Southern boundary—conditions of grant.**] § 2. The southern boundary of the right of way of said railway company, or its successors and assigns, east of Ashland avenue, shall be at least two hundred feet from the northern boundary of 51st street, and said railway company shall not lay any track south of said line, for any purpose whatever. The provisions and authority hereby granted are upon the following express conditions:

First. That the said railway company, and its grantees, lessees and assigns, shall and will forever indemnify and save harmless the town of Lake against and from any and all damages, judgments, decrees, costs and expenses of the same which it may suffer, or which may be recovered or obtained against said town, for or by reason of the granting of such privileges and authority, or for or by reason of, or growing out of, or resulting from, the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company, its grantees, lessees or assigns, of the privileges hereby granted, or from any act or acts of said company, its grantees, lessees or assigns, under or by virtue of the provisions of this ordinance.

Second. That the said company shall construct and forever maintain a viaduct or viaducts, with suitable approaches, over any of its said tracks at Halsted street and Winter street, in case the public necessities shall hereafter at any time require the construction of such viaduct or viaducts, such viaducts to be constructed according to a plan to be approved by the board of trustees of said town, and to be constructed within six months from service on the company of a written notice from the said board that the same is required, providing that any corporation constructing and owning a railroad crossing on said Halsted street and Winter street adjacent to the tracks of said railroad company, shall be bound by ordinance of the town, to contribute, in construction of said viaducts and approaches thereto, a sum equal to the costs of constructing the same over the tracks of such corporation.

Third. That the said railroad company shall construct said road so as to have its cars running thereon within one year from this date, and will establish and forever maintain at least two suburban passenger trains each way per day, to run over the said line from its depot in Chicago through said town, at convenient hours, which shall stop at Ashland avenue, Center avenue and Halsted street.

Fourth. That its rate of fare for local traffic, from its depot in the city of Chicago to Halsted street in said town of Lake, shall not exceed five cents per passenger, and that it will keep for sale at its depot in the city of Chicago, and at its stations in said town of Lake, commutation tickets for ten rides or more, which shall be good on all suburban passenger trains, and on all other passenger trains to and from all regular places for stopping such trains, between its depot in the city of Chicago and any place in said town of Lake.

Fifth. That said railway company and any other railway company or companies that shall construct or operate said railroad under this ordinance, or under lease from, or contract with, said railway company, shall be held jointly or severally bound to pay all legal damages that may accrue to the owners of property by reason of the operation of said railroad under this ordinance, or the construction of any viaduct or viaducts and approaches thereto that may be required under this ordinance.

¶ 3. **Provisions binding upon lessees, etc.—acceptance.**] § 3. The provisions of this ordinance shall extend to, and be binding upon, all the grantees, lessees or purchasers deriving title through or under said Grand Trunk Junction Railway Company, and this ordinance shall not be in force until a written acceptance thereof by said company is filed with the town clerk of the town of Lake.

¶ 4. **Fulfillment of conditions.**] § 4. The privilege and authority hereby granted to said railway company are granted upon the express condition that said company, its successors and assigns, will promptly fulfill all obligations and duties that are now, or may hereafter be, imposed by ordinances of this board upon railway companies

generally in the town of Lake, in respect to ditches, drains, culverts, and the suitable and proper maintenance of street and highway crossings of the track of said company, and in respect to all police and sanitary regulations.

¶ 5. **Failure to fulfill—forfeiture.**] § 5. A failure of the said railway company, its successors or assigns, to comply with and fulfill any of the obligations and duties imposed on it by this ordinance, shall be cause of forfeiture of all rights and privileges hereby granted.

¶ 6. **When in force.**] § 6. This ordinance shall take effect and be in force from and after its passage and acceptance.

ILLINOIS CENTRAL RAILROAD COMPANY.

§ 329. Illinois Central Railroad company.
¶ 1. Application for amendment to charter.
¶ 2. Legislators requested to assist.

An ordinance to aid the Illinois Central Railroad company to obtain an amendment to their charter. (Passed June 7, 1852.)

¶ 1. **Application for amendment to charter.**] Be it ordained by the common council of the city of Chicago: § 1. That the mayor be instructed to unite with the Illinois Central Railroad Company in an application to the legislature of the state of Illinois, for such amendment or addition to the act incorporating said company as will confer upon it power to construct and operate such branch as may be stipulated for between the common council of the city of Chicago and the said company.

¶ 2. **Legislators requested to assist.**] § 2. That the senators and representatives of the county of Cook in the legislature be respectfully requested to aid in carrying out the object of the foregoing section.

§ 330. Illinois Central Railroad company.
¶ 1. Grant—route—depot.
¶ 2. Width of way from Twelfth to Randolph streets.
¶ 3. Filling in the lake—liability for damage to harbor.
¶ 4. Side tracks—route.
¶ 5. Construction—motive power and speed subject to ordinances.
¶ 6. Enclosing walls—gates, speed, etc.
¶ 7. Outer wall along right of way.
¶ 8. Use of Lake Park prohibited.
¶ 9. View of lake not to be obstructed.
¶ 10. Culverts at Lake Park.
¶ 11. Branch to Rock Island railroad.
¶ 12. Acceptance—contract.

An ordinance concerning the Illinois Central railroad. (Passed June 14, 1852.)

¶ 1. **Grant — route — depot.**] Be it ordained by the common council of the city of Chicago: § 1. That permission is hereby granted to the Illinois Central Railroad Company to lay down, construct, and maintain within the limits of the city of Chicago and along the margin of the lake within and adjacent to the same, a railroad with one or more tracks, and to operate the same with locomotive engines and cars, under such rules and regulations with reference to speed of trains, the receipt, safe keeping and delivery of freight, and arrangements for the accommodation and conveyance of passengers, not inconsistent with the public safety, as said company may from time to time establish, and to have the right of way and all powers incident to and necessary therefor, in the manner and upon the terms and conditions following, to wit: the said road shall enter said city at or near the intersection of its south boundary with Lake Michigan, and following the shore on or near the margin of said lake northerly to the southern bounds of the open space known as Lake Park, in front of canal section fifteen, and continue northerly across the open space in front of said section fifteen to such grounds as the said company may acquire between the north line of Randolph street and the Chicago river, in the Fort Dearborn addition to said city, upon which said grounds shall be located the depot of said railroad within the city, and such other buildings, slips or apparatus, as may be necessary and convenient for the business of said company. But it is expressly understood, that the city of Chicago does not undertake to obtain for said company any right of way, or other right, privilege or easement, not now in the power of said city to grant or confer, or to assume any liability or responsibility for the acts of said company.

¶ 2. **Width of way from Twelfth to Randolph streets.**] § 2. The said company may enter upon and use in perpetuity for its said line of road, and other works necessary to protect the same from the lake, a width of three hundred feet from the southern boundary of said public ground, near Twelfth street, to the northern line of Randolph street; the inner or west line of the ground to be used by said company to be not less than four hundred feet east from the west line of Michigan avenue and parallel thereto.

¶ 3. **Filling in the lake—liability for damage to harbor.**] § 3. The said company may extend their works and fill out into the lake to a point in the southern pier not less than four hundred feet west from the present east end of the same, thence parallel with Michigan avenue to the north line of Randolph street extended; but it is expressly understood that the common council does not grant any right or privilege beyond the limits above specified, nor beyond the line that may be actually occupied by the works of said company. It is further expressly understood that should any damage or obstruction occur to the harbor of Chicago, clearly traceable to the construction of said works contemplated by sections two and three hereof, then the said company shall be held responsible for the same.

¶ 4. **Side tracks—route.**] § 4. Permission and right of way are hereby given to the said company to construct and maintain a side track from its main track, beginning at or south of Twelfth street, proceeding through said street, or such line as may be prescribed by the common council, westerly to the south branch of the Chicago river; thence crossing the said south branch by a bridge, or other mode to be approved by the common council, which shall not obstruct navigation; thence proceeding northerly to Kinzie street, following, as far as practicable, the streets nearest to said branch, on such sides of the center of streets as the common council may prescribe; said track not to be laid west of the west line of Canal street; and also a track leading from the last mentioned track, at or near its intersection with the eastern line of the said south branch of the Chicago river, along the line of said south branch, into Market street, following, as far as possible, the streets nearest the river, and on such sides of such streets as the common council may direct; thence along the west line of Market street northerly to Lake street. And they may also extend the track of said road from their track or grounds south of the south pier, across the Chicago river to North Water street by means of a draw-bridge, or other mode which shall not obstruct navigation, and which may be approved by the common council.

¶ 5. **Construction, motive power and speed subject to ordinances.**] § 5. And the said tracks shall be so constructed, furnished and operated as to meet the demands of business upon the streets and lines through and along which they shall run. The said side tracks, the stations, depots, turn-outs, switches, turn-tables, buildings and bridges along said lines, as well as the motive power to be used and the rate of speed thereon, to be subject to such regulations as the common council may from time to time prescribe for the government of side tracks of railroads within the inhabited portions of the city. Said side tracks shall be open to the use of other railroad companies and railroads connecting therewith, upon just and equitable terms, to be agreed upon by the parties interested, and in case of disagreement by arbitration.

¶ 6. **Enclosing walls — gates, speed, etc.**] § 6. The said company shall erect and maintain on the western or inner line of the ground pointed out for its main track on the lake shore, as the same is hereinbefore defined, such suitable walls, fences or other sufficient works, as will prevent animals from straying upon or obstructing its tracks, and secure persons and property from danger. Said structure to be of suitable materials and sightly appearance, and of such height as the common council may direct, and no change therein shall be made except by mutual consent; Provided, however, that the company shall construct such suitable gates at proper places at the ends of the streets, which are now or may hereafter be laid out, as may be required by the common council, to afford safe access to the lake; And provided

also that in case of the construction of an outside harbor, streets may be laid out to approach the same, in the manner provided by law, in which case the common council may regulate the speed of locomotives and trains across them.

¶ 7. **Outer wall along right of way.**] § 7. The said company shall erect and complete within three years after they shall have accepted this ordinance, and shall forever thereafter maintain a continuous wall or structure of stone masonry, pier work or other sufficient material, of regular and sightly appearance, and not to exceed in height the general level of Michigan avenue opposite thereto, from the north side of Randolph street to the southern boundary of Lake Park before mentioned, at a distance of not more than three hundred feet east from and parallel with the western or inner line pointed out for said company, as specified in section two hereof, and shall continue said works to the southern boundary of the city, at such distance outside of the track of said road as may be expedient, which structure and works shall be of sufficient strength and magnitude to protect the entire front of said city between the north line of Randolph street and its southern boundary from further damage or injury from the action of the waters of Lake Michigan, and that part of the structure south of Lake Park shall be commenced and prosecuted with all reasonable dispatch after the acceptance of this ordinance.

¶ 8. **Use of Lake Park prohibited.**] § 8. The said company shall not in any manner, nor for any purpose whatever, occupy, use or intrude upon the open ground known as Lake Park, belonging to the city of Chicago, lying between Michigan avenue and the western or inner line before mentioned, except as far as the common council may consent, for the convenience of said company, while constructing or repairing their works in front of said ground.

¶ 9. **View of lake not to be obstructed.**] § 9. The said company shall erect no buildings between the north line of Randolph street and the south line of the said Lake Park, nor occupy nor use the works proposed to be constructed between these points, except for the passage of, or for making up or distributing their trains; nor place upon any part of their works between said points any obstruction to the view of the lake from the shore, nor suffer their locomotives, cars or other articles to remain upon their tracks, but only erect such works as are proper for the construction of their necessary tracks and protection of the same.

¶ 10. **Culverts at Lake Park.**] § 10. The said company, in constructing the said line of works in front of Lake Park and the public grounds, shall make and keep open through the same such culverts or ways, as the common council shall prescribe, from the open lake to the space inside of the western line before mentioned, as will afford room for the uninterrupted flow of the water through the same.

¶ 11. Branch to Rock Island railroad.] § 11. The said company shall lay down, construct, operate and maintain a track, with suitable turn-outs, switches and turn-tables, through Twelfth street, or through such other street north of North street, as the common council may designate, from their main track on the lake shore, to connect with the said tracks to be constructed by the Chicago and Rock Island Railroad Company, or procure the same to be done, as provided by an ordinance of the city of Chicago, passed April 2, 1852, so soon as the said track on the east side of the south branch of the river shall be completed; Provided, that the city of Chicago shall furnish the right of way to the said company free of cost, before requiring said track to be constructed.

¶ 12. Acceptance—contract.] § 12. Upon the acceptance of this ordinance by the said company (which shall be within ninety days of the passing of the same), a contract or agreement embodying the provisions herein contained, and stipulating that the permission, rights and privileges hereby conferred upon said company shall depend upon the performance on their part of the requirements made upon them by this ordinance, shall be executed, sealed and delivered on the part of the city of Chicago by the mayor thereof, and on the part of the Illinois Central Railroad Company by the president thereof, both in usual legal form.

§ 331. Illinois Central Railroad company.

¶ 1. Preamble.
¶ 2. Additional space granted.

An ordinance concerning the Illinois Central railroad. (Passed September 15, 1856.)

¶ 1. Preamble.] Whereas: The common council of this city, by an ordinance of the 14th day of June, 1852, granted to the Illinois Central Railroad Company the right to enter and use in perpetuity, for its line of railroad and other works necessary to protect the same from the lake, a width of three hundred feet from the southern boundary of the public ground on Twelfth street to the northern line of Randolph street, the inner or west line of which ground so to be used by the company, to be not less than four hundred feet east from the west line of Michigan avenue and parallel thereto; and whereas the ground thus granted is shown to be too narrow to afford to said company a convenient means of approaching and using a part of their station grounds between Randolph street and Chicago river; therefore,

¶ 2. Additional space granted.] Be it ordained by the common council of the city of Chicago: § 1. That permission is hereby granted to the said Illinois Central Railroad Company to enter upon and use in perpetuity, for its line of railroad and other works necessary to protect the same from the lake, the space between its present breakwater, and a line drawn from a point on said breakwater,

seven hundred feet south of the north line of Randolph street extended, and running thence on a straight line to the southeast corner of its present breakwater, and thence to the river; provided, however, and this permission is only given upon the express condition, that the portion of said line which lies south of the north line of Randolph street extended, shall be kept subject to all the conditions and restrictions, as to the use of the same, as are imposed upon that part of said line by the said ordinance of June 14, 1852.

§ 332. Illinois Central Railroad company.

¶ 1. Preamble.
¶ 2. Pivot bridge—acceptance.
¶ 3. Superintendence—maintenance—operation—indemnity.

An ordinance approving the plans for a bridge, to be erected by the Illinois Central railroad company across the Chicago river. (Passed December 1, 1862.)

¶ 1. Preamble.] Whereas: The common council, by ordinance passed June 14, 1852, did authorize the Illinois Central Railroad Company to extend the track of said road from their track or grounds south of the south pier, across the Chicago river to North Water street, by means of a bridge, the plans of which were to be approved by the common council; therefore,

¶ 2. Pivot bridge—acceptance.] Be it ordained by the common council of the city of Chicago: § 1. That the plans for a pivot bridge, presented by the Illinois Central Railroad Company, to cross the Chicago river at a point designated in the foregoing preamble, be and the same are hereby approved; subject, however, to this express condition, that the breaking of ground for the erection of said bridge, or the taking of any measures by the said company or its agents towards the building of the same, shall be taken and construed as an acceptance of and agreement on the part of said company to all the conditions, provisions, restrictions and requirements of this ordinance, and the same shall be binding upon said company.

¶ 3. Superintendence—maintenance—operation—indemnity.] § 2. Said railroad company shall construct said bridge under the charge and superintendence of the board of public works; and said company shall be liable for and chargeable with all damage that may accrue and become payable to the owners or occupants of any real estate, or to the owners or charter party of any vessel, float or water craft, by reason of the construction, operation or improper care and management of said bridge; and said company shall at its own cost tend said bridge, and shall so operate and manage the same as to cause the least possible obstruction to navigation; and said railroad company shall indemnify and save the city of Chicago harmless from any and all costs, damages, charges and expenses whatsoever, that may in any manner arise by reason of the erection or use of a bridge at that point.

§ 333. Illinois Central Railroad company.

¶ 1. Grant of lake front land to city—power of sale.
¶ 2. Proceeds of sale—park fund—distribution of.
¶ 3. Rights of Illinois Central confirmed—submerged land granted in fee.
¶ 4. Submerged land between Monroe and Randolph streets granted for depot.
¶ 5. Consideration paid to city—distribution.
¶ 6. City authorized to release its interests to railroads.
¶ 7. Conditions of grant.
¶ 8. When in force.

An act in relation to a portion of the submerged lands and lake park grounds lying on and adjacent to the shore of Lake Michigan, on the eastern frontage of the city of Chicago. (Passed April 16, 1869.)

¶ 1. Grant of lake front land to city—power of sale.] § 1. Be it enacted by the people of the state of Illinois represented in the general assembly, That all right, title and interest of the state of Illinois in and to so much of fractional section fifteen (15), township thirty-nine (39), range fourteen (14), east of third (3d) principal meridian, in the city of Chicago, county of Cook, and state of Illinois, as situated east of Michigan avenue, and north of Park row and south of the south line of Monroe street and west of a line running parallel with and four hundred feet east of the west line of said Michigan avenue —being a strip of land four hundred feet in width, including said avenue, along the shore of Lake Michigan, and partially submerged by the waters of said lake—are hereby granted in fee to the said city of Chicago, with full power and authority to sell and convey all of said tract east of said avenue, leaving said avenue ninety (90) feet in width, in such manner and upon such terms as the common council of said city may by ordinance provide: Provided, that no sale or conveyance of said property, or any part thereof, shall be valid unless the same be approved by a vote of not less than three-fourths of all the aldermen elect.

¶ 2. Proceeds of sale—park fund—distribution of.] § 2. The proceeds of the sale of any and all of said lands shall be set aside, and shall constitute a fund to be designated as the "park fund" of the said city of Chicago, and said fund shall be equitably distributed by the common council between the south division, the west division and the north division of the said city, upon the basis of the assessed value of the taxable real estate of each of said divisions, and shall be applied to the purchase and improvement in each of said divisions, or in the vicinity thereof, of a public park or parks, and for no other purpose whatsoever.

¶ 3. Rights of Illinois Central confirmed—submerged land granted in fee.] § 3. The right of the Illinois Central Railroad Company, under the grant from the state in its charter, which said grant constitutes a part of the consideration for which the said company pays to the state at least seven per cent of its gross earnings, and

under and by virtue of its appropriation, occupancy, use and control, and the riparian ownership incident to such grant, appropriation, occupancy, use and control in and to the lands submerged or otherwise lying east of the said line running parallel with and four hundred feet east of the west line of Michigan avenue, in fractional sections ten (10) and fifteen (15), township and range as aforesaid, is hereby confirmed, and all the right and title of the state of Illinois in and to the submerged lands constituting the bed of Lake Michigan and lying east of the tracks and breakwater of the Illinois Central Railroad Company, for the distance of one mile, and between the south line of the south pier extended eastwardly, and a line extended eastward from the south line of lot twenty-one, south of and near to the round house and machine shops of said company in the south division of the said city of Chicago, are hereby granted in fee to the said Illinois Central Railroad Company, its successors and assigns: Provided, however, that the fee to said lands shall be held by said company in perpetuity, and that the said company shall not have power to grant, sell or convey the fee to the same, and that all gross receipts from use, profits, leases or otherwise of said lands, or the improvements thereon, or that may hereafter be made thereon, shall form a part of the gross proceeds, receipts and income of the said Illinois Central Railroad Company, upon which said company shall forever pay into the state treasury, semi-annually, the per centum provided for in its charter, in accordance with the requirements of said charter: And provided also, that nothing herein contained shall authorize obstructions to the Chicago harbor, or impair the public right of navigation, nor shall this act be construed to exempt the Illinois Central Railroad Company, its lessees or assigns, from any act of the general assembly which may be hereafter passed regulating the rates of wharfage and dockage to be charged in said harbor. And provided, further, that any of the lands hereby granted to the Illinois Central Railroad Company, and the improvements now or which may hereafter be on the same, which shall hereafter be leased by said Illinois Central Railroad Company to any person or corporation, or which may hereafter be occupied by any person or corporation other than said Illinois Central Railroad Company, shall not during the continuance of such leasehold estate or of such occupancy be exempt from municipal or other taxation.

¶ 4. **Submerged land between Monroe and Randolph streets granted for depot site.**] § 4. All the right and title of the state of Illinois in and to the lands, submerged or otherwise, lying north of the south line of Monroe street and south of the south line of Randolph street, and between the east line of Michigan avenue and the track and roadway of the Illinois Central Railroad Company, and constituting parts of fractional sections ten (10) and fifteen (15), in said township thirty-nine (39), as aforesaid, are hereby granted in fee to the Illinois Central Railroad Company, the Chicago, Burlington and Quincy Rail-

road Company, and the Michigan Central Railroad Company, their successors and assigns, for the erection thereon of a passenger depot, and for such other purposes as the business of said companies may require: Provided, that upon all gross receipts of the Illinois Central Railroad Company, from leases of its interest in said grounds, or improvements thereon, or other uses of the same, the percentum provided for in the charter of said company shall forever be paid, in conformity with the requirements of said charter.

¶ 5. **Consideration paid to city—distribution.**] § 5. In consideration of the grant to the said Illinois Central, Chicago, Burlington and Quincy, and the Michigan Central railroad companies of the land as aforesaid, said companies are hereby required to pay to said city of Chicago the sum of eight hundred thousand dollars, to be paid in the following manner, viz.: Two hundred thousand dollars within three months from and after the passage of this act, two hundred thousand dollars within six months from and after the passage of this act, two hundred thousand dollars within nine months from and after the passage of this act, two hundred thousand dollars within twelve months from and after the passage of this act; which said sums shall be placed in the park fund of the said city of Chicago, and shall be distributed in like manner as is hereinbefore provided for the distribution of the other funds which may be obtained by said city from the sale of the lands conveyed to it by this act.

¶ 6. **City authorized to release its interests to railroads.**] § 6. The common council of the said city of Chicago is hereby authorized and empowered to quit-claim and release to the said Illinois Central Railroad Company, the Chicago, Burlington and Quincy Railroad Company and the Michigan Central Railroad Company any and all claim and interest in and upon any and all of said land north of the south line of Monroe street as aforesaid, which the said city may have by virtue of any expenditures and improvements thereon or otherwise, and in case the said common council shall neglect or refuse thus to quit-claim and release to the said companies as aforesaid, within four months from and after the passage of this act, then the said companies shall be discharged from all obligation to pay the balance remaining unpaid to said city.

¶ 7. **Conditions of grant.**] § 7. The grants to the Illinois Central Railroad Company contained in this act are hereby declared to be upon the express condition that said Illinois Central Railroad Company shall perpetually pay into the treasury of the state of Illinois the per centum on the gross or total proceeds, receipts or incomes derived from said road and branches stipulated in its charter, and also the per centum on the gross receipts of said company reserved in this act.

¶ 8. **When in force.**] § 8. This act shall be a public act, and in force from and after its passage.

Note.—See following repealing act.

An act repealing "An act in relation to a portion of the submerged lands and lake park grounds lying on and adjacent to the shore of Lake Michigan, on the eastern frontage of the city of Chicago.

Repealing the foregoing act.] Be it enacted by the people of the state of Illinois, represented in the general assembly, that the act entitled "An act in relation to a portion of the submerged land and Lake Park grounds, lying on and adjacent to the shore of Lake Michigan, on the eastern frontage of the city of Chicago," in force April 16, 1869, be and the same is hereby repealed.

§ 334. Illinois Central Railroad company.

¶ 1. Grant—route—Seventy-first street—depots.

An ordinance authorizing the Illinois Central Railroad company to lay down and operate a railroad in Hyde Park. (Passed and approved April 2, 1869.)

¶ 1. Grant—route—Seventy-first street—depots.] Be it ordained by the board of trustees of the town of Hyde Park: That permission is hereby given to the Illinois Central Railroad Company to lay down a single railroad track with necessary turn-outs, and to operate thereon their engines and cars on Seventy-first street, in Hyde Park, from the intersection of said street with the right of way of said company, east to the northeast corner of section twenty-five, town thirty-eight north, range fourteen, east third principal meridian: On condition, that the said company shall and will erect and maintain platforms and depot houses at the following points, to wit:

1st. On said Seventy-first street, at its intersection with said right of way.

2d. On said Seventy-first street, at its point eighty rods east of the center of Stony Island avenue.

And upon the further condition, that such company shall and will stop all their regular trains, for passengers, that may run over said track, at the depots aforesaid, in order that persons may get on and off of said trains if any passenger desires to get on or off.

Note.—See the following repealing ordinance.

§ 334a. Repealing foregoing ordinance.

¶ 1. Preamble.

¶ 2. Repealing the foregoing ordinance.

An ordinance repealing an ordinance passed April 2, 1869, granting to the Illinois Central Railroad company the right to construct and operate a railroad track on Seventy-first street. (Passed and approved September 18, 1882.)

¶ 1. Preamble.] Whereas, the village of Hyde Park did on the second day of August, 1869, grant to the Illinois Central Railroad Company the right to construct, maintain and operate a railroad track on 71st street, from the Illinois Central right of way to Railroad avenue; and, whereas, said right was transferred by the Illinois Central

Railroad Company to the Chicago and Indiana Railroad Company, said transfer being ratified and confirmed by the village of Hyde Park, by ordinance bearing date of the 15th of March, 1873.

¶ 2. **Repealing the foregoing ordinance.**] Therefore be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That the said last mentioned ordinance be and the same is hereby repealed.

§ 335. Illinois Central Railroad company.

¶ 1. Randolph street extended.
¶ 2. Viaduct—construction.
¶ 3. Indemnity.
¶ 4. Location—maintenance—public use.
¶ 5. Time for completion.
¶ 6. When in force.

An ordinance extending Randolph street to Lake Michigan and providing for viaduct over the tracks of Illinois Central railroad. (Passed July 12, 1880.)

¶ 1. **Randolph street extended.**] Be it ordained by the city council of the city of Chicago: § 1. Randolph street is hereby extended and produced, straight eastwardly, and declared to be a public street, from its present eastern terminus to the west line of the right of way of the Illinois Central Railroad Company, as established by the ordinance of September 10, 1855, of the same width as said street is west of its present eastern terminus, and also straight eastwardly of the same width, and on a line with that part of the street west of said right of way from the easterly line of slip "C," produced southerly to Lake Michigan; the said extension of Randolph street to be such that it shall be a continuous street from its present eastern terminus to Lake Michigan, of the same width and in the same direction as the part of Randolph street west of its said eastern terminus, excepting from such extension the space between the easterly line of said slip "C," produced southerly, and the said west line of the right of way of the Illinois Central Company.

¶ 2. **Viaduct—construction.**] § 2. That permission and authority be and hereby is given to the Illinois Central Railroad Company to construct and maintain, at its own cost and expense, a bridge or viaduct within the line of Randolph street, as extended under the provisions of section one hereof, and over the tracks and right of way of the Illinois Central and Michigan Central railroad companies, together with suitable and convenient approaches. The approach from the west to said bridge or viaduct shall be not exceeding thirty feet in width, and shall commence at the east line of Michigan avenue, produced northerly from the south; said approaches and viaduct to be constructed and located in accordance with plans to be approved by the commissioner of public works.

¶ 3. **Indemnity.**] § 3. The permission and authority hereby granted are upon the express condition that the said railroad com-

pany shall and will forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs, and expenses of the same, which it may suffer, or which may be recovered or obtained against said city, for or by reason of or growing out of resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privilege hereby granted.

¶ 4. **Location—maintenance—public use.**] § 4. The said bridge or viaduct shall be built in a straight easterly direction corresponding with the course of Randolph street, and in such part of said street as may be directed by the commissioner of public works. The cost of maintaining and repairing the same shall be borne by the Illinois Central Railroad Company, and the right to the use of said bridge or viaduct shall be forever free to the public, and to all persons having occasion to pass and repass thereon, and there shall be accommodation made in said viaduct for foot passengers.

¶ 5. **Time for completion.**] § 5. Unless the said bridge or viaduct shall be completed and opened to the public within one year and a half from the passage of this ordinance, then the permission and authority herein granted for the erection of the same shall cease and be void and of no effect.

¶ 6. **When in force.**] § 6. This ordinance shall take effect and be in force from and after its passage.

§ 336. Illinois Central Railroad company.

¶ 1. Grant—route.
¶ 2. Conditions of grant.

An ordinance authorizing the Illinois Central Railroad company to lay down, maintain and operate a single track in Sixty-first street. (Passed and approved May 31, 1886. Bond filed and approved May 31, 1886.)

¶ 1. **Grant—route.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission and authority are hereby given to the Illinois Central Railroad Company to lay down, maintain and operate for passenger traffic only, a single track commencing at a point on the right of way of the said railroad company, between Sixtieth and Sixty-first streets; thence southwesterly by a curve to the center line of Sixty-first street, at a point not less than ten (10) feet east of the east line of Madison avenue; thence westerly along the center of said Sixty-first street, to a point one thousand (1,000) feet west of the west line of Cottage Grove avenue. Also a switch track connecting with the aforesaid track at a point west of the west line of Cottage Grove avenue, and extending west along said Sixty-first street, to a point twelve hundred and eighty (1,280) feet west of the west line of said Cottage Grove avenue.

¶ 2. **Conditions of grant.**] § 2. The permission and authority hereby given are upon the following express conditions: That said

company has procured the requisite and necessary consent from owners of property abutting on said Sixty-first street; that said company will save and keep harmless the said village of Hyde Park from all costs and damage in consequence of the laying and operating of said tracks; that said company will remove said tracks from said Sixty-first street, and restore the said street and the crossings thereof with other streets, to substantially as good condition as now exists, on or before the first day of November, A. D. eighteen hundred and eighty-six (1886); that said tracks in Sixty-first street, at the intersection of other streets, shall be provided with suitable and proper crossings for vehicles; that said company will, before it begins to lay said tracks, or either of them, execute, to the village of Hyde Park, a bond, with sureties to be approved by this board, in the penal sum of fifty thousand dollars ($50,000) for the faithful and complete performance of all the conditions aforesaid.

§ 337. Illinois Central Railroad company.

¶ 1. Grant—route.
¶ 2. Telegraph line—location of poles.
¶ 3. Subject to ordinances.
¶ 4. Crossings.
¶ 5. Indemnity.
¶ 6. Bond—conditions.
¶ 7. Acceptance.
¶ 8. Use limited.

An ordinance authorizing the Illinois Central Railroad company to construct a track to the Washington Driving park. (Passed and approved April 4, 1887. Accepted April 11, 1887.)

¶ 1. Grant—route.] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission be and the same is hereby granted to the Illinois Central Railroad Company to locate, construct and forever hereafter maintain and operate with steam power one or more railroad tracks upon the following route in the village of Hyde Park, namely: Beginning at a point on the Illinois Central Railroad about 200 feet south of 60th street, thence southwesterly on a curve to the east line of Madison avenue opposite lot 1 in block 1 in Keith's subdivision of the southwest quarter of the southeast quarter in section 14, township 38, range 14, east of the third principal meridian; thence after crossing said avenue, westerly on and along a strip of ground from 40 to 50 feet in width lying south of and adjoining 61st street, and across the intervening streets to the grounds of the Washington Park Club lying on the west side of Cottage Grove avenue, said tracks to be laid upon any grounds now owned or that may hereafter be acquired by said railroad company upon the route above described, and across all streets and alleys on or along said route. And authority and permission are also hereby granted to said Illinois Central Railroad Company to lay down at any and all times hereafter such turn-outs, "y's" and sidings on the line above described as said railroad company may deem necessary to enable it to reach any manu-

facturing or other establishments, and also to construct and maintain proper switching tracks in connection with said line of railroad.

¶ 2. **Telegraph line—location of poles.**] § 2. Permission is also hereby granted to the Illinois Central Railroad Company to erect and forever thereafter maintain a telegraph line, consisting of one or more lines of wires with the necessary poles upon the said line of railroad along the route above described, but upon the condition that the poles hereby authorized to be erected shall be placed in such position upon any street, highway or alley as may be directed by the board of trustees of said village, or their successors in authority.

¶ 3. **Subject to ordinances.**] § 3. The privileges and authority hereby granted to said company are granted upon the express condition that said company, its successors and assigns, shall in respect of the railroad line herein authorized to be built, promptly fulfill all obligations and duties that are now or may hereafter be lawfully imposed by ordinance.

¶ 4. **Crossings.**] § 4. The tracks laid across the intervening streets upon the route above described shall be laid in such manner as to interfere as little as practicable with the use of such streets by teams and pedestrians, and said railroad company shall at all times keep such tracks in proper condition, to allow the free passage of vehicles crossing them.

¶ 5. **Indemnity.**] § 5. The privileges and authority hereby granted to said railroad company are granted upon the express condition that said company, its successors and assigns, shall forever indemnify and save harmless the village of Hyde Park against all damages, judgments, decrees, costs and expenses of the same, which it may suffer or which may be obtained against such village by reason of the granting of said privileges and authority, or by reason of the exercise by said railroad company or by its successors of the privileges so granted.

¶ 6. **Bond—conditions.**] § 6. This ordinance shall not take effect until after such company shall enter into a bond to said village of Hyde Park in the penal sum of $25,000, conditioned for the payment of all damages for which said village may become liable to any person or persons by reason of said company constructing, laying down and operating said railroad track or tracks within said village, and conditioned also for the payment of all damages which may arise to the said village of Hyde Park on account of any judgment obtained against said village by any person or persons whomsoever, by reason of said company constructing, laying down or operating said railroad track or tracks, or the crossing of said streets or alleys within the said village of Hyde Park.

¶ 7. **Acceptance.**] § 7. Said railroad company shall notify this village within thirty days from the passage of this ordinance of the acceptance of the privileges and conditions herein provided for.

¶ 8. **Use limited.**] § 8. The rights and privileges hereby granted are upon the express condition that said railroad company shall use said tracks only for the conveyance of passengers, and such freight as may be required for the uses and purposes of the Washington Park Club.

§ 338. Illinois Central Railroad company.

¶ 1. Passenger station at Thirty-first street—conditions.
¶ 2. Acceptance—bond.

An ordinance authorizing the Illinois Central Railroad company to excavate part of Lake Park avenue at Thirty-first street for a depot. (Passed November 18, 1889.)

¶ 1. **Passenger station at Thirty-first street—conditions.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same is hereby granted to the Illinois Central Railroad Company (at its own expense) to excavate in and under the east side of Lake Park avenue for a space not exceeding eight (8) feet in width on each side of the center line of Thirty-first street, at the eastern terminus thereof, and to construct and maintain therein and thereon, for a period not exceeding ten years from the passage of this ordinance, a railroad passenger station house or passenger enclosure, with the necessary approaches and appurtenances, and to use the same for a railroad passenger station and for no other purpose, for such period of not exceeding ten years.

Said work shall be done in conformity with the plans and drawings attached hereto, marked Exhibit "A" and made part hereof; and the permission hereby granted is upon the following express terms and conditions, to be complied with upon the part of said Illinois Central Railroad Company, to-wit:

First, The remaining portions of said streets at the point named, and the pavements thereof shall, at the completion of said work, be left in good order and repair, subject to the approval of the commissioner of public works; and the water pipes, gas pipes, sewer and other underground fixtures or structures now in said streets shall not be disturbed or interfered with, except by permission and authority of, and upon the conditions and requirements to be prescribed by the commissioner of public works.

Second. If at any time hereafter the possession of the portion of said streets so to be occupied by such railroad passenger station should, in the judgment of the mayor of the city of Chicago, become necessary towards the construction or prosecution of any public work for the city of Chicago, then, after sixty days previous notice thereof, in writing, by the mayor to said company, the permission and authority by this ordinance granted may be revoked and annulled by the city council of the city of Chicago by ordinance or resolution to that effect; and thereupon said Illinois Central Railroad Company shall immediately remove from said streets all such structures of said company as

may occupy any portion of said streets; and upon said company failing so to do the city of Chicago may cause such structures to be removed at the cost and expense of said company.

Third. The said Illinois Central Railroad Company shall indemnify and save harmless the city of Chicago against and from all loss and damages of any kind which said city may suffer or for which it may become liable by reason of or growing out of the passage of this ordinance, or the privileges thereby granted, and shall execute to the city of Chicago a good and sufficient bond in the penal sum of ten thousand dollars ($10,000), to be approved by the mayor, conditioned for the faithful observance and performance on its part of all the provisions and conditions of this ordinance.

¶ 2. **Acceptance—bond.**] § 2. This ordinance shall take effect and be in force as soon as the said company shall file with the city clerk its formal acceptance of the same and its bond as hereinbefore prescribed; provided, however, if said acceptance and bond shall not be filed as aforesaid within sixty days from the passage hereof, this ordinance shall be void and of no effect.

§ 339. Illinois Central Railroad company.

¶ 1. Preamble.
¶ 2. Lake Park extended—submerged land reclaimed—boundaries.
¶ 3. Grant — reclaimed land extension — Randolph and Adams streets—use—costs.
¶ 4. Grant—reclaimed land between Eldredge court and Lake Park place.
¶ 5. Grant—submerged land between Lake Park place and Thirteenth street pier.
¶ 6. Conditions of grant:
  a. Depression of tracks—specifications.
  b. Retaining walls—fences—specifications.
  c. Viaducts—carriage and footways—specifications.
  d. Randolph street viaduct.
  e. Retaining wall along eastern dock line, etc.
  f. Material for filling Lake Front park.
  g. Land surrendered to city.
  h. Prosecution of work.
¶ 7. Depot—location—conditions—water pipes, etc.
¶ 8. Conduits and drainage pipes.
¶ 9. Buildings south of Lake Park place—use of—grant—exceptions.
¶ 10. Obligations imposed, subject to use of grant.
¶ 11. Riparian rights surrendered to city—breakwater—rights of eminent domain reserved.
¶ 12. Supervision of work.
¶ 13. Decree of September 24, 1888, to remain in force—exceptions.
¶ 14. Acceptance—contract to be extended.
¶ 15. When in force.

An ordinance amicably adjusting and establishing the rights of the Illinois Central Railroad company and the city of Chicago in and to certain property along the shore of Lake Michigan and granting and relinquishing certain rights thereto. (Passed October 21, 1895. Accepted October 28, 1895; October 30, 1895, and November 4, 1895.)

¶ 1. **Preamble.**] Whereas, It was decided and adjudged in and by

the final decree of the Circuit Court of the United States for the Northern district of Illinois, entered September 24, 1888, in the original suit of the People of the State of Illinois, upon the relation of the Attorney General of said state, complainants, against the Illinois Central Railroad Company and the city of Chicago, defendants, and the cross suit of the city of Chicago, complainant, against the Illinois Central Railroad Company and The People of the State of Illinois, defendants—which decree was afterwards, in this respect, affirmed on appeal by the Supreme Court of the United States—that (saving the rights of the Illinois Central Railroad Company defined in the said decree) the fee of all the public grounds in the city of Chicago lying east of Michigan avenue and between the north line of Randolph street extended to Lake Michigan and the north line of block twenty-three, extended to the lake, in fractional section fifteen addition to Chicago, including the grounds upon which rest the tracks and breakwater constructed by the Illinois Central Railroad Company, is in the city of Chicago in trust for public use; and that the city of Chicago, as riparian owner of said grounds on the east or lake front of said city, between the north line of Randolph street and the north line of said block twenty-three, each of said lines being produced to Lake Michigan, and in virtue of authority to that end conferred by its charter, has, among other powers, the power to establish, construct, erect and keep in repair on said lake front east of said premises, in such manner as may be consistent with law, public landing places, wharves, docks and levees, subject, however, in the execution of this power, to the authority of the state by legislation to prescribe the lines beyond which piers, docks, wharves and other structures other than those erected by the general government, may not be extended into the waters of the harbor that are navigable in fact, and to such supervision and control as the United States may rightfully exercise in and over said harbor; and

Whereas, The public interests imperatively require that the power thus vested in the city of Chicago should now be exercised, and permission has been obtained from the secretary of war, according to the form of the statute of the United States in such case made and provided, to fill in a portion of the outer harbor at Chicago, as far out as the harbor line established by the secretary of war September 22, 1890, upon the following conditions:

1. That there shall be constructed along the dock line, entirely closing the area to be filled, before any deposit whatever may be made, a substantial and tight bulkhead or retaining wall, extending not less than six feet above extreme low water in Lake Michigan, so constructed that it shall allow dredging to a depth of twenty (20) feet against it, and shall be of sufficient mass to act as a retaining wall against a back filling reaching to its top.

2. That not more than two openings, one hundred feet in width each, shall be temporarily left in this retaining wall or bulkhead for the

passage of craft transporting the material for filling or deposit, which openings shall be closed upon notification by the secretary of war.

3. That the plans of such bulkhead or retaining wall shall be submitted to and receive the approval of the secretary of war, and the structure be built in accordance with such approved designs.

4. That the work so permitted to be done shall be subject to the supervision and approval of the engineer officer of the United States army in charge of the locality; and

Whereas, It is necessary to the successful prosecution of the said work and to secure safe and convenient access and egress to and from the grounds proposed to be filled and reclaimed, lying east of the Illinois Central Railroad, that an amicable arrangement and agreement be made by and between the city of Chicago and the Illinois Central Railroad Company; and

Whereas, The common council of the city of Chicago and the Illinois Central Railroad Company entered into a contract, bearing date March 28, 1853, which was duly executed under their respective seals, by which, among other things, the city of Chicago, for valuable considerations, covenanted and agreed that said railroad company might "enter upon and use in perpetuity for its said line of road, and for works necessary to protect the same from the lake, a width of three hundred feet from the southern boundary of said public ground, near Twelfth street, to the northern line of Randolph street," only a part of which has been occupied by said company; and it is claimed by said railroad company that the city of Chicago is bound in good faith to carry out said covenant by giving the license mentioned in the decree of the court in the suit above referred to, which shall authorize said company to occupy the whole of said 300 foot strip; and

Whereas, The parties to said contract will each be better accommodated by an arrangement permitting the said railroad company to appropriate and occupy for railroad purposes certain parcels of ground at each end of the said three hundred foot strip, instead of the full width of said strip throughout the entire length thereof; and

Whereas, It is understood that the Illinois Central Railroad Company is willing, for the considerations and on the terms and conditions hereinafter set forth, to comply with the provisions of this ordinance, so far as they relate to any matters or things required of, or to be undertaken, done or performed by said company; therefore

¶ 2. **Lake Park extended—submerged land reclaimed—boundaries.**] Be it ordained by the city council of the city of Chicago: § 1. That for the purpose of providing suitable public landing places for steam vessels and other craft employed in navigation on Lake Michigan, the public grounds of the city of Chicago, known as Lake Park, lying east of Michigan avenue and between the south line of Randolph street and the north line of Lake Park place (formerly known as Park Row) shall be extended east of the tracks and grounds

of the Illinois Central Railroad Company, by enclosing and filling all that space in the shallow waters of Lake Michigan within the outer harbor, so called, included within the following boundary lines, to wit: The south line of Randolph street produced, on the north; the harbor line established by the secretary of war September 22, 1890, on the east; the south line of Lake Park place produced on the south, and the present westerly shore line of the said outer harbor, on the west.

¶ 3. **Grant—reclaimed land between Randolph and Adams streets — use — costs.**] § 2. Permission and authority are hereby granted to the said Illinois Central Railroad Company to enter upon and use in perpetuity for railroad purposes all that part of the land to be filled and reclaimed, as provided in the preceding section, which lies between its present works and grounds on the lake shore and the following described line, that is to say: A line drawn from a point on the present shore or dock line seventy (70) feet north of the north line of Adams street produced east, and six hundred (600) feet east of the west line of Michigan avenue, extending thence northeasterly, on a six degree (6°) curve to the right, about five hundred and twenty-five (525) feet, to a point seven hundred and fifty-one (751) feet east of the west line of Michigan avenue; thence, on a tangent making an angle of thirty-one degrees and thirty minutes (31° 30′) with a line parallel to the west line of Michigan avenue, nine hundred and three (903) feet, to a point twelve hundred and thirty (1230) feet east of the west line of Michigan avenue; thence on a six degree (6°) curve to the right, about five hundred and fifty (550) feet to a point in the present dock line on or near the south line of Randolph street produced, sixteen hundred and twenty (1620) feet east of the west line of Michigan avenue. Provided, however, that the said railroad company shall either pay to the city the cost of filling the said parcel of land or shall do the work of filling at its own expense.

¶ 4. **Grant—reclaimed land between Eldredge court and Lake Park place.**] § 3. Permission and authority are also hereby granted to the said Illinois Central Railroad Company to enter upon and use in perpetuity for railroad purposes all that part of the land to be filled and reclaimed as provided in the first section of this ordinance, which lies between its present works and grounds on the lake shore and the following described line, that is to say: A line drawn from a point on the present shore or dock line seventy-four (74) feet north of the north line of Eldredge court produced east and six hundred (600) feet east of the west line of Michigan avenue, extending thence southeasterly, on a four degree (4°) curve to the left, about two hundred and fifty (250) feet, to a point six hundred and twenty-two (622) feet east of the west line of Michigan avenue; thence, on a tangent to the last mentioned curve, making an angle of ten degrees (10°) with a line parallel to the west line of Michigan avenue, about seven hundred and ninety (790) feet to a point in the south line of Lake Park place, pro-

duced easterly, seven hundred and sixty-one (761) feet east of the west line of Michigan avenue; Provided, however, that the said railroad company shall either pay to the city the cost of filling the said parcel of land or shall do the work of filling at its own expense.

¶ 5. **Grant—submerged land between Lake Park place and Thirteenth street pier.**] § 4. Permission and authority are also hereby granted to the said Illinois Central Railroad Company to enter upon, fill in, appropriate and use in perpetuity for railroad purposes all that certain parcel of land now covered by the shallow waters of the lake within the said outer harbor, which lies between the present shore line and the following described line, to-wit: A straight line drawn from a point in the south line of Lake Park place, produced easterly, seven hundred and sixty-one (761) feet east of the west line of Michigan avenue, extending thence southeasterly, making an angle of forty-five degrees (45°) with a line parallel to the west line of Michigan avenue, about seven hundred and seventy (770) feet, to a point in the north line of the Illinois Central Railroad Company's Thirteenth street pier, thirteen hundred and twenty (1320) feet east of the west line of Michigan avenue; Provided, however, that the work of filling the said parcel of land shall be done by the said railroad company at its own expense.

¶ 6. **Conditions of grant.**] § 5. The permission, rights and authority herein granted to the said Illinois Central Railroad Company, are upon the express conditions following, that is to say:

a. **Depression of tracks—specifications.**] 1. The said railroad company shall, at its own expense, cause that section of its roadbed lying between the following described east and west lines, namely, a line two hundred (200) feet north of the north line of Peck court projected east and parallel thereto, and the north line of Monroe street projected east, to be depressed in such manner that the base of the rails of the west and east tracks laid thereon shall not exceed in elevation six (6) feet above Chicago city datum; and the space between these two tracks shall be crowned sufficiently to afford proper drainage, but the base of the rails of the intermediate tracks there laid shall not exceed in elevation seven (7) feet above Chicago city datum. North and south of the two lines above described, the roadbed shall be so depressed and adjusted that the tracks laid thereon may be connected by suitable gradients with the tracks laid or to be laid north of the south line of Randolph street projected east, and south of the north line of Lake Park place projected east.

b. **Retaining walls—fences—specifications.**] 2. The said railroad company shall, at its own expense, cause two retaining walls to be constructed of mason work, one on the west side, and the other on the east side, of its roadway and grounds between Randolph street and Lake Park place, with suitable parapet walls or fences thereon, as may be approved or directed by the commissioner of public works

of said city, to guard the public from danger—the walls to be so placed that the east face of the retaining wall on the west side of the said railroad company's right of way shall be on a straight line extending northerly from a point in the north line of Lake Park place, four hundred (400) feet east of the west line of Michigan avenue, parallel to said avenue, to a point two hundred feet south of the south line of Randolph street extended, thence northwesterly in a straight line to a point in the north line of Randolph street one hundred (100) feet west of the line first above described extended northerly to the north line of Randolph street extended; and the west face of the east retaining wall shall be on the following described line: Commencing at a point in the south line of Lake Park place projected east, seven hundred and sixty-one (761) feet east of the west line of Michigan avenue, extending thence northwesterly in a straight line seven hundred and ninety (790) feet to a point six hundred and twenty-two (622) feet east of the west line of Michigan avenue; thence on a four degree (4°) curve to the right, to a point seventy-four (74) feet north of the north line of Eldredge court produced east and six hundred (600) feet east of the west line of Michigan avenue; thence on a straight line six hundred (600) feet east of the west line of Michigan avenue and parallel thereto, to a point seventy (70) feet north of the north line of Adams street produced east; thence on a six degree (6°) curve to the right, about five hundred and twenty-five (525) feet, to a point seven hundred and fifty-one (751) feet east of the west line of Michigan avenue; thence on a tangent, making an angle of thirty-one degrees and thirty minutes (31° 30′) with a line parallel to Michigan avenue, nine hundred and three (903) feet, to a point twelve hundred and thirty (1230) feet east of the west line of Michigan avenue; thence on a six degree (6°) curve to the right to its intersection with the north line of Randolph street extended. The said walls shall be raised to an elevation of twenty-two feet above Chicago city datum, and shall be of sufficient strength and solidity to serve permanently the purpose for which they are to be erected.

c. Viaducts—carriages and footways—specifications.] 3. The said railroad company shall at its own expense cause viaducts to be constructed across its tracks and right of way in line with the projection eastward of not more than four streets between Randolph street and Lake Park place, to be designated by the city:—each of said viaducts to have a carriage-way and two foot-ways. It shall also, whenever directed so to do by the commissioner of public works of said city, cause a foot-way to be constructed at its own expense across its tracks and right of way, in the line of any other street or streets between Randolph street and Lake Park place. The superstructure of each of said viaducts and foot-ways shall be of metal and the lowest point of such superstructure shall not be less than sixteen (16) feet in the clear above the railroad tracks.

d. Randolph street viaduct.] 4. The said railroad com-

pany shall also, at its own expense, cause the Randolph street viaduct to be altered and extended so as to furnish access to the new made public ground east of the railroad and also to the grounds of the railroad company north of Randolph street, the said viaduct as so altered and extended to be maintained by the said railroad company at its own cost and expense.

e. Retaining wall along eastern dock line, etc.] 5. The said railroad company shall also at its own expense cause a substantial and tight bulkhead or retaining wall to be constructed of timber, earth and loose stone, along the eastern dock line, and also along the southerly line, of the area to be enclosed and filled, as provided in the first section of this ordinance, conformably to the requirements of the engineer officer of the United States army having supervision of the work.

f. Material for filling Lake Front park.] 6. The said railroad company shall furnish and deliver on the ground, material to the extent of two hundred thousand (200,000) cubic yards, if so much shall be needed for the purpose, to fill in the Lake Front park lying between said company's right of way and Michigan avenue, to the height of twenty-two feet above Chicago city datum, along the west side of the wall to be erected by said company on the westerly side of said right of way between Randolph street and Lake Park place, and immediately adjacent thereto, and to raise the ground in the rest of said park, or so much thereof as shall be deemed necessary, so that the surface shall have a regular slope westward from the elevation on the westerly side of said wall down to the grade of Michigan avenue. To facilitate the delivery of such material, the said company shall have the right to lay temporary railroad tracks in said park, which shall be removed as soon as the delivery is completed.

g. Land surrendered to city.] 7. The said railroad company shall relinquish and surrender to the city the two filled projections into the lake beyond the east line of its right of way at the foot of Peck court and Harrison street, containing altogether about thirty-four-one-hundredths (34-100) of an acre; and also any land there may be east or outside of that part of its right of way, two hundred feet in width, which lies south of a line drawn across the said right of way seventy feet north of the north line of Adams street produced easterly and parallel thereto, and north of a line drawn across the said right of way seventy-four (74) feet north of the north line of Eldredge court produced easterly and parallel thereto.

h. Prosecution of work.] 8. The work herein required to be done by the said railroad company shall be done in such manner as not to unnecessarily obstruct the operation of the railroad, and shall be commenced as soon as practicable, and shall be thenceforth prosecuted with all due diligence to completion.

¶ **7. Depot—location—conditions—water pipes, etc.**] § 6. Permission and authority are hereby granted to the said Illinois Cen-

tral Railroad Company, in case of its acceptance of the provisions of this ordinance, to construct, maintain and use, in perpetuity, a railway passenger station house on the public ground adjacent to and west of its right of way, at the foot of Van Buren street projected easterly, three hundred (300) feet in length—that is to say, extending from north to south one hundred and fifty (150) feet on each side of the center line of Van Buren street projected easterly—and fifty (50) feet in width. That portion of the said building situated within the north and south lines of Van Buren street projected easterly, shall not be raised so high as to interfere with the construction of a viaduct across the said right of way at that place, and the roofs of the wings shall be so constructed as to admit of their being covered with earth, and when so covered, shall not exceed in elevation twenty-two (22) feet above Chicago city datum. Suitable and convenient entrances to the said station house and exits therefrom may be constructed within the space herein allowed to be occupied by it, and necessary provision may be made in the roof of the building to secure light and ventilation. Pipes connecting with the water main on Michigan avenue may also be laid to furnish water for the use in the station house, and also pipes connecting with the gas mains for heating and lighting the same. Proper connections may also be made with the works or lines of any company furnishing heat, light or power required for use in lighting, heating or ventilating the said building.

¶ 8. **Conduits and drainage pipes.**] § 7. The said railroad company shall have the right to lay and maintain permanently, necessary conduits and drainage pipes to secure proper and adequate drainage of its right of way between Randolph street and Lake Park place, with the privilege of discharging into the lake or the most convenient city sewers.

¶ 9. **Buildings south of Lake Park place—use of—grant—exceptions.**] § 8. The structures heretofore erected by the Illinois Central Railroad Company south of the north line of Lake Park place projected easterly and in front of its passenger station house, may be permanently maintained by said company; and in case of the acceptance of this ordinance, the said railroad company shall have the right to use, in perpetuity, its grounds and right of way between the north line of Randolph street and the southern boundary of the Lake Park, and the railroad tracks laid or to be laid thereon for all legitimate railroad purposes, free from all restrictions, except that no building or other structure shall be erected upon that portion of its right of way exceeding in height the top of the wall maintained along the west side thereof, or, when erected at street crossings, the floor of the viaduct or footway there constructed, except by consent of the municipal authorities. But nothing in this section contained shall be held to limit or impair the lawful authority vested in the city council to pass and enforce all proper and reasonable police regulations.

¶ 10. **Obligations imposed, subject to use of grant.**] § 9 That the performance of all and singular the conditions and obligations imposed on the said railroad company by the provisions of this ordinance, shall be conditional and dependent upon its being permitted to have, exercise and enjoy all the rights and privileges hereinbefore conferred, and upon its acquiring possession and the unobstructed right to occupy, reclaim and use the grounds hereinbefore authorized to be occupied and used by it, in accordance with the terms and manifest intent of the provisions of this ordinance.

¶ 11. **Riparian rights surrendered to city—breakwater—rights of eminent domain reserved.**] § 10. The said railroad company shall relinquish and surrender to the city any riparian or littoral rights it may have incident or appurtenant to the land owned or occupied by it on the shore of the lake between the north line of Lake Park place projected and the north line of Twelfth street projected, upon the condition, however, that the area covered by water lying east or outside of the parcel of land which said railroad company is authorized to fill in and reclaim for its own use by the fourth section of this ordinance, and between the south line of Lake Park place projected east, and the said railroad company's Thirteenth street pier, shall never be filled in, or access thereto from the waters of the lake obstructed, without the consent of said railroad company, excepting only that the said railroad company shall, if the requisite permission therefor shall be obtained from the secretary of war, construct, at its own expense, a substantial bulkhead or breakwater about fifty feet wide, from the northeast angle of said Thirteenth street pier, in a northerly direction, on the same line as the eastern edge of that pier, for the distance of two hundred and fifty (250) feet, provided, however, that nothing herein contained shall be held to affect the rights of the city of Chicago to exercise its rights of eminent domain—the pier so constructed to be maintained by the said railroad company and reserved for its own exclusive use; and also a like substantial bulkhead or breakwater of the same width, from the southeast angle of the ground to be enclosed and filled, as provided in the first section of this ordinance, in a southerly direction, to a point one hundred (100) feet south of the south line of Lake Park place projected—the said last mentioned pier to be maintained by the city of Chicago and held for public use.

¶ 12. **Supervision of work.**] § 11. All public work herein required to be done by the said railroad company shall be done under the supervision and to the satisfaction of the commissioner of public works of the city of Chicago.

¶ 13. **Decree of September 24, 1888, to remain in force—exceptions.**] § 12. Nothing herein contained shall be held to modify or in any way affect the final decree rendered in the suit between the people of the state of Illinois and the Illinois Central Railroad Company and the city of Chicago, hereinbefore referred to, except to the

extent and in respect of the particular matters and things hereinbefore provided for.

¶ 14. Acceptance—contract to be executed.] § 13. Upon the acceptance of this ordinance by the said railroad company (which shall be within thirty days after the passage thereof), a contract embodying the provisions herein contained, and binding the parties to the faithful observance and performance thereof, shall be executed, sealed and delivered by the proper officers of the city and the railroad company, which shall be of perpetual obligation.

¶ 15. When in force.] § 14. This ordinance shall take effect and be in force from and after its passage.

Note.—See the following contract.

§ 339a. Illinois Central Railroad company.

¶ 1. Preamble.
¶ 2. Copy of ordinance of October 21, 1895.
¶ 3. Preamble continued.
¶ 4. Agreement binding parties to terms of foregoing ordinance.

An agreement between the Illinois Central Railroad company and the city of Chicago relative to the foregoing ordinance. (Dated November 20, 1895. Presented to the city council by the mayor and ordered published and placed on file December 2, 1895.)

¶ 1. Preamble.] Agreement made this twentieth day of November, in the year of our Lord one thousand eight hundred and ninety-five, between the city of Chicago and the Illinois Central Railroad Company:

Whereas, An ordinance was duly passed by the city council of the city of Chicago, in the state of Illinois, on the twenty-first day of October, A. D. 1895, and approved by the mayor of said city on the twenty-third day of October, A. D. 1895, in the words and figures hereinafter set forth; and

Whereas, At a meeting of the board of directors of the said Illinois Central Railroad Company, held on the twenty-eighth day of October, A. D. 1895, the following proceedings were had, that is to say:

"The president submitted an attested copy of an ordinance passed by the city council of Chicago, October 21st, 1895, and approved by the mayor of said city October 23rd, 1895, duly certified by the city clerk under the corporate seal of said city,—the said ordinance being as follows:

¶ 2. Copy of ordinance of October 21, 1895.] Whereas, It was decided and adjudged in and by the final decree of the circuit court of the United States for the northern district of Illinois, entered September 24th, 1888, in the original suit of the people of the state of Illinois, upon the relation of the attorney general of said state, complainants, against the Illinois Central Railroad Company and the city of Chicago, defendants, and the cross suit of the city of Chicago, complainant, against the Illinois Central Railroad Company and the people

of the state of Illinois, defendants,—which decree was afterwards, in this respect, affirmed on appeal by the supreme court of the United States,—that (saving the rights of the Illinois Central Railroad Company defined in the said decree) the fee of all the public grounds in the city of Chicago lying east of Michigan avenue and between the north line of Randolph street, extended to Lake Michigan, and the north line of block twenty-three extended to the lake, in fractional section fifteen addition to Chicago, including the grounds upon which rest the tracks and breakwater constructed by the Illinois Central Railroad Company, is in the city of Chicago in trust for public use; and that the city of Chicago, as riparian owner of said grounds on the east or lake front of said city, between the north line of Randolph street and the north line of said block twenty-three, each of said lines being produced to Lake Michigan, and in virtue of authority to that end conferred by its charter, has, among other powers, the power to establish, construct, erect and keep in repair on said lake front, east of said premises, in such manner as may be consistent with law, public landing places, wharves, docks and levees, subject, however, in the execution of this power, to the authority of the state by legislation to prescribe the lines beyond which piers, docks, wharves and other structures other than those erected by the general government, may not be extended into the waters of the harbor that are navigable in fact, and to such supervision and control as the United States may rightfully exercise in and over said harbor; and

"Whereas, The public interests imperatively require that the power thus vested in the city of Chicago should now be exercised, and permission has been obtained from the secretary of war, according to the form of the statute of the United States in such case made and provided, to fill in a portion of the outer harbor at Chicago, as far out as the harbor line established by the secretary of war, September 22nd, 1890, upon the following conditions:

"1. That there shall be constructed along the dock line, entirely closing the area to be filled, before any deposit whatever may be made, a substantial and tight bulkhead or retaining wall, extending not less than six feet above extreme low water in Lake Michigan, so constructed that it shall allow dredging to a depth of twenty (20) feet against it, and shall be of sufficient mass to act as a retaining wall against a back filling reaching to its top.

"2. That not more than two openings, one hundred feet in width each, shall be temporarily left in this retaining wall or bulkhead for the passage of craft transporting the material for filling or deposit, which openings shall be closed upon notification by the secretary of war.

"3. That the plans of such bulkhead or retaining wall shall be submitted to and receive the approval of the secretary of war, and the structure be built in accordance with such approved designs.

"4. That the work so permitted to be done shall be subject to the

supervision and approval of the engineer officer of the United States army in charge of the locality; and

"Whereas, It is necessary to the successful prosecution of the said work and to secure safe and convenient access and egress to and from the grounds proposed to be filled and reclaimed, lying east of the Illinois Central railroad, that an amicable arrangement and agreement be made by and between the city of Chicago, and the Illinois Central Railroad Company; and

"Whereas, The common council of the city of Chicago, and the Illinois Central Railroad Company, entered into a contract, bearing date March 28th, 1853, which was duly executed under their respective seals, by which, among other things, the city of Chicago, for valuable considerations, covenanted and agreed that said railroad company might 'enter upon and use in perpetuity for its said line of road, and for works necessary to protect the same from the lake, a width of 300 feet from the southern boundary of said public ground, near Twelfth street, to the northern line of Randolph street,' only a part of which has been occupied by said company; and it is claimed by said railroad company that the city of Chicago is bound in good faith to carry out said covenant, by giving the license mentioned in the decree of the court, in the suit above referred to, which shall authorize said company to occupy the whole of said 300 foot strip; and

"Whereas, The parties to said contract will each be better accommodated by an arrangement permitting the said railroad company to appropriate and occupy for railroad purposes certain parcels of ground at each end of the said three hundred foot strip, instead of the full width of said strip throughout the entire length thereof; and

"Whereas, It is understood that the Illinois Central Railroad Company is willing, for the considerations and on the terms and conditions hereinafter set forth, to comply with the provisions of this ordinance, so far as they relate to any matters or things required of, or to be undertaken, done or performed by said company; therefore,

§ 1. Be it ordained by the city council of the city of Chicago: That for the purpose of providing suitable public landing places for steam vessels and other craft employed in navigation on Lake Michigan, the public grounds of the city of Chicago, known as lake park, lying east of Michigan avenue and between the south line of Randolph street and the north line of Lake Park place (formerly known as Park Row), shall be extended east of the tracks and grounds of the Illinois Central Railroad Company, by enclosing and filling all that space in the shallow waters of Lake Michigan within the outer harbor, so called, included within the following boundary lines, to-wit: The south line of Randolph street produced, on the north; the harbor line established by the secretary of war, September 22nd, 1890, on the east; the south line of Lake Park place produced on the south; and the present westerly shore line of the said outer harbor on the west.

"§ 2. Permission and authority are hereby granted to the said

Illinois Central Railroad Company to enter upon and use in perpetuity for railroad purposes all that part of the land to be filled and reclaimed, as provided in the preceding section, which lies between its present works and grounds on the lake shore and the following described line, that is to say: A line drawn from a point on the present shore or dock line seventy (70) feet north of the north line of Adams street produced east, and six hundred (600) feet east of the west line of Michigan avenue, extending thence northeasterly on a six degree (6°) curve to the right, about five hundred and twenty-five (525) feet, to a point seven hundred and fifty-one (751) feet east of the west line of Michigan avenue; thence on a tangent making an angle of thirty-one degrees and thirty minutes (31° 30′) with a line parallel to the west line of Michigan avenue, nine hundred and three (903) feet, to a point twelve hundred and thirty (1230) feet east of the west line of Michigan avenue; thence on a six degree (6°) curve to the right, about five hundred and fifty (550) feet, to a point in the present dock line on or near the south line of Randolph street produced, sixteen hundred and twenty (1620) feet east of the west line of Michigan avenue; Provided, however, that the said railroad company shall either pay to the city the cost of filling the said parcel of land or shall do the work of filling at its own expense.

"§ 3. Permission and authority are also hereby granted to the said Illinois Central Railroad Company to enter upon and use in perpetuity for railroad purposes all that part of the land to be filled and reclaimed as provided in the first section of this ordinance, which lies between its present works and grounds on the lake shore and the following described line, that is to say: A line drawn from a point on the present shore or dock line seventy-four (74) feet north of the north line of Eldredge court produced east and six hundred (600) feet east of the west line of Michigan avenue, extending thence southeasterly, on a four degree (4°) curve to the left, about two hundred and fifty (250) feet, to a point six hundred and twenty-two (622) feet east of the west line of Michigan avenue; thence on a tangent to the last mentioned curve making an angle of ten degrees (10°) with a line parallel to the west line of Michigan avenue, about seven hundred and ninety (790) feet to a point in the south line of Lake Park place, produced easterly, seven hundred and sixty-one (761) feet east of the west line of Michigan avenue; Provided, however, that the said railroad company shall either pay to the city the cost of filling the said parcel of land, or shall do the work of filling at its own expense.

"§ 4. Permission and authority are also hereby granted to the said Illinois Central Railroad Company to enter upon, fill in, appropriate and use in perpetuity for railroad purposes all that certain parcel of land now covered by the shallow waters of the lake within the said outer harbor, which lies between the present shore line and the following described line, to-wit: A straight line drawn from a point in the south line of Lake Park place, produced easterly, seven hundred and sixty-one (761) feet east of the west line of Michigan avenue, ex-

tending thence southeasterly, making an angle of forty-five degrees (45°) with a line parallel to the west line of Michigan avenue, about seven hundred and seventy (770) feet, to a point in the north line of the Illinois Central Railroad Company's Thirteenth street pier, thirteen hundred and twenty (1320) feet east of the west line of Michigan avenue; Provided, however, that the work of filling the said parcel of land shall be done by the said railroad company at its own expense.

"§ 5. The permission, rights and authority herein granted to the said Illinois Central Railroad Company, are upon the express conditions following, that is to say:

"1. The said railroad company shall, at its own expense, cause that section of its roadbed, lying between the following described east and west lines, namely, a line two hundred (200) feet north of the north line of Peck court projected, east and parallel thereto, and the north line of Monroe street projected east, to be depressed in such manner that the base of the rails of the west and east tracks laid thereon shall not exceed in elevation six (6) feet above Chicago city datum; and the space between those two tracks shall be crowned sufficiently to afford proper drainage, but the base of the rails of the intermediate tracks there laid shall not exceed in elevation seven (7) feet above Chicago city datum. North and south of the two lines above described, the roadbed shall be so depressed and adjusted that the tracks laid thereon may be connected by suitable gradients with the tracks laid or to be laid north of the south line of Randolph street projected east, and south of the north line of Lake Park place projected east.

"2. The said railroad company shall, at its own expense, cause two retaining walls to be constructed of mason work, one on the west side, and the other on the east side, of its roadway and grounds between Randolph street and Lake Park place, with suitable parapet walls or fences thereon, as may be approved or directed by the commissioner of public works of said city, to guard the public from danger,—the walls to be so placed that the east face of the retaining wall on the west side of the said railroad company's right of way, shall be on a straight line extending northerly from a point in the north line of Lake Park place four hundred (400) feet east of the west line of Michigan avenue, parallel to said avenue, to a point two hundred feet south of the south line of Randolph street extended; thence northwesterly, in a straight line, to a point in the north line of Randolph street one hundred (100) feet west of the line first above described extended northerly to the north line of Randolph street extended; and the west face of the east retaining wall shall be on the following described line: Commencing at a point in the south line of Lake Park place projected east seven hundred and sixty-one (761) feet east of the west line of Michigan avenue, extending thence northwesterly, in a straight line, seven hundred and ninety (790) feet, to a point six hundred and twenty-two (622) feet east of the west line of Michigan avenue; thence, on a four degree (4°) curve to the right, to a point seventy-four (74) feet north of the north line of

Eldredge court produced east and six hundred (600) feet east of the west line of Michigan avenue; thence, on a straight line six hundred (600) feet east of the west line of Michigan avenue and parallel thereto, to a point seventy (70) feet north of the north line of Adams street produced east; thence, on a six degree (6°) curve to the right, about five hundred and twenty-five (525) feet, to a point seven hundred and fifty-one (751) feet east of the west line of Michigan avenue; thence, on a tangent making an angle of thirty-one degrees and thirty minutes (31° 30′) with a line parallel to Michigan avenue, nine hundred and three (903) feet, to a point twelve hundred and thirty (1230) feet east of the west line of Michigan avenue; thence on a six degree (6°) curve to the right, to its intersection with the north line of Randolph street extended. The said walls shall be raised to an elevation of twenty-two feet above Chicago city datum, and shall be of sufficient strength and solidity to serve permanently the purpose for which they are to be erected.

"3. The said railroad company shall, at its own expense, cause viaducts to be constructed across its tracks and right of way, in line with the projection eastward of not more than four streets, between Randolph street and Lake Park place, to be designated by the city—each of said viaducts to have a carriage-way and two foot-ways. It shall also, whenever directed so to do by the commissioner of public works of said city, cause a foot-way to be constructed at its own expense across its tracks and right of way, in the line of any other street or streets between Randolph street and Lake Park place. The superstructure of each of said viaducts and foot-ways shall be of metal, and the lowest point of such superstructure shall not be less than sixteen (16) feet in the clear above the railroad tracks.

"4. The said railroad company shall also, at its own expense, cause the Randolph street viaduct to be altered and extended so as to furnish access to the new made public ground east of the railroad, and also to the grounds of the railroad company north of Randolph street, the said viaduct as so altered and extended to be maintained by the said railroad company at its own cost and expense.

"5. The said railroad company shall also, at its own expense, cause a substantial and tight bulkhead or retaining wall to be constructed of timber, earth and loose stone, along the eastern dock line, and also along the southerly line, of the area to be enclosed and filled, as provided in the first section of this ordinance, conformably to the requirements of the engineer officer of the United States army having supervision of the work.

"6. The said railroad company shall furnish and deliver on the ground, material to the extent of two hundred thousand (200,000) cubic yards, if so much shall be needed for the purpose, to fill in the lake front park lying between said company's right of way and Michigan avenue, to the height of twenty-two feet above Chicago city datum along the west side of the wall to be erected by said company on the

westerly side of said right of way between Randolph street and Lake Park place and immediately adjacent thereto, and to raise the ground in the rest of said park, or so much thereof as shall be deemed necessary, so that the surface shall have a regular slope westward from the elevation on the westerly side of said wall down to the grade of Michigan avenue. To facilitate the delivery of such material, the said company shall have the right to lay temporary railroad tracks in said park, which shall be removed as soon as the delivery is completed.

"7. The said railroad company shall relinquish and surrender to the city the two filled projections into the lake beyond the east line of its right of way at the foot of Peck court and Harrison street, containing altogether about thirty-four one-hundredths (34-100) of an acre; and also any land there may be east or outside of that part of its right of way, two hundred feet in width, which lies south of a line drawn across the said right of way seventy feet north of the north line of Adams street, produced easterly and parallel thereto, and north of a line drawn across the said right of way seventy-four (74) feet north of the north line of Eldredge court, produced easterly and parallel thereto.

"8. The work herein required to be done by the said railroad company shall be done in such manner as not to unnecessarily obstruct the operation of the railroad, and shall be commenced as soon as practicable, and shall be thenceforth prosecuted with all due diligence to completion.

"§ 6. Permission and authority are hereby granted to the said Illinois Central Railroad Company, in case of its acceptance of the provisions of this ordinance, to construct, maintain and use, in perpetuity, a railway passenger station house on the public ground adjacent to and west of its right of way, at the foot of Van Buren street projected easterly, three hundred (300) feet in length—that is to say, extending from north to south one hundred and fifty (150) feet on each side of the center line of Van Buren street projected easterly—and fifty (50) feet in width. That portion of the said building situated within the north and south lines of Van Buren street projected easterly, shall not be raised so high as to interfere with the construction of a viaduct across the said right of way at that place, and the roofs of the wings shall be so constructed as to admit of their being covered with earth, and when so covered, shall not exceed in elevation twenty-two (22) feet above Chicago city datum. Suitable and convenient entrances to the said station house and exits therefrom may be constructed within the space herein allowed to be occupied by it, and necessary provision may be made in the roof of the building to secure light and ventilation. Pipes connecting with the water main on Michigan avenue may also be laid to furnish water for use in the station house, and also pipes connecting with the gas mains for heating and lighting the same. Proper connections may also be made with the works or lines of any company furnishing heat, light or power required for use in lighting, heating or ventilating the said building.

"§ 7. The said railroad company shall have the right to lay and maintain permanently, necessary conduits and drainage pipes to secure proper and adequate drainage of its right of way between Randolph street and Lake Park place, with the privilege of discharging into the lake or the most convenient city sewers.

"§ 8. The structures heretofore erected by the Illinois Central Railroad Company south of the north line of Lake Park place projected easterly and in front of its passenger station house, may be permanently maintained by said company; and in case of the acceptance of this ordinance, the said railroad company shall have the right to use in perpetuity its grounds and right of way between the north line of Randolph street and the southern boundary of the lake park, and the railroad tracks laid or to be laid thereon, for all legitimate railroad purposes, free from all restrictions, except that no building or other structure shall be erected upon that portion of its right of way exceeding in height the top of the wall maintained along the west side thereof, or, when erected at street crossings, the floor of the viaduct or footway there constructed, except by consent of the municipal authorities. But nothing in this section contained shall be held to limit or impair the lawful authority vested in the city council to pass and enforce all proper and reasonable police regulations.

"§ 9. That the performance of all and singular the conditions and obligations imposed on the said railroad company by the provisions of this ordinance, shall be conditional and dependent upon its being permitted to have, exercise and enjoy all the rights and privileges hereinbefore conferred, and upon its acquiring possession and the unobstructed right to occupy, reclaim and use the grounds hereinbefore authorized to be occupied and used by it, in accordance with the terms and manifest intent of the provisions of this ordinance.

"§ 10. The said railroad company shall relinquish and surrender to the city any riparian or littoral rights it may have incident or appurtenant to the land owned or occupied by it on the shore of the lake between the north line of Lake Park place projected and the north line of Twelfth street projected, upon the condition, however, that the area covered by water lying east or outside of the parcel of land which the said railroad company is authorized to fill in and reclaim for its own use by the fourth section of this ordinance, and between the south line of Lake Park place projected east, and the said railroad company's Thirteenth street pier, shall never be filled in, or access thereto from the waters of the lake obstructed, without the consent of said railroad company, excepting only that the said railroad company shall, if the requisite permission therefor shall be obtained from the secretary of war, construct at its own expense a substantial bulkhead or breakwater about fifty feet wide, from the northeast angle of said Thirteenth street pier, in a northerly direction, on the same line as the eastern edge of that pier, for the distance of two hundred and fifty (250) feet; provided, however, that nothing herein contained shall be held to affect

the rights of the city of Chicago to exercise its rights of eminent domain,—the pier so constructed to be maintained by the said railroad company and reserved for its own exclusive use; and also a like substantial bulkhead or breakwater of the same width, from the southeast angle of the ground to be enclosed and filled, as provided in the first section of this ordinance, in a southerly direction, to a point one hundred (100) feet south of the south line of Lake Park place projected,—the said last mentioned pier to be maintained by the city of Chicago and held for public use.

"§ 11. All public work herein required to be done by the said railroad company shall be done under the supervision and to the satisfaction of the commissioner of public works of the city of Chicago.

"§ 12. Nothing herein contained shall be held to modify or in any way affect the final decree rendered in the suit between the people of the state of Illinois and the Illinois Central Railroad Company and the city of Chicago, hereinbefore referred to, except to the extent and in respect of the particular matters and things hereinbefore provided for.

"§ 13. Upon the acceptance of this ordinance by the said railroad company (which shall be within thirty days after the passage thereof), a contract embodying the provisions herein contained, and binding the parties to the faithful observance and performance thereof, shall be executed, sealed and delivered by the proper officers of the city and the railroad company, which shall be of perpetual obligation.

"§ 14. This ordinance shall take effect and be in force from and after its passage.

STATE OF ILLINOIS, }
COUNTY OF COOK. } ss.

I, Jas. R. B. Van Cleave, city clerk of the city of Chicago, do hereby certify that the above and foregoing is a true and correct copy of an ordinance, concerning lake front question with the Illinois Central Railroad Company, passed by the city council of the city of Chicago on the 21st day of October, A. D. 1895, and approved by his honor, the mayor, on the 23rd day of October, A. D. 1895, original of which ordinance is on file in this office, and that I am the lawful custodian of the same.

Witness my hand and the corporate seal of said city of Chicago, this 24th day of October, A. D. 1895."

"(Signed) JAS. R. B. VAN CLEAVE, City Clerk."
(Seal.)

"Whereupon, the said ordinance having been read and considered, it was, on motion duly made and seconded,

"Resolved, That the Illinois Central Railroad Company do hereby accept the said ordinance; and that the president and secretary of said company be, and they are hereby, empowered and directed to execute

in its behalf, under its corporate seal, a contract to be drawn in conformity to the requirements of the 13th section of the said ordinance, embodying the provisions contained in said ordinance, and binding the parties to the faithful observance and performance thereof, which shall be of perpetual obligation.

"On motion the secretary was directed to transmit to the mayor of the city of Chicago a certified copy of the proceedings of the board in relation to the acceptance of the foregoing ordinance, and to the city clerk of said city, a like certified copy of the said proceedings to be filed for record in his office."

¶ 3. **Preamble, continued.**] And whereas, A certified copy of the proceedings of the board of directors of the said Illinois Central Railroad Company, above recited, duly attested by the secretary of said company under the corporate seal thereof, was on the fourth day of November, A. D. 1895, filed for record in the office of the city clerk of the said city of Chicago, and a like certified copy of the said proceedings was on the same day delivered to the mayor of said city:

Now, this agreement, made pursuant to the provisions of the thirteenth section of the said ordinance.

¶ 4. **Agreement binding parties to terms of foregoing ordinance.**] Witnesseth, That the said city of Chicago and the said Illinois Central Railroad Company do hereby mutually and severally covenant and agree that the provisions contained in said ordinance, as hereinbefore recited and set forth, shall be of binding and perpetual obligation between said contracting parties, each of them covenanting and agreeing with the other to stand to, abide by, make good, and faithfully observe and perform all and singular the concessions, grants, stipulations, conditions and undertakings therein contained, according to the true intent, meaning and interpretation thereof.

"In witness whereof, the said city of Chicago has caused these presents to be subscribed by its mayor, and its corporate seal, attested by its city clerk, to be hereto affixed; and the said Illinois Central Railroad Company has caused these presents to be subscribed by its president and its corporate seal, attested by its secretary, to be hereto affixed, the day and year first above written.

CITY OF CHICAGO,
By Geo. B. Swift, Mayor.

Attest: Jas. R. B. Van Cleave, City Clerk.

(Seal.) ILLINOIS CENTRAL RAILROAD CO.,
By Stuyvesant Fish, President.

Attest: Alexander G. Hackstaff, Secretary.

(Seal.)

The above contract appears to be correct, both in form and substance.

Wm. G. Beale, Corporation Counsel.

(Executed in duplicate.)

STATE OF ILLINOIS, }
COUNTY OF COOK. } ss.

I, George A. Dupuy, a notary public in and for the said county of Cook, do hereby certify that George B. Swift, who is personally well known to me to be the mayor of the city of Chicago and the identical person whose name is subscribed to the foregoing instrument as mayor of said city, and James R. B. Van Cleave, who is personally well known to me to be the city clerk of the said city of Chicago and the identical person whose name is subscribed to the foregoing instrument as city clerk of said city, severally appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as the free and voluntary act of the said city of Chicago for the uses and purposes therein set forth, and that they severally executed the same freely and voluntarily as mayor and city clerk of said city.

Given under my hand and notarial seal this 30th day of November, A. D. 1895.

GEORGE A. DUPUY,
Notary Public.

(Seal.)

STATE OF ILLINOIS, }
COUNTY OF COOK. } ss.

I, John Dunn, a notary public in and for the said county of Cook, do hereby certify that Stuyvesant Fish, who is personally well known to me to be the president of the Illinois Central Railroad Company and the identical person whose name is subscribed to the foregoing instrument as president of the said company, and Alexander G. Hackstaff, who is personally well known to me to be the secretary of the said Illinois Central Railroad Company and the identical person whose name is subscribed to the foregoing instrument as secretary of the said company, severally appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as the free and voluntary act of the said Illinois Central Railroad Company for the uses and purposes therein set forth, and that they severally executed the same freely and voluntarily as president and secretary of said company.

Given under my hand and notarial seal this 25th day of November, A. D. 1895.

JOHN DUNN,
Notary Public.

(Seal.)

SOUTH CHICAGO RAILROAD COMPANY.

§ 340. South Chicago Railroad company.

¶ 1. Grant—route—conditions.
¶ 2. Telegraph—location of poles.
¶ 3. Subject to ordinances.
¶ 4. Use of streets, etc.—obstructions.
¶ 5. Indemnity.
¶ 6. Bond—conditions.
¶ 7. Train service—rates of fare.
¶ 8. Depots—time for completion.
¶ 9. Acceptance.

An ordinance granting right of way to the South Chicago Railroad company. (Passed and approved April 3, 1882. Accepted April 10, 1882.)

¶ 1. Grant—route—conditions.] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission be and the same is hereby granted to the South Chicago Railroad Company to locate, construct and forever hereafter maintain, [and] operate with steam power a line of railroad with one or more tracks upon the following route, in the village of Hyde Park, namely: Beginning at a point on the Illinois Central Railroad, near Seventieth street; thence southeasterly, on a curve to Seventy-first street, and thence east on the center 30 feet of Seventy-first street to Railroad avenue; thence on Railroad avenue, and along that part of said avenue lying within 15 feet on each side of the center line thereof, to the north line of section 31; thence south and southeasterly through sections 31 and 32 to a point on or near the intersection of the south line of section 32, with the street in South Chicago platted as The Strand; thence to the shore of Lake Michigan. Also from a point on the line first above described, south of the south line of section 30, to and across the Baltimore and Ohio Railroad, in the southeast quarter of section 31; thence southerly and along the west line of the Baltimore and Ohio Railroad to the Calumet river. Also from a point on the first described line, near the east line of section 24, northerly on a curve to a point near the west line of Yates avenue; thence north on land west of Yates avenue to the Hyde Park water works. Said tracks to be laid upon any ground now owned, or that may hereafter be acquired, by said railroad company upon the line of said route, and upon and across all streets and alleys on or alongside said route. And authority and permission are also hereby granted to said South Chicago Railroad Company, to lay down at any and all times hereafter such turn-outs, "Y's" and sidings on the line above set forth, as said railroad company may deem necessary to enable it to reach any railroad station or depot grounds, elevators, coal and timber yards, manufacturing or other establishments; and also to construct and maintain proper switching tracks in connection with its line of railroad, or at any railroad crossing now or hereafter constructed in the village of Hyde Park, to construct and maintain proper connections with the

railroads which may be crossed or intersected: Provided, that no streets or alleys except as herein expressly authorized and provided, shall be occupied by said railroad without the consent of the board of trustees of the village of Hyde Park, or their successors in authority, first had and obtained thereto; and provided further, that, in all cases where the tracks of said company shall be laid lengthwise upon any street, it shall be the duty of said company, whenever required by the said board of trustees, or their successors in authority, to grade the unoccupied part of said street lying contiguous to its tracks, in such manner as to make the same passable for teams.

¶ 2. **Telegraph—location of poles.**] § 2. Permission is also hereby granted to the South Chicago Railroad Company to erect, and forever thereafter maintain, a telegraph line, consisting of one or more lines of wires, with the necessary poles along said line of railroad along the route above described, but upon the condition that the poles hereby authorized to be erected, shall be placed in such position upon any street, highway or alley as may be directed by the board of trustees, or their successors in authority of said village.

¶ 3. **Subject to ordinances.**] § 3. The privileges and authority hereby granted to said company are granted upon the express condition, that said company, its successors and assigns, shall promptly fulfill all obligations and duties that are now, or may hereafter be, lawfully imposed by ordinance.

¶ 4. **Use of streets, etc.—obstructions.**] § 4. Said railroad company may occupy any street, highway or alley, or part of any street, highway or alley upon the route described in the first section of this ordinance, by laying its tracks lengthwise upon the same, but such tracks shall be laid in such manner as to interfere, as little as practicable, with the use of such streets by teams and pedestrians, and said railroad company shall at all times keep such tracks in such condition, as to allow the free passage of vehicles crossing them.

¶ 5. **Indemnity.**] § 5. The privileges and authority hereby granted to said railroad company are granted upon the express condition, that said company, its successors, grantees, lessees and assignees shall forever indemnify and save harmless the village of Hyde Park, against and from any and all damages, judgments, decrees, costs and expenses of the same, which it may suffer, or which may be obtained against such village by reason of granting of said privileges and authority, or by reason of the exercise by said railroad company, or by its lessees or assignees, of the privileges so granted.

¶ 6. **Bond—conditions.**] § 6. This ordinance shall not take effect until after such company shall enter into a bond to said village of Hyde Park, in the penal sum of $25,000, conditioned for the payment of all damages for which said village may become liable to any person or persons, by reason of the said road entering or running

through the portion of said village as aforesaid, or by reason of said company constructing, laying down and operating said railroad track or tracks within said village, and conditioned also for the payment of all damages which may arise to the said village of Hyde Park, on account of any judgment obtained against said village by any person or persons whomsoever, by reason of said company constructing, laying down or operating said railroad track, or the occupation of said streets or alleys within the said village of Hyde Park.

¶ 7. **Train service—rates of fare.**] § 7. Upon the completion of said railroad, passenger trains shall be run regularly upon the same between South Chicago and the Illinois Central Railroad depot, in Chicago, and passengers shall be transported upon the said line at as low rates, according to distance, as the Illinois Central Railroad Company shall charge, at the same time, on its surburban trains running from the city of Chicago, and said company shall switch to said water works, for the village of Hyde Park, at the usual rates charged for similar services, such coal in car load lots as may be needed for use at said works in default of which the rights and privileges hereby granted shall cease and be null and void.

¶ 8. **Depots—time for completion.**] § 8. Passenger stations shall be established along said railroad at convenient distances, not more than two-thirds of a mile apart, at which all passenger trains shall stop to receive and discharge passengers, and one or more tracks shall be laid down and ready for operation from the junction with the Illinois Central Railroad to Chicago, and from that line to the Hyde Park water works, within twelve months from the passage of this ordinance: Provided, however, that if the said works shall be obstructed or delayed by injunction or other legal proceedings, the time of such delay shall be excluded, and the same time in addition to the period above described, shall be allowed for the laying of said tracks as that during which said company shall have been so delayed.

¶ 9. **Acceptance.**] § 9. Said railroad company shall notify this village within thirty days from the passage of this ordinance, of the acceptance of the privileges and conditions herein provided for.

§ 341. South Chicago Railroad company.

¶ 1. Grant—route.
¶ 2. Consent of property owners—indemnity.
¶ 3. Violation—termination of grant.

An ordinance authorizing the South Chicago Railroad company to extend its line of railroad in the village of Hyde Park. (Passed and approved June 13, 1885.)

¶ 1. **Grant—route.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission and authority is hereby granted to the South Chicago Railroad Company to construct, maintain and by steam power operate a single or double

sidetrack, commencing at a point on its present line in Railroad avenue between Eighty-first (81st) and Eighty-second (82nd) streets, and extending thence southeasterly, on a radius of six hundred and three (603) feet, across said Eighty-second street and Houston avenue, to a point in the west line of Arthur avenue about midway between said Eighty-second (82nd) street and Eighty-third (83d) street; thence east across Arthur, Bond and Ontario avenues to Lake Michigan.

¶ 2. **Consent of property owners—indemnity.**] § 2. The permission and authority hereby given is upon the express condition, that said company has obtained the necessary and requisite consent from the owners of property abutting on streets; that said company shall save and keep harmless the village of Hyde Park from all costs and damages by reason of the laying, operation and maintenance of said tracks; and that said company shall be subject to, and shall comply with, the provisions of all ordinances of the village now in force, or which shall hereafter be passed, concerning the operation of railroads and the maintenance of railroad tracks in the said village.

¶ 3. **Violation—termination of grant.**] § 3. In the event of a violation of, or non-compliance with, any of the conditions of this ordinance, and a continuance of such violation for the space of ten days after notice thereof to any of the officers, agents or servants of said company, then all the rights and privileges granted by this ordinance shall thereupon immediately cease and determine.

§ 342. South Chicago Railroad company.

¶ 1. Grant—route.
¶ 2. Conditions—indemnity.

An ordinance authorizing the South Chicago Railroad company to construct, maintain and operate a side track in the village of Hyde Park. (Passed and approved June 27, 1885.)

¶ 1. **Grant—route.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission and authority be, and the same hereby is granted to the South Chicago Railroad Company to construct, maintain and operate a side track beginning at such points, as said company shall select, on its main track between the north and south lines extended of lot seventy-five (75), in division four (4), of the South Shore subdivision, thence southwesterly on a radius of five hundred (500) feet to and across the west line of Railroad avenue.

¶ 2. **Conditions—indemnity.**] § 2. The permission and authority hereby granted is subject to all the provisions of an ordinance passed April 3, 1882, granting right of way to said company, and is upon the express condition that said company shall so construct said side track as not to unnecessarily impair the usefulness of said Railroad avenue, and shall save and keep harmless the said village of Hyde Park from all expense and damage that may occur by reason of the

construction, maintenance or operation of said side track, and shall also comply with the provisions of all general ordinances of the said village concerning side tracks.

§ 343. South Chicago Railroad company.

¶ 1. Grant—permission to spread its track.
¶ 2. Indemnity.
¶ 3. Subject to ordinances.
¶ 4. When in force.

An ordinance authorizing the South Chicago Railroad company to change the location of its tracks. (Passed February 18, 1895. Accepted February 28, 1895.)

¶ 1. Grant—permission to spread its track.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted to the South Chicago Railroad Company, its lessees and assigns, to change the location of its tracks along and upon the route described in an ordinance passed by the board of trustees of the village of Hyde Park, Cook county, Illinois, April 3rd, 1892 (1882), entitled "An ordinance granting right of way to the South Chicago Railroad Company," so as to enable the said railroad company, for the accommodation of its passengers, and the facilitating of quick transportation, to construct high platforms between its tracks at the stations that are now or may be hereafter constructed upon the line of the said railroad, and to spread the two tracks now constructed and in operation so as to make the distance between their center lines not more than twenty-one (21) feet between the following streets, to wit: Jefferson avenue and Stony Island avenue, Euclid avenue and Jeffery avenue, Oglesby avenue and Yates avenue, and Seventy-fifth and Seventy-sixth streets; not more than twenty-two (22) feet between the following streets, to wit: Seventy-ninth and Eightieth streets and Eighty-second and Eighty-third streets; not more than twenty-one (21) feet apart between the following streets, to wit: Eighty-sixth and Eighty-seventh streets, Ninetieth and Ninety-first streets, and also between points three hundred feet apart on the said line of railroad where other stations may hereafter be constructed; also to change the tracks extending from each end of the high platforms so as to connect the tracks so spread with proper curves with the tracks which remain in their present location. The railroad company shall prepare and file with the department of public works plats showing the changes to be made under the terms of this ordinance.

¶ 2. Indemnity.] § 2. The privilege and authority hereby granted to said railroad company are granted upon the express condition that the said railroad company, its lessees, successors or assigns, shall forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees, costs and expenses of the same, which it may suffer, or which may be obtained against said city by reason of the granting of said privilege and authority, or

by the exercise by said railroad company, or its lessees, successors or assigns, of the privilege so granted.

¶ 3. **Subject to ordinances.**] § 3. The privileges and rights hereby granted shall be subject to all laws and ordinances governing railroads now in force, or which shall hereafter be passed by the legislature of this state, or by the city council.

¶ 4. **When in force—acceptance.**] § 4. This ordinance shall not take effect until an acceptance thereof by the South Chicago Railroad Company shall have been filed with the city clerk, and said acceptance must be filed within thirty days from the passage of this ordinance.

ILLINOIS & WISCONSIN RAILROAD COMPANY.

§ 344. Illinois & Wisconsin Railroad company.
¶ 1. Grant—route—supervision by city.

An ordinance granting rights to the Illinois & Wisconsin Railroad company. (Passed October 4, 1852.)

¶ 1. **Grant—route—supervision by city.**] Be it ordained by the common council of the city of Chicago: § 1. That the Illinois and Wisconsin Railroad Company are hereby authorized to lay down through their own land, or such land as they may acquire by purchase or otherwise, the track, switches, turn-tables and turn-outs, as said company may deem proper, within the following described limits of the west division of the city of Chicago: All of Waubansia addition west to the center of Jefferson street, and that part of Russell, Mather and Roberts' addition lying north of Owen street, and those parts of sections four, five and eight, lying between Milwaukee avenue and the north branch of the Chicago river, and for the purposes of such track, to intersect and cross any street or streets said company may deem proper; the city hereby reserving to itself the power to control the manner of constructing said track, and the motive power to be used, and the speed of the same.

JUNCTION RAILWAY COMPANY.

§ 345. Junction Railway company.
¶ 1. Grant—route—widening Jefferson avenue.
¶ 2. Tracks—manner of laying.
¶ 3. File plat on or before September 1, 1889.

¶ 4. Work—commencement and completion.
¶ 5. Tracks laid at grade—flagmen and gates—culverts.
¶ 6. Subject to ordinances.
¶ 7. Bridge over north branch of Chicago river.
¶ 8. Power of village to open streets across tracks.
¶ 9. Trains—number of.
¶ 10. Stations.
¶ 11. Indemnity.
¶ 12. Successors bound by provisions of grant.
¶ 13. When in force—acceptance—bond.

An ordinance authorizing the Junction Railway company to build its line of railway through a portion of the village of Jefferson. (Passed and approved May 29, 1889.)

¶ 1. Grant—route—widening Jefferson avenue.] Be it ordained by the president and board of trustees of the village of Jefferson: § 1. That permission and authority be and the same is hereby granted to the Junction Railway Company to construct, lay down, maintain and operate with steam power a railway, with two or more tracks upon land now owned, or hereafter to be acquired by said railway company over and upon the following route in said village of Jefferson (the line hereinafter described being the center line between the two main tracks of said company's railway to be hereafter laid down), to wit: Commencing on the center line between the double tracks of the Wisconsin division of the Chicago and Northwestern Railway at a point 354 feet southeasterly from the crossing of the Chicago, Milwaukee and St. Paul Railway, proceeding thence on a curve of 1081 feet radius to a point in block 29 of the subdivision of Montrose, 67 feet south of the south line of Washington street, and distant not less than 18 feet west of the west line of Jefferson avenue, thence north on a line not less than 18 feet west of the west line of Jefferson avenue through block 12 of said subdivision of Montrose, thence northeasterly to the northeast corner or a point within 50 feet west thereof, of block 9 of said subdivision of Montrose, thence continuing northeasterly through the S. W. ¼ of section 10, and N. W. ¼ of section 10 and also across N. E. ¼ of said section, thence continuing northeasterly through the S. E. ¼ of section 3 and across the N. E. ¼ of section 3 and also across the N. W. ¼ of section 2, to the north line of town 40 north, range 13, east of the third principal meridian, and to cross all streets, alleys and public grounds upon said route. Provided, that said Junction Railway Company shall procure by purchase or otherwise and dedicate, for the purpose of widening Jefferson avenue, that part of lots 13 and 14 of said block 28 of Montrose, lying between the easterly rail of the most easterly track of said company's railway, and a line parallel with and 40 feet easterly therefrom.

¶ 2. Tracks — manner of laying.] § 2. The tracks laid across the intervening streets upon the route above described shall be laid in such manner as to interfere as little as practicable with the use of such streets by teams and pedestrians, and said railway com-

pany shall at all times keep such tracks in proper condition, to allow the free passage of vehicles across them.

¶ 3. **File plat on or before September 1, 1889.**] § 3. That before constructing its railway, said Junction Railway Company shall file a plat showing the permanent location of its line in the office of the village clerk, said location shall be made and plat filed on or before the first day of September, A. D. 1889.

¶ 4. **Work—commencement and completion.**] § 4. Work on the construction of said line shall be commenced within eighteen (18) months and at least one main track of said railway be completed within two years from the date of the passage of this ordinance. Provided, however, that if said company shall be delayed by ordinance or resolution of the village of Jefferson or shall be prevented or restrained by any injunction or order or decree of any court of competent jurisdiction, then the period of any and all such delays shall be added to said two years.

The village shall, however, have the right to intervene in any suit for injunction to restrain said company as aforesaid and move for the dissolution of the injunction in case such suit may be deemed collusive or for the purpose of delaying or extending the time for the completion of said tracks.

¶ 5. **Tracks laid at grade—flagmen and gates—culverts.**] § 5. Said Junction Railway Company shall at the time of commencing its said railway, construct and shall at all times thereafter maintain all of its tracks which lie within, upon and across any streets, highways and alleys in said village, as nearly as practicable, upon a level with the grade of the streets, highways and alleys so crossed, and shall at the time of commencing its said railway construct and thereafter forever maintain good and sufficient crossings and sidewalks on all streets, highways and alleys, as nearly as practicable, upon a level with the grade of said streets, alleys and highways, wherever it shall cross the same, and shall keep a flagman and shall construct and maintain gates at such crossings as shall be required by the board of trustees of said village. And also at the time of constructing its said railway shall construct and put in and shall at all times thereafter maintain all necessary and proper culverts and waterways to the satisfaction of the superintendent of public works and board of trustees of said village.

¶ 6. **Subject to ordinances.**] § 6. The privileges hereby granted are upon the further express condition that said Junction Railway Company shall be subject to all general ordinances now in force or which may hereafter be passed in the exercise of its police powers concerning railroads, and a failure on the part of said company to comply with the provisions of this ordinance, or the provisions of any such general ordinances now in force or which may hereafter be passed, for a period of 90 days after notice in writing from the board

of trustees of said village, to the president, superintendent, or officer in charge at Chicago, shall be sufficient cause for a forfeiture of the rights and privileges granted by this ordinance and of all its tracks, buildings and right of way in said village, to the said village of Jefferson.

¶ 7. **Bridge over north branch of Chicago river.**] § 7. The rights and privileges hereby granted are so granted upon the express understanding and condition that whenever the north branch of the Chicago river shall become or be made navigable at the point where the proposed line of said railway shall cross said north branch, the said railway company shall construct and thereafter maintain a swing bridge over said branch, of sufficient length to allow free navigation of said stream, and free passage for vessels and steamers desiring to pass.

¶ 8. **Power of village to open streets across tracks.**] § 8. The village of Jefferson hereby expressly reserves the right to open or extend any street or public highway across and over the right of way of said proposed line of railway at such points not nearer to each other than a quarter of a mile as said village may from time to time determine, without recompense to or hindrance from the said Junction Railway Company, its successors, grantees, lessees or assigns.

¶ 9. **Trains—number of.**] § 9. Said Junction Railway Company, its successors, grantees, lessees and assigns shall run regularly at least one exclusively passenger train every day each way over its said railway and over the Wisconsin division of the Chicago and Northwestern Railway, for the first year and two or more trains for the second year, affording continuous passage to and from the depot of said Chicago and Northwestern Railway, known as Wells street depot, situated at the corner of Wells and Kinzie streets in the city of Chicago, or other principal terminal passenger station, and said Chicago Junction Railway Company shall increase the service whenever and as often as the same shall be required by the increase of travel over said Junction Railway.

¶ 10. **Stations.**] § 10. Said Junction Railway shall construct and maintain on said proposed line of railway at different points within said village, at least two stations for the accommodation of passengers and freight in addition to the stations already established in said village, one of which stations to be located and maintained within two miles of Montrose.

¶ 11. **Indemnity.**] § 11. The permission and authority hereby granted shall be and is upon the further express condition that said Junction Railway Company, its successors, grantees, lessees and assigns shall and will forever indemnify and save harmless the village of Jefferson against and from any and all legal damages, judgments, decrees, and costs and expenses of the same which it may suffer, or which

may be recovered or obtained against the said village for or by reason of the granting of the said privileges and authority or for or by reason of or growing out of or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted, or from an act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 12. Successors bound by provision of—grant.] § 12. The provisions of this ordinance shall be equally binding upon the Junction Railway Company, its successors, lessees and assigns.

¶ 13. When in force—acceptance—bond.] § 13. This ordinance shall take effect and be in force when and as soon as said company shall file with the clerk of the village of Jefferson its acceptance in writing of this ordinance, and also upon the approval of the president of the village of a bond in the sum of one hundred thousand dollars ($100,000), to be given by said Junction Railway Company, with the Chicago and Northwestern Railway Company as surety, to indemnify the village against any and all damages that may result from the construction and operation of said Junction Railway, and if said company shall not file such acceptance and bond with said clerk within sixty (60) days after the passage and approval of this ordinance, then this ordinance shall become and be void.

Note.—See following supplemental ordinance.

§ 346. Junction Railway company.

¶ 1. Route as amended.
¶ 2. When in force—acceptance.

An ordinance supplemental to an ordinance authorizing the Junction Railway company to build its line of railway through a portion of the village of Jefferson. (Passed and approved June 24, 1889.)

¶ 1. Route as amended.] Be it ordained by the president and board of trustees of the village of Jefferson: § 1. That section 1 of an ordinance authorizing the Junction Railway Company to build its line of road through a portion of the village of Jefferson, passed May 29th, 1889, approved May 29th, 1889, and published June 8th, 1889, be amended to read as follows, to wit:

"§ 1. That permission and authority be and the same is hereby granted to the Junction Railway Company, to construct, lay down, maintain and operate with steam power, a railway with two or more tracks upon land now owned or hereafter to be acquired by said railway company over and upon the following route in said village of Jefferson (the line hereinafter described being the center line between the two main tracks of said company's railway to be hereafter laid down) to wit: Commencing on the center line between the double tracks of the Wisconsin division of the Chicago and Northwestern Railway at a point 365 feet southeasterly from the crossing of the Chi-

cago, Milwaukee and St. Paul Railway, proceeding thence on a curve to the right of 948.8 feet radius, 522.5 feet, thence on a tangent 172 feet, thence to the right, on a curve of 948.8 feet radius, 326.5 feet to a point in block 29 of the subdivision of Montrose, 18 feet south of the south line of Washington street and not less than 18 feet west of the west line of Jefferson avenue, thence north on a line not less than 18 feet west of the west line of Jefferson avenue, through block 12 of said subdivision of Montrose, thence northeasterly to the northeast corner, or a point within 50 feet west thereof, of block 9 of said subdivision of Montrose, thence continuing northeasterly through the S. W. ¼ of section 10, and N. W. ¼ of section 10 and also across N. E. ¼ of said section, thence continuing northeasterly through the S. E. ¼ of section 3 and across the N. E. ¼ of section 3, and also across the N. W. ¼ of section 2, to the north line of town 40 north, range 13, east of the third principal meridian, and to cross all streets, alleys and public grounds upon said route.

Provided, that said Junction Railway Company shall procure by purchase or otherwise and dedicate, for the purpose of widening Jefferson avenue, that part of lots 13, 14 and 15 of said block 28 of Montrose, lying between the easterly rail of the most easterly track of said company's railway, and a line parallel with, and 40 feet easterly therefrom, and plank and keep planked the space between the rails at said crossing. And if the said railway company is unable to procure the property to be taken for the purpose of widening said Jefferson avenue and the said village of Jefferson shall by appropriate proceedings acquire the title thereto by the exercise of the right of eminent domain, the said railway company shall pay all awards, damages, costs, and expenses for such taking and fully indemnify and save harmless the said village of Jefferson therefrom."

¶ 2. **When in force—acceptance.**] § 2. This ordinance shall take effect and be in force when and as soon as said company shall file with the clerk of the village of Jefferson its acceptance in writing of this ordinance.

LAKE SHORE & MICHIGAN SOUTHERN RAILROAD COMPANY.

§ 347. Lake Shore & Michigan Southern Railroad company.
¶ 1. Route.
¶ 2. Supervision—flagmen at crossings.
¶ 3. Speed—motive power.
¶ 4. Acceptance—waiver of former acquired rights.

An ordinance in relation to the Michigan Southern & Northern Indiana Railroad company. (Passed September 6, 1869.)

¶ 1. **Route.**] Be it ordained by the common council of the city of Chicago: § 1. That permission and authority is hereby granted to the Michigan Southern and Northern Indiana Railroad Company to lay down one or more railroad track or tracks over and across the property, lately purchased by said company, between Twenty-second and Sixteenth streets in said city, being the west one-half of blocks numbered forty-seven (47), thirty-seven (37), thirty-six (36), twenty-eight (28), eighteen (18), eleven (11) and four (4) of the canal trustees' subdivision of the east fraction of the southeast quarter of section number twenty-one (21), in township number thirty-nine (39) north, of range number fourteen (14) east of the third (3d) principal meridian, and to lay such tracks across the streets and alleys lying between said blocks, within the boundaries aforesaid, said Twenty-second and Sixteenth streets inclusive, but no more than two tracks shall be laid across Twenty-second street or Archer road.

¶ 2. **Supervision—flagmen at crossings.**] § 2. All tracks laid across the streets aforesaid shall be laid under the direction of the board of public works, and in such a manner as not to interfere with travel along such streets; convenient crossings shall be made and maintained across such streets and alleys, and proper warning signs shall be erected and maintained in conspicuous places at or near all street crossings within the limits aforesaid; and said company shall keep, at all times, flagmen at the crossings on Twenty-second and Eighteenth streets and Archer road.

¶ 3. **Speed—motive power.**] § 3. Said company may use and operate said railroad tracks, within the limits aforesaid, with locomotives, engines and cars, under such rules and regulations with reference to the speed, motive power, and manner of running the same, as the common council of said city has made or may from time to time hereafter impose and make.

¶ 4. **Acceptance—waiver of former acquired rights.**] § 4. The acceptance of this ordinance by said company shall be deemed and held to be an agreement on its part, to relinquish all rights to use Clark street between the points named in the first section, from and after the expiration of two years after the passage of this ordinance, and all grants heretofore made to said company to use the same shall cease and end on the expiration of said time.

§ 348. Lake Shore & Michigan Southern Railroad company.

¶ 1. Route.

An ordinance granting permission to the Lake Shore & Michigan Southern Railroad company to make connection with the Chicago, Rock Island & Pacific Railroad company. (Passed and approved August 28, 1875.)

¶ 1. **Route.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That the Lake Shore and Michigan Southern Railroad Company have and are hereby granted

permission to locate, construct and maintain a curve, connection and tracks from the main line of said railroad company at South Chicago, northwest of Ninety-fifth street, passing across South Chicago avenue, and from thence to a connection with the branch line of the Chicago, Rock Island and Pacific Railroad, as shown and set forth in the annexed plat* or sketch of said lines and the connection for which permission is hereby granted. The said railroad company to make and maintain a good crossing over all the streets crossed by said tracks, and to pay all damages which may be occasioned to private property by the making of said curve, connection and tracks.

§ 349. Lake Shore & Michigan Southern Railway company.

¶ 1. Route.
¶ 2. Removal of tracks—Clark street—build wall, openings, gates —C., R. I. & P. R. R. Co. released from building.
¶ 3. Ordinance a contract.
¶ 4. Condition—vacation of part of Clark street by the two companies.
¶ 5. Chicago City Railway company—rights—Clark street.
¶ 6. Paving.
¶ 7. Penalty for non-removal of tracks and delay as to building wall.
¶ 8. Acceptance.
¶ 9. When in force.

An ordinance authorizing the Lake Shore & Michigan Southern Railway company to lay tracks in a certain portion of South Clark street. (Passed October 27, 1879.)

¶ 1. Route.] Be it ordained by the city council of the city of Chicago: § 1. That there is hereby granted to the Lake Shore and Michigan Southern Railway Company the right to maintain and operate a track or tracks upon that portion of South Clark street as follows, to wit: That portion thereof between Twelfth and Sixteenth streets described by the following line, commencing at a point on the west line of South Clark street one thousand feet south of the south line of Fourteenth street, running thence in a northeasterly direction having a uniform curve to the left to a point twenty-eight feet east of the west line of said South Clark street and nine hundred feet south of the south line of Fourteenth street, which curve shall be west from the point last named, thence north parallel with said west line to a point six hundred and fifty feet south of the south line of Twelfth street, and twenty-eight feet east of the west line of Clark street, thence in a northwesterly direction on a line having a uniform curve to the west to a point on said line of South Clark street five hundred and fifty feet south of the south line of Twelfth street, thence south one hundred feet along the west side of South Clark street to a point six hundred and fifty feet south of the south line of Twelfth street, thence east on a line at right angles with the west line of South Clark street sixteen feet, thence south on a line parallel with the west line of South

*The plat which forms a part of this ordinance is omitted.—Ed.

Clark street, and sixteen feet therefrom to a point nine hundred feet south of the south line of Fourteenth street, thence west on a line at right angles with the west line of South Clark street sixteen feet to the west line of South Clark street, thence south on the west line of South Clark street to the place of beginning; also the right to lay down and operate one or more tracks in the space described, and the necessary switches and turn-outs on and from said tracks, and also the right, power and authority to construct, and maintain, and operate all of said tracks forever, subject, however, to such ordinances and regulations enacted and ordained by the proper authorities of the city of Chicago, having uniform application and operation upon all railways within the limits of the said city.

¶ 2. **Removal of tracks—Clark street—build wall, openings, gates—C., R. I. & P. R. R. Co. released from building.**] § 2. The said Lake Shore and Michigan Southern Railway Company shall remove from South Clark street its tracks and switches, except those authorized to be constructed and maintained by section one hereof, within thirty days after this ordinance shall take effect, and shall within three months after this ordinance shall take effect, erect and forever maintain a wall ten feet in height above the grade of said street, with foundation not less than three feet below said grade; the foundation to be of good flat building stones laid in cement mortar, not less than thirty inches wide at bottom, and twenty inches wide at grade line, the stone work to be built two feet above grade line, faced on the outside with hammer dressed stone, with water table 6x12 inches of cut stone; on this work shall be a brick wall divided into panels with piers two feet wide every six feet apart, the wall to be twenty inches thick at the piers, and sixteen inches thick between the piers, the brick to be hard burned and square laid in lime mortar, well built and thoroughly banded, and the joints to be neatly struck on the outside, to have a coping of stone on the top twenty-four inches wide, and six inches thick, bevelled to four inches on the outer edge, the coping to be set and pointed in pure cement and dowelled together, from the point named in the first section hereof, on the west line of Clark street one thousand feet south of the south line of Fourteenth street, thence by the line therein mentioned, running northeasterly, north and northwesterly to the point in the west line of South Clark street five hundred and fifty feet south of the south line of Twelfth street; that said wall shall be extended along the west line of South Clark street as to make each end thereof at least twenty-five feet from the point where the track of the said Lake Shore and Michigan Southern Railway Company situated west of, nearest to said wall, crosses the west line of said South Clark street; that the middle line of said extension of said wall shall be ten inches east of said west line of Clark street, and that the middle line of the remainder of said wall shall be the line above described, extending from the point one thousand feet south of the

south line of Fourteenth street in a northeasterly, north and northwesterly direction to the point five hundred and fifty feet south of the south line of Twelfth street; that an open space may be left in said wall for the existing track connecting the track of the said Lake Shore and Michigan Southern Railway Company with the warehouse of George A. Severance; that it shall also have the right to leave two gateways in said wall for the passage of teams, with gates at each of the said openings, constructed to as to slide in said wall in such manner as to close said open spaces when the same are not in actual use for the movement of cars unto said warehouse, or for the passage of teams through such gateways; that said gates shall be ten feet high, and so make as to obstruct the view of the cars from said street; that it shall also leave in said wall one open space sufficient for the crossing of the Chicago, Rock Island and Pacific Railroad Company from the tracks in its yard upon the west side of Clark street to its warehouse on the east side thereof, and it shall be the duty of the said Chicago, Rock Island and Pacific Railroad Company to cause to be constructed at said opening a gate of the kind or essentially similar to one of the gates now used at the crossing of the Chicago, Burlington and Quincy Railway over Michigan avenue in the city of Chicago, and by such gate to keep the said track closed when not in actual use for the movement of cars between its railroad yard and its said warehouse; that the right is hereby granted to the said Chicago, Rock Island and Pacific Railroad Company to erect in said street the necessary machinery for working such gate, which machinery shall not be located east of the east line of said wall; that the said Chicago, Rock Island and Pacific Railroad Company is hereby released from all obligation to build a wall in South Clark street as required of them by the ordinance passed on the twenty-fifth day of July, A. D. 1876, before the time in this ordinance specified, within which the said Lake Shore and Michigan Southern Railroad Company is required to complete the wall on the east line of the space described in the first section hereof, and that the completion of said wall by the said Lake Shore and Michigan Southern Railroad Company shall operate to discharge said Chicago, Rock Island and Pacific Railroad Company from any and all obligation to erect a wall in said South Clark street as required by the ordinance above mentioned.

¶ 3. **Ordinance a contract—delay, extension of time.**] § 3. This ordinance shall have the force and effect of a contract between the city of Chicago and the said Lake Shore and Michigan Southern Railroad Company and its successors and assigns.

Provided, if said railway company shall be subjected to any delay because of any legal proceedings instituted by any person or persons or corporation in complying with any of the terms or requirements of this ordinance, or in availing itself of any of the grants hereby made, the term of thirty days and the term of three months before mentioned

shall be extended to the period of thirty days and of three months respectively from and after the dismissal, by order or decree or otherwise, of such proceedings; but it is also provided that the said city shall have the right, at its option, to employ at its own expense attorneys to aid said company in the defense of any such proceedings.

¶ 4. **Condition—vacation of part of Clark street by the two companies.**] § 4. The grant of the right of way to said Lake Shore and Michigan Southern Railway Company in that portion of Clark street aforesaid, is made by said city and accepted by said company upon the express condition that said company remove said track and build said wall within the time and in the manner aforesaid and comply in all respects with this ordinance, and that the said Chicago, Rock Island and Pacific Railroad Company shall also relinquish any right it may have to the space vacated by the Michigan Southern Railroad Company under this ordinance.

¶ 5. **Chicago City Ry. Co.—rights in Clark street.**] § 5. The Chicago City Railway Company, upon the removal by the said Lake Shore and Michigan Southern Railway Company of its tracks in Clark street east of the said wall as described in this ordinance, may construct its track in Clark street in conformity with the provisions of an ordinance passed November 21, 1870; Provided, that the tracks of said Chicago City Railway Company in that part of Clark street opposite the said described wall shall be laid within sixteen feet of said wall in the principal part thereof, and parallel therewith, and that said Chicago City Railway shall not lay its tracks in, nor occupy in the operation of its cars any part of Clark street opposite said wall; and east of the sixteen feet of said street next east of said wall, and parallel therewith; and provided further, that the said Chicago City Railway shall, at or before the time it shall construct its said tracks, as aforesaid, pave the said sixteen feet of said street in which it is authorized to lay its tracks as aforesaid, with cobblestone pavement, under the superintendence and direction, and to the satisfaction of the department of public works of the city of Chicago.

¶ 6. **Paving.**] § 6. Whenever at any time hereafter any part of Clark street immediately north of the part of said street opposite said wall, or immediately south of the said part of said street, shall be ordered to be paved by the city council of the city of Chicago, the said Lake Shore and Michigan Southern Railway Company shall pave all the said part of Clark street opposite and east of the said described wall, except the said sixteen feet of said street to be occupied and paved by the City Railway Company, in the same manner in all respects as the other part of said Clark street may be ordered paved as aforesaid; and at the same time, and in consideration thereof, the said Lake Shore and Michigan Southern Railway Company shall be released from the obligation to plank, put in sewers, and pave said street, imposed by an ordinance passed January 7, 1856.

¶ 7. **Penalty for non-removal of tracks and delay as to building wall.**] § 7. The said Lake Shore and Michigan Southern Railway Company shall be liable to a penalty of fifty dollars for each day's delay in removing said railroad tracks as aforesaid, after the time herein specified, and also to a like penalty of fifty dollars for each day's delay in completing said wall in all respects as aforesaid after the time herein specified therefor, and also to a like penalty of fifty dollars for each day's delay in commencing work on said pavement, after notice to commence the same from the department of public works of said city, and the said Lake Shore and Michigan Southern Railway Company shall also be liable to a penalty of fifty dollars for each offense for running a train on to any portion of said Clark street after said tracks shall have been removed, in case the same are not removed within the time aforesaid, and for running a train on to any portion of said Clark street after said wall should have been completed as aforesaid, in case the same shall not be completed within the time and in the maner aforesaid; said penalties to be recovered against said company on behalf of said city before any justice of said city or any court of competent jurisdiction.

¶ 8. **Acceptance.**] § 8. The said Lake Shore and Michigan Southern Railroad Company shall within ten days after the passage of this order, duly signify its acceptance thereof.

¶ 9. **When in force.**] § 9. This ordinance shall be in force from and after its passage.

Note.—See following amendatory ordinance.

§ 350. Lake Shore & Michigan Southern Railway company (amendment).

¶ 1. Amending section 2 of foregoing ordinance.
¶ 2. Amending section 8 of foregoing ordinance.

An ordinance amending sections 2 and 8 of an ordinance concerning the removal of railroad tracks from Clark street, passed October 27, 1879. (Passed November 10, 1879.)

¶ 1. **Amending section 2 of foregoing ordinance.**] Be it ordained by the city council of the city of Chicago: § 1. That section two of an ordinance concerning the removal of railroad tracks from Clark street passed October 27, be and the same is, hereby amended by striking out the words "within three months after this ordinance shall take effect," and inserting in lieu thereof the words "before June 1, A. D. 1880."

¶ 2. **Amending section 8 of foregoing ordinance.**] § 2. That section 8 of said ordinance be and the same is hereby amended by striking the words "within ten days after the passage of this order," and inserting in lieu thereof "on or before the tenth day of December, 1879."

§ 351. Lake Shore & Michigan Southern Railway company.

¶ 1. Route.
¶ 2. Supervision—non-interference with travel.
¶ 3. Operation.
¶ 4. When in force.

An ordinance relating to the Lake Shore & Michigan Southern Railway company. (Passed March 15, 1880.)

¶ 1. Route.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby granted to the Lake Shore and Michigan Southern Railway Company to lay down and operate one or more railroad tracks over and across the property lately purchased by said company between Twenty-second and Twenty-fifth streets in said city, being all of blocks 3, 8 and 13 in Uhlich & Muhlke's addition to Chicago, in the east half of the northeast quarter of section 28, town 39, range 14 east of the third principal meridian, and to lay and operate such tracks across the streets and alleys lying between said blocks within the boundaries aforesaid, said Twenty-second street and Twenty-fifth street inclusive.

¶ 2. Supervision—non-interference with travel.] § 2. All tracks laid across the streets aforesaid shall be laid under direction of the department of public works, and in such a manner as not to interfere with travel along such streets. Convenient crossings shall be made and maintained across such streets and alleys at the expense of said company, and not in any manner at the cost of said city.

¶ 3. Operation.] § 3. Said company may use and operate said railroad tracks within the limits aforesaid, with locomotive engines and cars, under such rules and regulations as the city council now has or may hereafter make, having uniform application to all railroads in said city.

¶ 4. When in force.] § 4. This ordinance shall be in force from and after its passage.

§ 352. Lake Shore & Michigan Southern Railway company.

¶ 1. Route.
¶ 2. Rights of property owners and others as to block 73.
¶ 3. Acceptance.

An ordinance granting permission to the Lake Shore & Michigan Southern Railway company to lay track in alley between its right of way and block 73, South Chicago. (Passed, approved and filed April 24, 1889.)

¶ 1. Route.] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission be and the same is hereby granted to the Lake Shore and Michigan Southern Railway Company, its successors and assigns to lay down, maintain and operate a double track switch or sidetrack to its freight house in block 73, South Chicago, in, along and upon that part of the alley lying between the right of way of said company and said block 73, which

lies between the southeasterly line, extended, of lot 32, and the northwesterly line, extended, of lot 15, in said block, according to the plat hereto annexed (see original ordinance for plat).

¶ 2. Rights of property owners and others as to block 73.] § 2. The permission and right granted in section one hereof is upon the express condition that so long as the same shall be enjoyed by said company, it shall permit the owners of property in said block 73, and those doing business with such owners, to pass over, along and upon its property, being lots 16 to 31, both inclusive in said block 73, as means of access to the lots in said block; but nothing contained herein, or in the acceptance hereof, by said company, shall continue to such owners or others the right to cross the lots of said company for any longer or other period than the time during which such switch and sidetrack shall occupy that part of said alley hereinbefore described.

¶ 3. Acceptance.] § 3. This ordinance shall take effect and be in force from and after its passage and acceptance by said company.

§ 353. Lake Shore & Michigan Southern Railway company.

¶ 1. Route—supervision.
¶ 2. Conformity to grade—cost paid by company.
¶ 3. Not to obstruct travel.
¶ 4. Extension of streets across tracks—dismissal of suit.
¶ 5. Bond.
¶ 6. Subject to ordinances.
¶ 7. Acceptance—bond—stipulation.

An ordinance granting permission to the Lake Shore & Michigan Southern Railway company to lay down and maintain track or tracks across Seventeenth and Sixteenth streets, etc. (Passed August 5, 1889. Accepted August 19, 1889.)

¶ 1. Route—supervision.] Be it ordained by the city council of the city of Chicago: § 1. Subject to all the terms and conditions herein contained, permission and authority are hereby granted to the Lake Shore and Michigan Southern Railway Company to lay down, maintain and operate one or more railway tracks, with the necessary frogs and guard rails, across Seventeenth street and Sixteenth street, between the east line of Wentworth avenue and the west line of LaSalle street, and also two railway tracks, extending from that portion of the east line of LaSalle street north of a point sixty (60) feet south of the south line of Sixteenth street, on a curve in said LaSalle and Sixteenth streets to that portion of the north line of Sixteenth street, between the east and west lines of LaSalle street extended, subject, however, to the direction and supervision of the commissioner of public works of said city, in the construction of said tracks and the paving and keeping in repair of so much of said streets and crossing as may be occupied by said railway company with its tracks, switches and turnouts, and its doing and performing all the work provided for by

the passage of this ordinance. Said tracks to conform substantially to plat attached to this ordinance.

¶ 2. **Conformity to grade—cost paid by company.**] § 2. The said Lake Shore and Michigan Southern Railway Company agrees, under the direction of the city council, or the commissioner of public works, to raise or lower its tracks along the right of way from Sixteenth street to Thirty-ninth street, so as to conform to the present grade established by the city of Chicago at the several streets intersecting their right of way within the limits aforesaid. At streets where no grade is established, the grade of the tracks shall conform to a straight line projected between the two nearest established grades. The total cost and expense made necessary to raise or lower said tracks shall be borne by the said Lake Shore and Michigan Southern Railway Company, and the city of Chicago shall be saved harmless therefrom.

¶ 3. **Not to obstruct travel.**] § 3. The said Lake Shore and Michigan Southern Railway Company shall not obstruct public travel in LaSalle street and Wentworth avenue along the right of way of said company within said limits.

¶ 4. **Extension of streets across tracks—dismissal of suit.**] § 4. Said Lake Shore and Michigan Southern Railway Company shall, whenever notified and required by the mayor, permit the city of Chicago to extend streets across the right of way in perpetuity, wherever such streets shall terminate at such right of way north of Sixty-first street, except at points where a railroad yard, building or fence is established; but before such right shall take effect the said city shall grade and plank said street across said right of way and prepare the same for public travel, and upon such notification and improvement the portion of such right of way so intersected by such street shall be held to be dedicated by said railway company in perpetuity for street purposes, subject to the right of said railway company to use said land so dedicated for all purposes not inconsistent with such dedication; and the city shall have the same jurisdiction over the street so dedicated that it would have were it extended across such right of way by condemnation, and shall maintain the same in proper condition for public travel not inconsistent with its use for railway traffic; and said railway company shall, on or before the acceptance of this ordinance, cause to be dismissed a certain bill of complaint filed in the Superior court of Cook county, and having the general number of 104,651, entitled "The Chicago, Rock Island and Pacific Railway Company and the Lake Shore and Michigan Southern Railway Company vs. the city of Chicago," which bill prays for an injunction against the city of Chicago to restrain said city or its officers from interfering or intermeddling with the tracks of said companies at Twenty-fourth street.

¶ 5. **Bond.**] § 5. Before exercising any of the rights hereby

granted the said Lake Shore and Michigan Southern Railway Company shall execute to the city of Chicago a bond in the penal sum of fifty thousand (50,000) dollars, to be approved by the mayor, conditioned that said company shall and will observe and perform all the provisions of this ordinance, and shall and will forever indemnify and save harmless said city of Chicago against and from any and all damages, judgments, decrees, costs and expenses of the same, which said city may suffer, or which may be recovered or obtained against said city for or by reason of, or growing out of, or resulting from, the passage of this ordinance, or from any act or acts of said company under or by virtue of the privileges of this ordinance; and it is hereby further provided that upon the recovery of any final judgment or judgments against the said city as aforesaid, the said company shall immediately, and without prior payment of such judgment or judgments by said city, be liable to pay and shall pay the amount or amounts thereof to the said city, and the fact that the said city may not have paid such judgment or judgments shall constitute no defense on the part of said company.

¶ **6. Subject to ordinances.**] § 6. The privileges and rights herein granted shall be subject to all laws and ordinances governing railroads now or which hereafter may be in force, passed by the legislature of the state or by the city council.

¶ **7. Acceptance—bond—stipulation.**] § 7. This ordinance shall take effect and be in force when the said Lake Shore and Michigan Southern Railway Company shall file with the city clerk its written acceptance of the terms and conditions of this ordinance, and shall file the bond herein provided for, and shall file a stipulation with the city clerk that said suit may be dismissed, each party to pay its own costs, the matter in controversy therein having been settled. If said acceptance and bond shall not be filed within thirty (30) days from the passage hereof, this ordinance shall be null and void.

§ 354. Lake Shore & Michigan Southern Railway company.

¶ 1. Preamble.
¶ 2. Authority to relay tracks.
¶ 3. Conditions.
¶ 4. Acceptance and bond.

An ordinance authorizing the Lake Shore & Michigan Southern Railway company to replace, relay, maintain and operate certain switch tracks across State street and across Sixty-third street. (Passed July 8, 1895. Accepted July 20, 1895.)

¶ **1. Preamble.**] Whereas, the Lake Shore and Michigan Southern Railway Company for many years prior to the month of April, A. D. 1894, maintained and operated certain switch tracks across the surface of State street, and also across the surface of Sixty-third street, and used and employed such switch tracks in the transaction of its necessary business; and

Whereas, in the month of April, A. D. 1894, all of said switch tracks were removed by authority of the city of Chicago; and

Whereas, on the 9th of July, A. D. 1894, the city council of the city of Chicago passed a certain ordinance requiring the said railway company to elevate the plane of its railroad tracks above the surface of the streets in the city of Chicago, as in said ordinance prescribed; and

Whereas, the said Lake Shore and Michigan Southern Railway Company has accepted and complied with all the terms and conditions of the said last mentioned ordinance, as far as possible up to this time, and is now in good faith engaged in the work of elevating the plane of its said railway tracks above the streets of the said city as by the said ordinance required; and

Whereas, it is necessary until the work of elevating said tracks shall be completed as required by said ordinance, that the said railway company should have the privilege of replacing, relaying, maintaining and operating the same switch tracks on the surface of the street across said State street and 63rd street, as the same were thereon laid before their removal as hereinbefore stated; now, therefore,

¶ 2. **Authority to relay tracks.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby given to the Lake Shore and Michigan Southern Railway Company to replace, relay, maintain and operate upon and across the surface of State street, and upon and across the surface of Sixty-third street, the same switch tracks used, operated and maintained by it, upon and across the surface of said streets respectively, prior to April 1st, 1894.

¶ 3. **Conditions.**] § 2. The permission and authority hereinbefore granted are upon and subject to the following express conditions and limitations:

First. That all rights and privileges conferred by section one of this ordinance shall absolutely cease and determine without any action of any kind upon the part of the city, upon the expiration of the time limited for the elevation of the plane of the railway tracks of said company above the surface of the respective streets herein mentioned, as prescribed in an ordinance entitled "An ordinance requiring the Lake Shore and Michigan Southern Railway Company and the Chicago, Rock Island and Pacific Railway Company to elevate the plane of certain of their railway tracks within the city of Chicago," passed July 9, 1894.

Second. The said railway tracks shall be laid and maintained under the supervision of the commissioner of public works, and subject to all ordinances now in force, or which may hereafter be adopted, regulating the use and operation of steam railways upon or across the surface of public streets.

Third. Before this ordinance shall take effect or be operative for any purpose whatever, the said railway company shall file a written

acceptance thereof with the city clerk, and shall also file with said clerk a bond payable to the city of Chicago in the penal sum of ten thousand dollars, with sureties to be approved by the mayor, conditioned for the faithful performance and observance by said railway company of all the conditions and requirements of this ordinance, and to indemnify the city from and against all claims for damages which may in any manner arise or accrue on account of the passage of this ordinance, or in consequence of any act or thing which may be done or performed under its provisions, or by authority thereof.

¶ 4. **Acceptance and bond.**] § 3. This ordinance shall take effect and be in force from and after the filing of the within acceptance and bond hereinbefore required, if the said acceptance and bond shall be so filed within ten days after the passage hereof, otherwise this ordinance shall not take effect.

NEW YORK, CHICAGO & ST. LOUIS RAILWAY COMPANY.

§ 354a. New York, Chicago & St. Louis Railway company.

¶ 1. Route.
¶ 2. Authority to cross streets, etc.—repair of streets.
¶ 3. Authority to lay tracks.
¶ 4. When in force.

An ordinance granting permission to the New York, Chicago and St. Louis Railway company to lay down certain tracks. (Passed and approved August 12, 1881. Bond approved August 19, 1881.)

¶ 1. **Route.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission be and is hereby granted to the New York, Chicago and St. Louis Railway Company to construct, lay down, maintain and operate a railroad with one or more tracks, and such switches, sidings and turn-outs as may be necessary, along and upon the following route in the village of Hyde Park, Illinois, to wit: Beginning at a point about three hundred and forty (340) feet west of the southeast corner, section thirty-one (31), on the line between township thirty-six (36) and thirty-seven (37); thence north 55° west to a point in the south half of the southeast quarter of section twenty-five (25), where a line of Gillett avenue in Irondale extended south would intersect said line south of the Calumet river; thence north along said line of Gillett avenue extended to a point north of the Calumet river, between lot No. five (5) of Linn and Hawkinson's subdivision, and lot No. twelve (12) of Wisner's subdivision, in center of Gillett avenue; thence north in the center of said Gillett avenue to the north line of One Hundred and Sixth (106th) street in the said village of Irondale; thence north 27° west, crossing One Hundred

and Fifth (105th) street at the intersection with Powell avenue, crossing One Hundred and Fourth (104th) street at its intersection with Hewes avenue, crossing One Hundred and Third (103d) street at its intersection with Scoville avenue, and One Hundred and Second (102d) street at its intersection with Willett avenue, and also the alleys between said streets; thence through the west half of southeast quarter of section twelve (12) north of the Indiana boundary line, also the west half of the northeast quarter of said section twelve (12); thence across Ninety-fifth (95th) street, and the Chicago, Rock Island and Pacific Railroad, and the Chicago and Western Indiana Railroad; thence through the southwest quarter of section one (1), crossing Ninety-third (93d) street in said quarter section, crossing Ninety-first street on north line of said quarter section; thence through a portion of the northwest quarter of section one (1), crossing Ninetieth (90th) street in the south half of said quarter section; thence crossing Stony Island avenue between said section one (1) and northeast quarter of section two (2); thence through northeast quarter of said section two (2); thence crossing Eighty-seventh (87th) street on north line of said quarter section of said section two (2); thence through the southeast quarter of section thirty-five (35) of township thirty-eight (38), crossing Eighty-third (83d) street on north line of said quarter section thirty-five (35); thence through west half of the northeast quarter of section thirty-five (35); thence through a portion of the northwest quarter of section thirty-five (35) to Rhodes avenue; thence north on Rhodes avenue to the Illinois Central Railroad, and all the alleys between said streets. Said railway company is hereby authorized and empowered to change or vary its line above described, for the distance of a mile east or west, as shall best subserve the interests of said company.

¶ 2. **Authority to cross streets, etc.—repair of streets.**] § 2. The said railway company may cross any and all intervening streets, alleys and railroad tracks upon or along the line of the said route, as designated in the first section, said company to be subject at all times to the direction of the proper department or officers of said village, in making the crossings or connections with other roads and the keeping in repair so much of said streets, alleys and crossings, as [may] be occupied by said railway company with its tracks, switches and turnouts.

¶ 3. **Authority to lay tracks.**] § 3. The said railway company may, and it is hereby authorized to lay down, maintain and operate one or more railroad tracks, with such turnouts, side tracks and switches as it shall deem necessary, over and across any land which it may acquire upon the line of said route by lease, purchase, condemnation or otherwise, and the said railway company may use and operate the railroad tracks hereby authorized to be laid with locomotive engines and cars, subject to all ordinances of the village of Hyde Park applicable to railroads, which are now or hereafter may be enforced.

This ordinance shall not [take effect] until said company shall have given a bond in the sum of $25,000.

¶ 4. **When in force.**] § 4. This ordinance shall take effect and be in force from and after its passage.

Note.—See following amendatory ordinance.

§ 355. New York, Chicago & St. Louis Railway company.

¶ 1. Route as amended.
¶ 2. Street crossings—repairs—ditches, etc.
¶ 3. Motive power.
¶ 4. Viaducts.
¶ 5. Indemnity.
¶ 6. Side tracks—conditions—joint user of main tracks—liability.
¶ 7. Build crossings—flagmen.
¶ 8. Subject to ordinances.

An ordinance to amend an ordinance entitled "An ordinance granting permission to the New York, Chicago & St. Louis Railway company, to lay down certain tracks," passed August 12, 1881. (Passed and approved April 30, 1883.)

¶ 1. **Route as amended.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That section one of the said ordinance be and is hereby so amended that permission is hereby given the said New York, Chicago & St. Louis Railway Company to extend its tracks into the village of Hyde Park, Cook county, Illinois, as follows, to wit: Beginning at a point in its lines as now constructed south of 81st street; thence northeasterly to and across 81st street; thence northeasterly across block 123, to and across 80th street; thence northeasterly across blocks 108 and 109 and across Rhodes avenue, as said Rhodes avenue appears on the plat of Cornell; thence across 79th street and blocks 93 and 94 to 78th street; thence across 78th street to and across block 80; then by a curve to the right across block 79 to Woodlawn avenue; thence across Woodlawn avenue and 77th street at or near their intersection to block 61; thence northeasterly by a tangent to the south line of lot one in said block 61; thence by a curve to the left across said lot one in block 61 to the right of way of the Pittsburgh, Fort Wayne & Chicago Railway Company; thence across said right of way and 76th street to the Michigan Southern & Lake Shore Railroad.

¶ 2. **Street crossings—repairs—ditches, etc.**] § 2. The said railway company may cross any and all intervening streets, alleys or railroad tracks upon or along the line of said route as designated in section one hereof: Provided, that the said railroad company shall not construct, operate, or maintain more than two tracks on or across or upon any of the streets and alleys along the line of said route specified in this amended ordinance; and provided further, that said crossings shall be made at such places, and in such manner, as the superintendent of public works shall direct. And said company shall be subject at all times to the direction of the department of public

works, or other proper department, or officer of said village, in the construction of its tracks mentioned in said original, or in this amended ordinance, in making the crossings or connections with other roads and the keeping in repair so much of said streets, alleys and crossings as may be occupied by said railway company, with its tracks, switches and turnouts, and shall also construct and keep in repair under the direction of the department of public works, or other proper department, or officer of said village, all culverts, drains and ditches necessary for carrying off the water on both sides of and under its railroad in the village of Hyde Park, and to prevent the accumulation of water, by reason of the construction of said railroad, and shall also construct and maintain a ditch or drain on each side of said railroad, continuous through the village of Hyde Park, of sufficient width and depth to afford free discharge of the water that may accumulate along the line of said railroad; the necessary culverts under and across 77th street and Woodlawn avenue to be finished before September 1, 1883.

¶ 3. **Motive power.**] § 3. Said railway company may, and it is hereby authorized to use and operate the railroad tracks hereby authorized to be laid, with its locomotives, engines and cars, subject to all ordinances of the village of Hyde Park, applicable to railroads, which are now or hereafter may be in force.

¶ 4. **Viaducts.**] § 4. The permission, authority and privileges hereby granted are upon the express condition that the said railway company shall erect and maintain viaducts over any of its tracks upon any street or streets of said village, which may be crossed by its tracks, where and as the board of trustees may from time to time require, and under the supervision of the department of public works, or other proper department, or officer of said village, and in making and constructing the approaches to all such viaducts: Provided, however, that when any such viaducts cannot be built at any such street crossing without the same be built over the track or tracks of some other company or companies, then the said New York, Chicago & St. Louis Railway Company shall only be obliged to join with such other last mentioned company or companies in the construction and maintenance of such viaduct or viaducts, and if such other railroad company or companies shall not join in the erection of such viaduct, then, when the proportion of such other company or companies shall be otherwise provided, the said New York, Chicago & St. Louis Railway Company shall pay its fair proportion of the cost of any such viaduct.

¶ 5. **Indemnity.**] § 5. The permission and authority hereby granted are upon the further express condition that the said railroad company shall and will forever indemnify and save harmless the village of Hyde Park against and from any and all damages, judgments, decrees, and cost and expenses of the same, which it may suffer or which may be recovered or obtained against the said village, for or by reason of the granting of such privileges and authority, or for or by reason

of, or growing out of, or resulting from the passage of this ordinance, or of the ordinance to which this is amendatory, or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted, or from any act or acts of the said company under or by virtue of the provisions of this ordinance or of the said original ordinance.

¶ 6. Side tracks—conditions—joint user of main tracks—liability.] § 6. The permission and authority hereby granted are upon the further express condition, to-wit: That said railway company shall permit any corporation, person or persons duly authorized by ordinance of said village, to construct sidetracks to intersect any track or tracks of said railway company within the limits of said village, for the purpose of conveying property to and from such railroads to any warehouse, lumber yard, coal yard, or any manufactory situated within one thousand (1,000) feet of said railroad; and upon reasonable compensation being made therefor shall at all times permit the owners or lessees of any such side track, or the consignee of any property, to take the cars containing such property to him or them consigned to any such warehouse, lumber yard, coal yard or manufactory, situated upon any such side track; Provided, however, that any cars so taken shall be returned without any unnecessary delay, and that any such owner, lessee or person conducting or carrying on any such warehouse, lumber yard, coal yard, or manufactory, shall be entitled to have any property taken from any such warehouse, lumber yard, coal yard or manufactory, over any such side track to and upon the tracks of said railroad under the directions and regulations of said railroad company without unreasonable delay; and, provided further, that the privileges authorized herein are granted upon the express condition that the New York, Chicago & St. Louis Railway Company shall permit any other railroad company[ies], not exceeding two in number, which have not at present any right of entrance into the village of Hyde Park, to use the said main railroad tracks herein authorized to be laid jointly with the said New York, Chicago & St. Louis Railway Company, upon such fair and equitable terms as may be agreed upon by said companies, and in event that said companies cannot agree upon said terms, the same shall be settled by three disinterested persons, one to be selected by the New York, Chicago & St. Louis Railway Company, one to be named by such other company as may desire to use said tracks, and the third by said two persons, and the terms and conditions which shall be fixed and determined by said persons, or a majority of them, shall be the terms and conditions upon which said companies respectively shall use and occupy said tracks; and upon the further express condition that said New York, Chicago & St. Louis Railway Company, and any other railroad company that shall construct or operate said railroad under this ordinance, or under lease from, or under contract with, the said New York, Chicago & St. Louis Railway Company, shall be held jointly bound to pay all legal damages that may accrue to the

owners of property, by reason of the construction or operation of said railroad under this ordinance, or the ordinance to which this is an amendment.

¶ 7. **Build crossings—flagmen.**] § 7. Said railroad company shall also build and maintain all crossings and sidewalks at streets and roads, and the approaches thereto, under the direction of the department of public works, or other proper department, or officer of said village, and shall keep a flagman at all such crossings, or construct and maintain gates at all such crossings, in such manner and at such places as shall be required by the board of trustees of said village.

¶ 8. **Subject to ordinances.**] § 8. The privileges hereby granted said railway company are granted upon the further express condition that the entire length of the railroad of said railway company, in the village of Hyde Park, shall be subject to all the provisions of this ordinance, and that said New York, Chicago & St. Louis Railway Company shall at all times be subject to all the ordinances now in force, or hereafter to be passed, and a failure on the part of said railway company to comply with the provisions of any ordinance now in force, or hereafter to be passed, shall work a forfeiture of the rights and privileges granted by this ordinance, or by the ordinance of which this is an amendment.

NORTHERN RAILWAY COMPANY.

§ 356. Northern Railway company.

¶ 1. Route.
¶ 2. Conformity to grade—repair of roadway—paving.
¶ 3. Use of streets.
¶ 4. Indemnity.
¶ 5. Flagmen.
¶ 6. Subject to ordinances.
¶ 7. Bonds.
¶ 8. Control by other company enjoined.
¶ 9. Time limit for construction—conditions of grant.
¶ 10. Successors bound by all provisions herein.
¶ 11. When in force.

An ordinance granting right of way to the Northern Railway company. (Passed February 5, 1866.)

¶ 1. **Route.**] Be it ordained by the common council of the city of Chicago: § 1. That the Northern Railway Company is hereby authorized to lay down, in as direct a line as practicable, in the center of the streets and avenues hereinafter enumerated from its commencement to the termination thereof, within the city limits, a railroad track, with necessary switches and turnouts, and to operate the same upon

the following named streets and avenues, and to cross all streets and avenues intersecting the same in its route, to wit: Commencing at the northern city limits, thence along Southport avenue to Jones avenue, thence along Jones avenue to Hawthorne avenue, thence along Hawthorne avenue to Larrabee street, thence along Larrabee street to Chicago avenue, or to the street used and known as Roberts street, thence along Roberts street to Kingsbury street, thence on Kingsbury street to the north line of Kinzie street; or said company may, instead of using that portion of Chicago avenue from Larrabee to Kingsbury street, lay their track across any land legally acquired by them, in a direct line from Larrabee street to Kingsbury street, south of Erie street, and thence on Kingsbury street to Kinzie street.

¶ 2. **Conformity to grade—repair of roadway—paving.**] § 2. It shall be the duty of the board of public works to furnish said company with the grade established or to be established on the streets and avenues designated in section one of this ordinance, or upon the streets or avenues on which they shall lay their track, and when ordered by the common council or the board of public works said company shall raise the same to grade, and with an average depth of at least one foot and a half of gravel, and shall lay their track, as far as practicable, in such a manner that a good gravel way shall be maintained for the use of the public, and shall keep the said roadway in good repair at all times, the said improvement to be done under the direction of the board of public works. A failure on the part of the company to comply with the conditions of this section shall work a forfeiture of the grant made under this ordinance: Provided, if the said railroad company shall refuse or neglect to comply with the provisions of this section, or shall refuse or neglect to make such new improvement, when recommended by the board of public works, or ordered by the common council, within a reasonable time, to be fixed by any ordinance of the common council, then the work may be done by the city, and the cost thereof assessed by the board of public works on said company, and collected as other assessments, from any real or personal property of said company. But if the board of public works should deem it inexpedient that said new improvement should be so made by said company, then the same shall be done by the city, as in other cases, and the cost thereof assessed upon and collected of said company in manner as aforesaid. And if the said company shall refuse or neglect to make any necessary repairs as aforesaid, or the repairs required by any ordinances heretofore passed, after twenty days' notice from the board of public works, the city may make the improvements and collect the cost thereof by suit at law in any court of competent jurisdiction.

¶ 3. **Use of streets.**] § 3. The said company is also hereby required to so lay down and maintain its tracks, switches and turnouts that they shall interfere as little as practicable with the usefulness of

said streets, avenues and alleys as road or carriage-ways and shall at all times keep them in such condition as to allow free and easy passage for vehicles along and over the same, under the direction of the board of public works.

¶ 4. **Indemnity.**] § 4. The permission herein granted is upon the express condition that said railway company shall keep and save the city harmless from all damages, costs, expenses and suits arising out of the occupation or use of said streets, avenues and alleys by said company.

¶ 5. **Flagmen.**] § 5. This permission is granted on the further condition that the said company shall at all times keep flagmen at such cross streets as the board of public works or the common council may from time to time direct.

¶ 6. **Subject to ordinances.**] § 6. This permission is granted subject to all general ordinances now in force, or that may hereafter be passed, concerning railroads in said city.

¶ 7. **Bonds.**] § 7. Said railroad company shall enter into bonds with the city of Chicago in the penal sum of fifty thousand dollars, to be approved by the mayor and comptroller, for the faithful performance on its part of all the provisions and requirements of this ordinance, and all general ordinances now in force, or that may hereafter be passed concerning railroads.

¶ 8. **Control by other company enjoined.**] § 8. This permission is given upon the further condition that the said company shall not consolidate with, or be controlled by, any other company having a trunk road entering in said city, and in case the said company shall ever be controlled by any such road, either by sale, purchase of stock or otherwise, this permission or grant shall cease and be of no force or effect, and the city may enter upon said streets, avenues and alleys, and take up and remove said track, side tracks, switches and turnouts, and repossess the same as before the passage of this ordinance.

¶ 9. **Time limit for construction—conditions of grant.**] § 9. This grant is made on the further condition that the said railway company shall construct and finish the said road within two years from the passage of this ordinance, and in case the same is not done, within the said time, this grant shall cease and be of no force and effect. And it is further provided, that said Northern Railroad Company shall receive and transport, on fair and equitable terms, all freights and passengers which may be brought to it by connecting railroads; Provided, that if said company, its successors and assigns, shall be enjoined by any court in Cook county, the time said company shall be enjoined shall not be computed or taken to be any part of the two years herein mentioned for the completion of said railroad, meaning and intending hereby to grant two full years for the completion thereof.

¶ 10. **Successors bound by all provisions herein.**] § 10. The

provisions, grants, restrictions and obligations of this ordinance shall extend to, and be in force and bindng upon, the successors and assigns of said Northern Railroad Company.

¶ 11. **When in force.**] § 11. This ordinance shall be in force and effect as soon as the bond provided for by section seven shall be duly executed and delivered to the city.

PITTSBURG, CINCINNATI & ST. LOUIS RAILWAY COMPANY.

§ 357. Pittsburg, Cincinnati & St. Louis Railway company.

¶ 1. Route—Kinzie street.
¶ 2. Territory between Kinzie street, Carroll avenue, Morgan and Halsted streets.
¶ 3. Carroll avenue.
¶ 4. Territory between North Halsted street, the Chicago river, Carroll avenue and Fulton street.
¶ 5. Motive power.
¶ 6. Subject to ordinances.
¶ 7. Conformity to grade—street repair.
¶ 8. Indemnity.

An ordinance concerning the Chicago & Great Eastern Railway Company. (Passed October 8, 1866.)

¶ 1. **Route—Kinzie street.**] Be it ordained by the common council of the city of Chicago: § 1. That permission and authority be and is hereby given to the Chicago and Great Eastern Railway Company, and its successors, to put down, construct and maintain a railroad with a single track, and with the necessary switches and turnouts in that part of Kinzie street on the south side of said street, and as near as may be to the south track of the Chicago and Northwestern Railway, in the city of Chicago, from Western avenue eastward to a point on said Kinzie street between North Morgan and North Sangamon streets; subject, however, to the direction of the board of public works in the laying of the same, with the right to cross intervening streets between those limits. The permission and authority herein granted are upon the express condition that said railroad company, before laying down their track on said Kinzie street, between North Morgan and North Ada streets, shall at its own expense construct a sewer on said Kinzie street, from North Ada street eastward so far as said company may lay down their track, large enough to carry off all the accumulations of water, and forever keep and maintain the same in good order; such sewer to be made under the direction and supervision of the board of public works.

¶ 2. **Territory between Kinzie street, Carroll avenue, Morgan and Halsted streets.**] § 2. Said company is also hereby authorized to lay down, maintain and operate one or more railroad tracks with such turnouts, switches and turn tables as they shall deem necessary, on any ground which said company now owns or may hereafter acquire by purchase, donation, condemnation or otherwise, between Kinzie and Carroll, and between Morgan and Halsted streets, and also to lay down, maintain and operate any such track or tracks, turnouts and switches across any street or streets and alleys within the district aforesaid; Provided, that convenient crossings shall be made and maintained by said company where such track or tracks cross any such street or alley, and proper warning tables shall be erected in conspicuous places at or near such crossings.

¶ 3. **Carroll avenue.**] § 3. That said company is also hereby authorized to lay down, maintain and operate one or more railroad tracks, together with all such turnouts and switches, as may be deemed necessary on Carroll avenue, in the city of Chicago, from Halsted street eastward to the Chicago river, with the right to cross said Halsted street, and all intervening streets between those limits; said track or tracks to be laid under the direction and supervision of the board of public works, and that but one track shall be laid on said street without the permission of the common council.

¶ 4. **Territory between North Halsted street, the Chicago river, Carroll avenue and Fulton street.**] § 4. Said company is also hereby authorized to lay down, maintain and operate one or more railroad tracks with such turnouts, switches and turn tables as they may deem necessary, on any ground which said company now owns, or may hereafter acquire by purchase, donation, condemnation or otherwise, between North Halsted street and the Chicago river, and between Carroll avenue and Fulton street; and also to lay down, maintain and operate any such track or tracks, turnouts and switches, across any street or streets and alleys within the district aforesaid, and also all such as may be necessary to the convenient use of any depot grounds said company may now own, or hereafter acquire in the vicinity of or adjoining said line of road, and to form connections with other roads, and also to acquire and use all such depot grounds, and to erect thereon such buildings as said company may deem necessary for the convenient transaction of its business; Provided, that convenient crossings shall be made and maintained by said company, where such track or tracks cross any such street or alley, and proper warning tables shall be erected in conspicuous places at or near such crossing.

¶ 5. **Motive power.**] § 5. Said company and its successors are hereby authorized to operate all the railroad tracks aforesaid with steam or such other motive power as said company shall deem best.

¶ 6. **Subject to ordinances.**] § 6. That the privileges hereby granted shall be enjoyed subject to all general ordinances that now are or may hereafter be in force concerning railroads in said city of Chicago.

¶ 7. **Conformity to grade—street repair.**] § 7. It shall be the duty of the board of public works, whenever so ordered by the common council, or whenever they deem the same necessary, to furnish said company with the grade established, or to be established, on said Carroll avenue, or that portion of said street occupied by said company; and when ordered by the common council, or board of public works, said company shall curb and raise the whole of said street, between North Halsted street and the river, to grade; with an average depth of at least one foot and a half of gravel or macadam, and shall lay their tracks, switches and turnouts in such manner that a good travel way shall be maintained for the use of the public, and shall at all times keep the said roadway in good repair, said improvement to be done under the direction of the board of public works; a failure on the part of the company to comply with the conditions of this section shall work a forfeiture of the grant made under this ordinance; Provided, however, if the said company shall refuse or neglect to comply with the provisions of this section, or shall refuse or neglect to make such new improvements, when recommended by the board of public works or ordered by the common council, within a reasonable time, to be fixed by order of the council, then the work may be done by the city, and the cost thereof assessed by the board of public works on said company, and collected as other assessments or taxes from any real or personal property of said company, or recover by action against said company. But if the board of public works should deem it inexpedient that said new improvement should be made by said company, then the same shall be done by the city, as in other cases, and the cost thereof assessed upon and collected of said company in manner as aforesaid or recovered by suit. And if the said company shall refuse or neglect to make any necessary repairs as aforesaid, or the repairs required by any ordinance heretofore passed, after twenty days' notice from the board of public works, the city may make the improvements and collect the cost thereof by suit at law in any court of competent jurisdiction.

¶ 8. **Indemnity.**] § 8. The permission herein granted is upon the express condition that said railway company shall keep and save the city harmless from all damages, costs, expenses and suits arising out of the occupation or use of said streets and alleys by said company.

§ 357a. Pittsburg, Cincinnati & St. Louis Railway company.

¶ 1. Condition—grant, five years.

An ordinance to allow the Pittsburg, Cincinnati & St. Louis Railway company to occupy sidewalk on Carroll avenue. (Passed August 16, 1869.)

¶ 1. **Condition—grant five years.**] Be it ordained by the common council of the city of Chicago: § 1. That as soon as the Pittsburgh, Cincinnati and St. Louis Railway Company has planked with three-inch oak plank the whole width of that portion of Carroll avenue, between Union and Halsted streets, at their own expense, and under the direction of the board of public works, then they shall be permitted to use the sidewalk in front of their depot on the north side of said Carroll avenue, between Union and Halsted streets, for the purpose of loading and unloading goods, for the term of five years.

PITTSBURG, FORT WAYNE & CHICAGO RAILROAD COMPANY.

§ 358. Pittsburg, Fort Wayne & Chicago Railroad company.

¶ 1. Grant—route.
¶ 2. Route continued—crossings.
¶ 3. Motive power and speed.
¶ 4. Bridge or tunnel across or under the south branch.
¶ 5. Authority to operate single track with horse power.
¶ 6. Bond—indemnity.

An ordinance in relation to the Fort Wayne & Chicago Railroad company. (Passed February 13, 1854.)

¶ 1. **Grant—route.**] Be it ordained by the common council of the city of Chicago: § 1. That permission and authority be and is hereby given to the Fort Wayne and Chicago Railroad Company to lay down, maintain and operate a single railroad track in any one street in the city of Chicago west of the west line of Clark street, from the southern boundary of said city as far north as the south line of North street, and all such turnouts, switches and turn tables as shall be deemed necessary.

¶ 2. **Route continued—crossings.**] § 2. And said company may and shall have the power to lay down, maintain and operate one or more railroad tracks, with such turnouts and switches as they shall deem necessary, on any ground which they may acquire by purchase, donation or otherwise, within the district and boundaries aforesaid, and also from the north line of the district and boundary aforesaid as far north as the south line of Van Buren street, and west of the west line of Clark street, and to lay down, and maintain, and operate any such track or tracks and turnouts across any street or streets, or alleys, within the districts aforesaid, and also to acquire as aforesaid, and use all depot grounds, and to erect all depot buildings necessary to accommodate the business of said company; Provided, that convenient crossings shall be made and maintained by said company where such

track or tracks cross any such street or alleys, and proper warning tables shall be erected in conspicuous places at or near such crossings. Said company shall be subject to all laws and ordinances that are now in force, or may hereafter be passed, to regulate railroads within said city.

¶ 3. **Motive power and speed.**] § 3. Said company may use and operate said railroad tracks, within the districts aforesaid, with locomotive engines and cars, under such rules and regulations with reference to the speed, motive power and manner of running the same as the common council of said city may from time to time impose and make.

¶ 4. **Bridge or tunnel across or under the south branch.**] § 4. Said company may construct, maintain and use a railroad drawbridge across the south branch of the Chicago river, or a tunnel under the same, at any point south of the south line of Twelfth street in said city; Provided, said bridge or tunnel shall be so constructed as not materially to interrupt or impede the navigation of the south branch of the Chicago river; and the said company may join any other railroad company in the erection and use of said bridge or tunnel, heretofore authorized or which may be hereafter authorized to construct a bridge across said south branch, and said companies thus uniting may jointly use each other's track or tracks, bridge and depots, and form mutual connection within said city upon such terms as may be agreed upon by the parties interested.

¶ 5. **Authority to operate single track with horse power.**] § 5. And said company shall have the power to construct and maintain a single railroad track, and operate the same with horse power only, in any one street of said city, or may lay down and use one or more tracks on grounds which may be acquired by said company by purchase, donation or otherwise, within the following limits, viz: West of the east line of Canal street, and between the south line of Harrison street and the north line of Kinzie street, and to cross any and all intervening streets and alleys in the track and course thereof: Provided, said company shall plank the carriage-way of said street so occupied, in and on each side of said track, so as to render the same convenient for the passage of teams and travel; And provided, also, that said railroad company shall get the consent of a majority in interest of the property holders on said street so occupied, before they proceed to lay down and operate said horse tracks.

¶ 6. **Bond—indemnity.**] § 6. This ordinance shall not take effect until the said company shall have entered into a bond with the city of Chicago, conditioned for the payment of all damages for which the said city may become liable to any person or persons by reason of the said road entering said city, or by reason of said company constructing, laying down, using or occupying said railroad track or tracks within said city; and conditioned also for the payment of all damages

which may arise to the said city of Chicago, and to any person or persons whomsoever, by reason of said company constructing, laying down, maintaining, using and occupying said railroad track or tracks within said city of Chicago.

Note.—See following amendatory ordinances.

§ 359. Pittsburg, Fort Wayne & Chicago Railroad company.

¶ 1. Route—bond—side tracks—construction of slip or slips—repair of streets.

An ordinance amendatory of an ordinance passed February 13, 1854, concerning the Fort Wayne & Chicago Railroad company, now the Pittsburg, Fort Wayne & Chicago Railroad company. (Passed November 17, 1856.)

¶ 1. Route—bond—side tracks—construction of slip or slips—repair of streets.] Be it ordained by the common council of the city of Chicago: § 1. That permission and authority be and is hereby given the Pittsburgh, Fort Wayne and Chicago Railroad Company to lay down, maintain and operate a railroad track or tracks, with necessary switches, turnouts and side tracks, in the streets in the said city of Chicago, running north and south on the center line of section twenty-one, in township thirty-nine north, of range fourteen, east of third principal meridian, from the south line of North street to the north line of Twelfth street, and thence in Beach street to Harrison street: Provided, said railroad company shall enter into bonds with the city of Chicago, to be filed in the clerk's office of said city, conditioned that said railroad company will afford facilities to the owners of property on said streets running north and south, for doing business on said railroad, by putting in side tracks necessary for that purpose, and operate the said track so as to carry the cars of said railroad company, and of all other connecting railroads, on fair and reasonable terms, to and from said property, and also to hold and save harmless the said city of Chicago from all damages in consequence of this act; And provided, also, that nothing herein granted shall prevent the common council of the city of Chicago authorizing the construction of a slip or slips across said streets; And provided, further, that the privileges hereby granted shall be enjoyed subject to all general ordinances that now are or hereafter may be in force concerning railroads in said city; Provided, the tracks of said road shall be so laid as to interfere as little as possible with the usefulness of said streets, as road or carriage-ways, by grading, filling and planking or macadamazing them in such way as to allow free passage for carriages across and alongside its tracks, and in such manner as the common council shall direct, and also by changing the grade of said streets at any time it may be ordered by the common council, and that they will comply with all the restrictions imposed by the ordinance to which this is an amendment.

§ 360. Pittsburg, Fort Wayne & Chicago Railroad company.

¶ 1. Preamble.
¶ 2. Grant in Stewart avenue.
¶ 3. Limitation of grant.
¶ 4. Subject to ordinances.
¶ 5. Condition.

An ordinance amending an ordinance entitled "An ordinance amending an ordinance passed February 13, 1854, concerning the Fort Wayne & Chicago Railroad company, now the Pittsburg, Fort Wayne & Chicago Railroad company," passed November 17, 1856. (Passed August 22, 1864.)

¶ 1. Preamble.] Whereas, since the passage of the ordinance to which the following is an amendment, the legislature of the state of Illinois has, by the passage of the act approved February 13th, 1863, entitled "An act to reduce the charter of the city of Chicago, and the several acts amendatory thereof, into one act, and to revise the same," extended the limits of said city upon the south by including in the city section number thirty-three (33), in township thirty-nine (39) north, range fourteen (14), east of third principal meridian; and whereas, before the passage of said act, the Pittsburgh, Fort Wayne and Chicago Railway Company had acquired from the commissioners of highways of the town of South Chicago, and from various property owners along the line of the streets or highway known as "Stewart avenue," as the same was laid out and dedicated, through the center of section thirty-three (33), the right of way for their track or tracks in said street or highway running through said section; and whereas, by the several ordinances to which this is an amendment, said railroad company were authorized and empowered to use said street as the same is located through the centers of sections number twenty-one (21) and twenty-eight (28), in the manner therein specified, from the south line of North (now Sixteenth) street to the city limits; now, therefore,

¶ 2. Grant in Stewart avenue.] Be it ordained by the common council of the city of Chicago: § 1. That permission and authority is hereby given to the Pittsburgh, Fort Wayne and Chicago Railroad Company to lay down, maintain and operate a railroad track or tracks—not exceeding two in number—with necessary switches, turnouts and side tracks, in the street known and designated as Stewart avenue, in the city of Chicago, as the same is laid out and dedicated, running north and south on the center lines of sections twenty-one (21), twenty-eight (28) and thirty-three (33), in township thirty-nine (39) north, range fourteen (14), east of the third principal meridian, from the south line of Sixteenth (formerly North) street to the southern boundary of said city.

¶ 3. Limitation of grant.] § 2. Nothing in the foregoing section shall be construed as conferring upon said railway company the right to use any other street than the one therein named, nor as extending the right to use Stewart avenue between said points to any

greater extent than is provided by the ordinance, passed November 17th, 1856, granting to said company permission to use said street north of the south line of North (now Sixteenth) street, to which this is an amendment.

¶ 4. **Subject to ordinances.**] § 3. That the privileges hereby granted shall be enjoyed subject to all general ordinances that now are or hereafter may be in force concerning railroads in said city.

¶ 5. **Condition.**] § 4. The privileges granted by this ordinance are upon the express condition: That said railway company, its successors and assigns, shall, as respects grading, paving, macadamizing, filling or planking, at its own expense, keep eighteen feet in width in repair on said Stewart avenue, so far as the same is embraced in this ordinance, and keep its tracks in such condition that wagons and other vehicles can pass and repass at any and all points and in any and all directions, and shall be subject to assessment for paving, repaving, planking, replanking or any other kind of improvement, of eighteen feet in width of said avenue, whenever the common council shall by ordinance order said improvement to be made in said Stewart avenue, and shall then use the kind of rail and lay it in said avenue in the manner directed by the board of public works.

§ 361. Pittsburg, Fort Wayne & Chicago Railroad company.

¶ 1. Grant—route.
¶ 2. Route continued—maintenance of highways.
¶ 3. Crossing streets—tunnels—supervision—indemnity.
¶ 4. Association of companies—powers—arbitration.
¶ 5. Depots, etc.—use of streets—vacation.
¶ 6. Speed—motive power—fuel to be used.
¶ 7. Indemnity.
¶ 8. Subject to a certain ordinance.
¶ 9. File contracts and bonds.

An ordinance to allow a connection between the Pittsburg, Fort Wayne & Chicago and the Chicago, St. Paul & Fond du Lac Railroad companies, and such other railroad companies as may unite with them. (Passed August 16, 1858.)

¶ 1. **Grant—route.**] Be it ordained by the common council of the city of Chicago: § 1. That permission is hereby granted to the Pittsburg, Fort Wayne and Chicago, and the Chicago, St. Paul and Fond du Lac Railroad Companies, and all other railroad companies that may unite with them, to lay down, construct, maintain and operate a single or double railroad track, with all the necessary switches, side tracks, turn-outs and turn-tables, across and upon any grounds that they may acquire or obtain the use of, between Van Buren and Kinzie streets, and the south and north branches of the Chicago river and Canal street.

¶ 2. **Route continued—maintenance of highways.**] § 2. Like permission and authority are hereby granted to said companies, or either of them, to use for the purposes and in the manner mentioned in

the foregoing section, West Water street, in the city of Chicago, and that portion of Canal street which is between the south line of Fulton and the north line of Kinzie streets, and also use for such purposes the alleys through blocks number twenty-two (22), twenty-nine (29), and forty-four (44), of the original town of Chicago; Provided, said companies shall improve and maintain the public highways so used by them, as may from time to time be ordered by the common council.

¶ 3. **Crossing streets — tunnels — supervision—indemnity.**] § 3. The said companies shall have full power and authority to cross all streets and alleys that may intersect the route of the tracks granted by the preceding section. The tracks of said roads, at their intersection with all streets that are now or may hereafter be bridged to cross either branch of the river, shall be carried under the streets in tunnels, so constructed as to protect the public from accidents or injuries. And if, for these purposes, it is necessary to raise the grade of such streets, or of the approaches to the bridges, the same shall be done by and at the expense of said railroad companies, and under the direction and to the satisfaction of the city superintendent of public works, or such other person or committee as the common council may direct or appoint to superintend such work, and said companies shall pay and shall hold the city harmless from all damages arising from such raising of grades and filling and tunneling of approaches; and at the intersections of said tracks with the unbridged streets, where no tunnels are required, the said railroad companies shall construct and maintain such crossings as to obstruct the ordinary travel as little as possible.

¶ 4. **Association of companies—powers—arbitration.**] § 4. Said companies may associate with themselves, in the construction and use of such tracks, any and all railroad corporations; and any corporations so associated shall possess all the powers herein granted to the said Pittsburgh, Fort Wayne and Chicago, and the Chicago, St. Paul and Fond du Lac railroad companies, and said latter companies shall allow and permit the use of the tracks constructed under this ordinance by any other railroad corporations upon such terms and conditions as shall be fair and equitable, to be determined, in case of their disagreement between the companies, by two disinterested and competent civil engineers, one to be selected by each party, and in case of their disagreement, a third shall be appointed by the judge of the Cook county court of common pleas; and the award and decision of said referees shall be final, conclusive and binding upon the parties.

¶ 5. **Depots, etc.—use of streets — vacation.**] § 5. Said companies may establish, construct, maintain and use, at any place or places between Lake and Van Buren streets, all such depots, freight houses and station buildings as the business of said companies, or of any and all companies that may use said tracks, may require. And in case the depot shall be of such length, and so located as to extend over and require the use of grounds upon two adjoining lots or blocks, said

companies may use the street between said lots or blocks for that purpose; Provided, such street is not used as a public thoroughfare for crossing the river, and is legally vacated for the purpose.

¶ 6. **Speed—motive power—fuel to be used.**] § 6. Said companies may use and operate said railroad tracks, within the district aforesaid, under such rules and regulations with reference to speed, motive power and manner of running the same, as the common council may from time to time impose and make; and if steam power locomotives be used, said companies shall use only coke or coal for fuel for the same, and the speed shall not exceed five miles per hour.

¶ 7. **Indemnity.**] § 7. The permission and authority hereby granted to said railroad companies are upon the express condition that they shall each and all of them indemnify the city for any and all damage and expense to which it may be subjected by reason of the using and occupying of any of the streets and alleys and grounds in the district aforesaid by said companies or either of them.

¶ 8. **Subject to a certain ordinance.**] § 8. All powers and privileges herein granted are subject to the ordinance entitled "An ordinance supplemental to all ordinances concerning railroads," as the same is found incorporated into "Municipal Laws," chapter 49, pp. 363, 364 and 365.

¶ 9. **File contracts and bonds.**] § 9. This ordinance shall not take effect or be in force unless the said Pittsburg, Fort Wayne and Chicago, and the Chicago, St. Paul and Fond du Lac Railroad Companies, shall within ninety days of the passage hereof, file with the comptroller, contracts in legal form binding their respective companies to fulfill the same so far as any of its provisions apply to them, and also shall file as above, the bonds of their respective companies, satisfactory in form and amount to the mayor and comptroller, to secure the fulfillment of said contract; nor shall any other railroad companies be entitled to participate in the rights and privileges herein granted, or any of them, until they respectively shall execute and file contracts and bonds in accordance with this section.

Note.—See following amendatory ordinances.

§ 362. Pittsburg, Fort Wayne & Chicago Railroad company.

¶ 1. Grant of additional time.

An ordinance in relation to the Chicago, St. Paul & Fond du Lac Railroad company. (Passed November 8, 1858.)

¶ 1. **Grant of additional time.**] Be it ordained by the common council of the city of Chicago: § 1. That section nine of an ordinance passed August 16th, 1858, entitled "An ordinance to allow a connection between the Pittsburg, Fort Wayne and Chicago, and the Chicago, St. Paul and Fond du Lac railroad companies, and such other railroad companies as may unite with them," be so far amended as to grant to said Chicago, St. Paul and Fond du Lac Railroad Com-

pany thirty days additional to the ninety days therein specified, in which to file the "contract" and the "bond" of said company, as required by said section number nine.

§ 363. Pittsburg, Fort Wayne & Chicago Railroad company.

¶ 1. Temporary track—cessation of use—limit of use.
¶ 2. Flagmen.
¶ 3. Location of depot grounds—completion of tunnels.
¶ 4. Covenant as to removal of track—right to use extended, upon petition.
¶ 5. Conditions as to the use of temporary track.
¶ 6. Acceptance—ordinance of no force until filed.
¶ 7. Grades established.

An ordinance to amend an ordinance passed August 16, 1858, entitled "An ordinance to allow a connection between the Pittsburg, Fort Wayne & Chicago and the Chicago, St. Paul & Fond du Lac Railroad companies, and such other railroad companies as may unite with them." (Passed August 18, 1860.)

¶ 1. Temporary track—cessation of use—limit of use.] Be it ordained by the common council of the city of Chicago: § 1. That the third section of the ordinance passed August 16th, 1858, entitled "An ordinance to allow a connection between the Pittsburg, Fort Wayne and Chicago, and the Chicago, St. Paul and Fond du Lac railroad companies, and such other railroad companies as may unite with them," be and the same is hereby so modified as to permit a temporary track to be laid and used over Lake, Randolph and Madison streets, for the period of one year from the time when they shall first use said temporary track, or any part thereof, for the transportation of freight and passengers over either Lake, Randolph or Madison streets; said track to be laid in the alley in crossing blocks twenty-two, twenty-nine and forty-four, old town of Chicago. Whenever the permanent track and tunnels shall have been made the right to use the said temporary tracks shall cease, although the twelve months shall not have expired; Provided, that if the said companies, or either of them, shall be enjoined by the order or injunction of any court of competent jurisdiction from proceeding with the making of any or either of said last mentioned tunnels, or the laying of said temporary track, the time during which they are so enjoined shall be added to the time above limited for continuing the use of said temporary track and completing said tunnels; but in no event shall said railroad companies, or either of them, be permitted to have or use said temporary track over either Madison, Lake or Randolph streets for a longer period than three years from the passage of this ordinance, except as provided for in the fourth section hereof.

¶ 2. Flagmen.] § 2. The said companies shall station and keep a flagman upon every street crossed by the track aforesaid, and at the junction of Canal and West Water streets, whenever a train or locomotive shall be crossing any of said several streets on said track.

¶ 3. **Location of depot grounds—completion of tunnels.**] § 3. The said Pittsburg, Fort Wayne and Chicago Railroad Company shall commence and complete the location of its depot grounds, between Madison and Adams streets in the west division, as soon after the passage of this ordinance as it legally can, and at all events within six months after the passage of this ordinance. And the aforesaid railroad companies shall, immediately upon the passage hereof, begin and persistently follow the making of the permanent connection in and by said original ordinance contemplated, and the making and finishing of the several tunnels under Lake, Randolph and Madison streets in the manner in said ordinance specified; of which said tunnels they shall finish that under Madison street in four months, under Lake street in eight months, and under Randolph street in ten months from the passage hereof. In the event of an injunction being obtained against proceeding with the permanent track or the tunnels, or either of them, the said railroad companies shall press for a hearing and dissolution as soon as possible, and the citizens of the west division may employ counsel to aid the counsel of said railroad companies in the same, and said railroad companies shall comply with all lawful orders of the court in the premises, and fairly and fully insist upon their right to make such track and tunnels.

¶ 4. **Covenant as to removal of track—right to use extended, upon petition.**] § 4. At the expiration of the time as in the first section of this ordinance provided, all right to have, continue or use the said temporary track, by any or either of the railroad companies above mentioned or referred to, shall utterly cease and determine; and the said railroad companies, and each and every one of them, shall, and by the acceptance of this ordinance and in consideration of the privileges hereby granted, expressly will and do jointly and severally covenant and agree to and with S. S. Hayes, David J. Lake, John C. Haines, C. N. Holden and William W. Farwell, and the survivors of them, severally and not jointly, as trustees of the rights and interests of the present owners, their grantees or assigns, of property situate in the west division of Chicago, without the power in said trustees of releasing or acquitting the said railroad companies, or either of them, therefrom, that the said temporary track or appurtenances shall not be continued beyond the period aforesaid, nor shall said railroad companies, or any of them, or any one for them, apply to the common council to extend the said term of such continuance thereof, or accept, or in any manner receive, any extension or renewal of the said term, except upon the petition hereinafter mentioned; and any act, attempt, or authority from any source whatever, except as hereinafter provided, purporting to authorize the continuance of the said track across the said streets above mentioned, or either of them, beyond the said period, shall be absolutely null and void as to the said trustees and each of the property owners and inhabitants of said west division; and the said trustees, their agents or servants, or any inhabitant of said west divis-

ion, may, if said track be continued across either of said streets beyond the period aforesaid, enter upon, tear up and remove the portion of said track crossing said street or streets as aforesaid, and be forever discharged and acquitted from any action by, or liability to, said raidroad companies, or their assigns, or any or either of them, for so doing; Provided, however, that upon the presentation of the petition in writing of the owners of two-thirds, in lineal measurement, of the property fronting on either of said streets crossed by such temporary track, counting from the river or the branch thereof which said street crosses west to the city limits, at least one month prior to the expiration of said year, the common council may, in its discretion, extend the use of said temporary track on such street for a longer period; Provided, also, that such petition shall designate the length of time for which such extension or use is sought to be granted.

¶ 5. **Conditions as to use of temporary track.**] § 5. The said temporary track is to be used by the said railroad companies as aforesaid, with the utmost care and caution, and every locomotive in coming in from the north shall came to a full stop near to, and before crossing Kinzie street, and in coming in from the south in like manner, before crossing Van Buren street. The rate of speed on such temporary track shall be subject to the control and regulation of the common council, and shall in no place thereon exceed the rate of five miles per hour; trains shall not be made up on said temporary track, and all locomotives used thereon shall use coke or coal for fuel, and a clear violation of any of the provisions of this ordinance, by any of the railroad companies aforesaid, shall render the same absolutely null and void, and all the rights herein and hereby granted shall thereupon cease and determine; Provided, there shall be no switch or switches located at the crossing of any street or alley.

¶ 6. **Acceptance—ordinance of no force until filed.**] § 6. This ordinance shall not take effect, nor shall either of the railroad companies aforesaid commence the construction or use of said temporary track, or any part thereof, until the Pittsburg, Fort Wayne and Chicago, and the Chicago and Northwestern Railway Companies, shall have first, respectively, in writing, under seal and in due form, bound themselves to the acceptance and performance of this ordinance, and filed such written acceptance with the comptroller of the city of Chicago, and made and delivered a duplicate of the same, personally, to either William W. Farwell or David J. Lake aforesaid, for the said trustees above mentioned. Nor shall this ordinance take effect as to any other railroad company proposing to construct or use such track, until such company shall have first filed and served the obligation in this section required.

¶ 7. **Grades established.**] § 7. The grade of said streets at the several points at which the tunnels shall be located, are hereby fixed at twenty-two feet above low water mark in the Chicago river.

§ 364. Pittsburg, Fort Wayne & Chicago Railroad company.

¶ 1. Grade at Van Buren street—grant void unless.

An ordinance to amend an ordinance, passed August 16, 1858, entitled "An ordinance to allow a connection between the Pittsburg, Fort Wayne & Chicago, and the Chicago, St. Paul & Fond du Lac Railroad companies, and such other railroad companies as may unite with them." (Passed August 18, 1860.)

¶ 1. Grade at Van Buren street—grant void unless.] Be it ordained by the common council of the city of Chicago: § 1. That the ordinance passed August 16th, 1858, entitled "An ordinance to allow a connection between the Pittsburg, Fort Wayne and Chicago, and the Chicago, St. Paul and Fond du Lac Railroad Companies, and such other railroad companies as may unite with them," be so modified as to permit the Pittsburg, Fort Wayne and Chicago Railroad Company, and such other railroad companies as may unite with them, to cross Van Buren street at its present grade until the common council shall order otherwise for the purpose of making said railroad companies comply with any grade it may hereafter establish, either by running over or under said street; Provided, that the common council shall give six months' notice of said change. But this ordinance shall be void, and all the rights, privileges and immunities under it, unless the Pittsburg, Fort Wayne and Chicago Railroad Company shall locate their passenger depot on the west side of the river, between Madison and Adams streets, within six months after the passage of this ordinance, and the marshal shall at once proceed to take up the track.

§ 365. Pittsburg, Fort Wayne & Chicago Railroad company.

¶ 1. Preamble.
¶ 2. West Monroe, east of Canal street, vacated.
¶ 3. Deed by city to company.
¶ 4. Conditions.

An ordinance to vacate Monroe street, between Canal street and the south branch of the Chicago river, in accordance with the provisions of an ordinance passed August 16, 1858, entitled "An ordinance to allow a connection between the Pittsburg, Fort Wayne & Chicago, and the Chicago, St. Paul & Fond du Lac Railroad companies, and such other railroad companies as may unite with them." (Passed August 12, 1861.)

¶ 1. Preamble.] Whereas, the said Pittsburg, Fort Wayne and Chicago Railroad Company have purchased and are the owners in fee of blocks 71 and 72 in school section addition to Chicago, and have permanently located thereon a union depot for the accommodation of said company, the Chicago and Northwestern Railroad Company, and such other railroad companies as may unite with them, and for the purpose of constructing upon said blocks such buildings and improvements as may be required for the business of said companies, it is desirable that Monroe street, lying between said blocks, should be vacated, in accordance with the provisions of said ordinance of August 16th, A. D. 1858; therefore,

¶ 2. **West Monroe, east of Canal street, vacated.**] Be it ordained by the common council of the city of Chicago: § 1. That so much of West Monroe street as extends from the east line of Canal street to the dock line which may at any time hereafter be established by the authorities of the city of Chicago on the west bank of the south branch of the Chicago river, and lying between blocks 71 and 72, in school section addition to Chicago, be, and the same is hereby, vacated and discontinued, so long as it may be used for railroad passenger depot purposes, and no longer.

¶ 3. **Deed by city to company.**] § 2. The mayor and comptroller shall execute and deliver, on behalf of the city, such proper deed or conveyance as may be necessary to convey all the right, title and interest of the city in said vacated and discontinued street to the Pittsburg, Fort Wayne and Chicago Railroad Company, and in such deed or conveyance, or other instrument, this ordinance shall be fully recited.

¶ 4. **Conditions.**] § 3. If the said Pittsburg, Fort Wayne and Chicago Railroad Company shall at any time cease to use for railroad passenger depot purposes that portion of Monroe street which is hereby vacated, or if said railroad company shall at any time hereafter refuse or neglect to reimburse said city of Chicago for any amount of money it may be compelled by legal process to pay any person or persons, as damages caused by reason of the vacation and discontinuance of said portion of Monroe street, the same shall immediately revert to the city of Chicago, and any deed or conveyance given by the city of Chicago by virtue hereof shall be void, and all right and title thereunto shall again become vested in the city of Chicago as before the passage of this ordinance.

§ 366. Pittsburg, Fort Wayne & Chicago Railroad company.

¶ 1. Grant—repair of Lumber street.
¶ 2. Rights to cease, when.
¶ 3. Bond.

An ordinance relative to the use of a part of Lumber street by the Pittsburg, Fort Wayne & Chicago Railroad company. (Passed December 1, 1862.)

¶ 1. **Grant—repair of Lumber street.**] Be it ordained by the common council of the city of Chicago: § 1. That permission and authority be and is hereby given to the Pittsburg, Fort Wayne and Chicago Railroad Company, to lay down, maintain and operate a single railroad track on the east side of Lumber street from the intersection of said railroad with Lumber street to South street, together with all such turnouts and side tracks leading into the property adjoining such said part of Lumber street as may be desired by the owners or occupants of such adjoining property; Provided, however, that said single track be laid immediately over the ditch on the east side of said Lumber street, and it and all side tracks and turnouts shall be laid in conformity with the directions of the board of public works of

said city of Chicago, and in such a manner as to interfere as little as possible with Lumber street for the ordinary purposes and uses as a highway; And Provided, further, that said railroad company shall at all times keep that portion of Lumber street which lies between the points above mentioned in good repair, and shall repair, grade, plank or pave all that portion of said Lumber street, as the said board of public works or said common council shall order or direct, and shall, in the use of said track or tracks, be subject to all rules and regulations relative to motive power, speed and the manner of running thereon, that the said common council have, or hereafter may, either by general or special ordinance, make or impose.

¶ 2. **Rights to cease, when.**] § 2. If at any time the said railroad company shall refuse or neglect to comply with any order of said board of public works or with any order or ordinance of said common council relative to the repairing, grading, planking or paving of said part of Lumber street, or relative to the laying of said track or tracks, or using the same, then all rights herein or hereby granted, or intended to be granted, shall cease and determine, and the said city of Chicago, its officers, agents, servants or workmen, shall have the right at once to take up and remove any or all of said tracks laid in said Lumber street.

¶ 3. **Bond.**] § 3. This ordinance shall not take effect until the said railroad company shall have entered into a bond with the city of Chicago, to be filed with and approved by the city comptroller of said city, and conditioned for the payment of any and all costs, expenses, fees, charges and damages for which the said city of Chicago may become or be held liable to any person or persons by reason of any act of said railroad company, in laying down said track or tracks in said Lumber street, or using or operating on the same, or by reason of said railroad company's neglect or refusal to keep said Lumber street, between the points above mentioned, in good repair, or to keep that portion of said Lumber street repaired, graded, planked or paved, as directed by said common council or said board of public works.

§ 367. Pittsburg, Fort Wayne & Chicago Railroad company.

¶ 1. Viaduct at Twelth street.
¶ 2. Supervision.
¶ 3. Cost—indemnity.

An ordinance in regard to the building of a viaduct over the tracks of the Pittsburg, Fort Wayne & Chicago railroad at Twelfth street. (Passed May 5, 1873.)

¶ 1. **Viaduct at Twelfth street.**] Be it ordained by the common council of the city of Chicago: § 1. That the board of public works be and it is hereby directed to proceed to erect and complete, within one year from the passage of this ordinance, a good and sufficient viaduct, with stone abutments and iron framework, over the tracks of said Pittsburg, Fort Wayne and Chicago Railroad Company

at Twelfth street in said city; Provided, the said railroad company shall agree, by consenting to this ordinance through its authorized officers, to pay in monthly installments upon the vouchers (or certificates) of said board of public works and of the chief engineer of said railroad company, to be issued as the work progresses, an aggregate sum of twenty-five thousand dollars.

¶ 2. **Supervision.**] § 2. The said viaduct shall be built under the joint superintendence of said board of public works and of said chief engineer, and to be of such height, and the tracks of said railroad company under said viaduct to be placed at such grade, as said board and said chief engineer shall determine.

¶ 3. **Cost—indemnity.**] § 3. All expenses of every nature and kind in excess of said twenty-five thousand dollars, if any there may be, shall be borne by the said city of Chicago; said city shall maintain the approaches to, and the floor of, said viaduct at its own expense, and also do all ordinary repairs. The said city of Chicago shall save the said railroad company harmless from any claim for damages by any person injured by the erection of said viaduct, and from all expenses connected with the erection of the same (exceeding said sum of twenty-five thousand dollars); Provided, however, the said chief engineer's services shall be rendered at the expense of said railroad company.

§ 368. Pittsburg, Fort Wayne & Chicago Railroad company.

¶ 1. Route.
¶ 2. Condition as to Hanover street.
¶ 3. No tracks in Forty-seventh or Fifty-fifth street.
¶ 4. Indemnity.
¶ 5. Company and lessees to pay all damages.
¶ 6. Acceptance.

An ordinance granting right of way to Pittsburg, Fort Wayne & Chicago railroad in the town of Lake. (Adopted January 23, 1880. Accepted February 6, 1880.)

¶ 1. **Route.**] Be it ordained by the board of trustees of the town of Lake: § 1. Permission is hereby granted by the town of Lake to the Pittsburg, Fort Wayne and Chicago Railroad Company to lay its track or tracks, side tracks, switches and turnouts in, over, across and along all the streets and alleys of the town of Lake which run east and west, crossing Stewart avenue between the south line of Forty-seventh street and the north line of Fifty-fifth street, and between Stewart avenue and the east line of Hanover street, and in and along that portion of Fort Wayne avenue lying between Forty-ninth street and Fifty-first street, and to operate the said tracks with steam power, subject, however, at all times to the general ordinances of the town of Lake now in force or that may be hereafter be adopted by the board of trustees; said tracks to be laid and maintained in and along said streets and alleys in accordance with and under the direction of the board of trustees of the town of Lake.

¶ 2. **Condition as to Hanover street.**] § 2. The permission and authority hereby granted are upon the express condition that the said railroad company, in consideration of the use of the said Fort Wayne avenue, shall open and extend Hanover street, from Fifty-first street to Forty-ninth street, to the uniform width of sixty-six feet, through blocks one (1), two (2), three (3) and four (4), of McChesney's Subdivision of the southeast quarter (¼) of the southeast quarter (¼) of the southeast quarter (¼) of the northwest quarter (¼), and the east eleven (11) acres of the north half (½) of the southeast quarter (¼) of the northwest quarter (¼) of section nine (9), township thirty-eight (38), range fourteen (14) east of the 3d Principal Meridian, and dedicate the same for public use.

¶ 3. **No tracks in Forty-seventh or Fifty-fifth streets.**] § 3. No authority or permission is granted by this ordinance to lay any tracks, switch or turnout, in any portion of Forty-seventh street or Fifty-fifth street.

¶ 4. **Indemnity.**] § 4. The permission and authority hereby granted are upon further express condition that the said railway company and its grantees, lessees and assigns shall and will forever indemnify and save harmless the town of Lake against and from any and all damages, judgments, decrees and costs and expenses of the same, which it may suffer or which may be recovered or obtained against the Town for or by reason of the granting of such privileges and authority, or for or by reason of or growing out of or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company, its grantees, lessees or assigns, of the privileges hereby granted, or from any act or acts of the said company, its grantees, lessees or assigns, under or by virtue of the provisions of this ordinance.

¶ 5. **Company and lessees to pay all damages.**] § 5. The permission, authority and privileges hereby granted are upon the further express condition that the said Pittsburg, Fort Wayne and Chicago Railroad Company, and any other railway companies that shall construct or operate said railroad under this ordinance or under lease from or contract with the Pittsburg, Fort Wayne and Chicago Railroad Company, shall be held jointly, or severally, bound to pay all legal damages that may accrue to the owners of property by reason of the operation of said railroad under this ordinance.

¶ 6. **Acceptance.**] § 6. This ordinance will be declared null and void unless a written acceptance of the same shall be deposited with the Town clerk of the Town of Lake within thirty days from this date.

§ 369. Pittsburg, Fort Wayne & Chicago Railroad company.

¶ 1. Route—grant, ten years—condition.
¶ 2. Track not to be elevated.
¶ 3. Bond.

An ordinance authorizing the Pennsylvania company, operating the Pittsburg, Fort Wayne & Chicago railroad, to lay down, maintain and operate a railroad track in the city of Chicago. (Passed April 30, 1883.)

¶ 1. **Route—grant, ten years—condition.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby granted to the Pennsylvania Company operating the Pittsburg, Fort Wayne and Chicago Railroad to lay down, maintain and operate, for a period of ten years, with steam power, a single railroad track extending from the center of West Water street to and across the west line of North Canal street, at such a point within a distance of eighty feet south of the south line of Fulton street as said company may select; Provided, that if there is a viaduct ordered built on Canal street over said track by the city council, this company shall pay its proportion of the expense of building said viaduct and the approaches thereto, or at its option to remove said track and switch forthwith.

¶ 2. **Track not to be elevated.**] § 2. Said track shall not be elevated above the surface of the street, and shall be so laid that carriages and other vehicles can easily and safely pass over the same at any time and at all points, and in any and all directions.

¶ 3. **Bond.**] § 3. This ordinance is granted upon the express condition that said company shall enter into bonds with the said city of Chicago in the penal sum of twenty-five thousand dollars ($25,000), with good and sufficient sureties to save and keep the said city harmless from any and all claims for damages for or on account of the laying and operation of said track.

§ 370. Pittsburg, Fort Wayne & Chicago Railroad company.

¶ 1. Additional tracks in Stewart avenue.
¶ 2. Dedication of street—company pay costs.
¶ 3. Company improve street.
¶ 4. Sidewalk.
¶ 5. Removal of lamp posts and underground work.
¶ 6. Exercise of rights after improvement.
¶ 7. Fence on east line of Stewart avenue—gates, etc.
¶ 8. Joint operation of gates.
¶ 9. Right to operate, when—fence on west side Stewart avenue—agreement.
¶ 10. Subject to all general ordinances.
¶ 11. Indemnity.
¶ 12. Bond.
¶ 13. Improvement of street dedicated by company.
¶ 14. Four viaducts—foot bridges—conditions as to cost and maintenance.
¶ 15. When in force—acceptance.

An ordinance granting permission to the Pittsburg, Fort Wayne & Chicago Railway company to lay down and maintain two additional tracks in Stewart avenue. (Passed July 21, 1887. Accepted September 12, 1887.)

¶ 1. **Additional tracks in Stewart avenue.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration

of the covenants and agreements herein contained, permission and authority is hereby given to the Pittsburg, Fort Wayne and Chicago Railway Company, its lessees and successors, to lay down, maintain and operate two (2) additional railroad tracks, with necessary switches, turnouts and side tracks, in the streets known and designated as Stewart avenue, in the city of Chicago, as the same is now laid out and dedicated, from Bushnell street on the north, to the southern boundary of said city; Provided, that the west rail of the west track of said company shall not be nearer the west line of Stewart avenue than twelve (12) feet.

¶ 2. **Dedication of street—company pay costs.**] § 2. The said company shall pay the entire cost and expense of widening said Stewart avenue, between the points mentioned in section 1 hereof, to an additional width of thirty-three feet, in the manner following: Before laying down said railroad tracks, or either of them, the said company shall dedicate, for use as a street, so much of the property on the east side of Stewart avenue, which may be owned or controlled by said company, as will increase the width of Stewart avenue, between Bushnell street and Thirty-ninth street, from sixty-six (66) feet in width to ninety-nine (99) feet in width upon a condemnation being had by the city of Chicago of the remainder, if any, of such abutting property as may be necessary to secure a continuous widening of said width of thirty-three (33) feet, between said points, the said company shall pay all damages and costs and expenses of said condemnation, so that said additional width of thirty-three (33) feet over and above said sixty-six (66) feet, may be secured for street purposes without cost or expense to the city, or to the property owners other than said company.

¶ 3. **Company improve street.**] § 3. Said company shall also pay the entire cost and expense of grading, curbing and macadamizing twenty-three (23) feet of said thirty-three (33) feet, from Bushnell street to Thirty-ninth street, when the same shall have become part of Stewart avenue, said work to be done under the direction of the department of public works.

¶ 4. **Sidewalk.**] § 4. Said company shall also build a substantial wooden sidewalk ten (10) feet in width, from Bushnell street to Thirty-ninth street on the east side of said thirty-three (33) feet at its own expense; said work to be done under the direction of the department of public works.

¶ 5. **Removal of lamp posts and underground work.**] § 5. The said Pittsburg, Fort Wayne and Chicago Railway Company shall remove from the present Stewart avenue, at its own expense, all lamp posts, drain pipes, water pipes, sewer pipes and hydrants, and shall replace the same under the direction of the department of public works, in said thirty-three (33) feet on the east side of the present Stewart avenue, after said thirty-three (33) feet shall have become, by dedication or condemnation, a part of Stewart avenue.

¶ 6. Exercise of rights after improvement.] § 6. The said company shall complete the entire improvement of said thirty-three (33) feet on the east side of Stewart avenue, between Bushnell street and Thirty-ninth street, in accordance with the provisions of this ordinance, before they shall exercise any rights under this ordinance.

¶ 7. Fence on east line of Stewart avenue, gates, etc.] § 7. Said company shall erect and forever maintain, at its own expense, on the east line of the present Stewart avenue; also on Stewart avenue, between the west line of their tracks and the roadway from Fifteenth street to Wilson street, a substantial fence of wood, iron, brick or stone, and of a design and size to be determined by the department of public works, together with suitable gates at street crossings, and in the future maintenance thereof the said company shall be subject to the directions of the department of public works.

¶ 8. Joint operation of gates.] § 8. The said company, together with the Chicago and Western Indiana Railway Company, and its lessees, shall operate gates at the Stewart avenue crossings, between Bushnell and Thirty-ninth streets, from towers to be placed on or near the west line of Stewart avenue, and shall, from time to time, provide and maintain such other and further protection against accidents to persons crossing said streets as may be required by the city council.

Provided, That after the construction and completion of any viaduct, at any street as hereinafter provided, the said company shall discontinue the gates at such street.

¶ 9. Right to operate, when—fence on west side Stewart avenue—agreement.] § 9. Upon the carrying out of the improvements in Stewart avenue above mentioned, and the erection of gates at the several crossings operated from towers as aforesaid, and the adoption of such safety appliances as shall satisfy the mayor and commissioner of public works as insuring the safety of the public, it shall be lawful for the said Pittsburg, Fort Wayne and Chicago Railway Company and its lessees, to operate the four tracks in Stewart avenue, and for the said Chicago and Western Indiana Railway Company and its lessees, to operate the four tracks of the said Chicago and Western Indiana Railway Company, adjoining said street on the west with their engines and passenger trains, at a rate of speed not exceeding twenty (20) miles an hour, between said Bushnell street and Thirty-ninth street on the south, on the express condition, however, that said Chicago and Western Indiana Railway Company shall first build on the west side of its tracks from Bushnell street to Thirty-ninth street, a substantial fence of wood, iron, brick or stone, as may be determined by the department of public works, and of a size and design to be determined by said department, together with suitable gates at street crossways; and provided, further, that said Chicago and Western Indiana Railway Company shall first agree in writing with the city

of Chicago to forever thereafter maintain said fence in conformity with the directions of the said department of public works.

¶ 10. **Subject to all general ordinances.**] § 10. The privileges hereby granted shall be subject to all general ordinances that now are or may hereafter be in force concerning railways in said city, which are not inconsistent with this ordinance.

¶ 11. **Indemnity.**] § 11. The permission and authority hereby granted are upon the further express condition that the said Pittsburg, Fort Wayne and Chicago Railway Company, its lessees and successors, shall and will forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs and expenses of same, which it may suffer, or which may be recovered or obtained against said city, for or by reason of the granting of the privileges and authority hereby conferred, or by reason of the exercise by the said company of any of the privileges hereby granted. And it is expressly agreed that upon the recovery of any final judgment or judgments against said city, as aforesaid, the said company shall immediately and without prior payment of said judgment by the city upon due notice of the same to be given by the comptroller of said city, be liable to pay and shall pay the amount or amounts thereof to said city, and the fact that the said city may not have paid said judgment or judgments shall constitute no defense on the part of the said company, and it is expressly agreed by the said Pittsburg, Fort Wayne and Chicago Railway Company, that it shall be held bound to pay all damages that may accrue to the property owners fronting on that portion of any streets wherein said railroad company or said city of Chicago shall under this ordinance construct any viaduct or approaches thereto, by reason of the construction of such viaducts or approaches.

¶ 12. **Bond.**] § 12. The said Pittsburg, Fort Wayne and Chicago Railway Company, its lessees or successors, shall enter into a good and sufficient bond with the city of Chicago, with sureties satisfactory to the mayor, in the penal sum of one hundred thousand dollars ($100,000), for the faithful performance of all the terms and conditions contained in this ordinance, and the payment of all moneys herein required.

¶ 13. **Improvement of street dedicated by company.**] § 13. It is further understood and agreed that whenever the said Pittsburg, Fort Wayne and Chicago Railway Company shall acquire title to the property situated on the east side of Stewart avenue, between Bushnell street and Archer avenue, by purchase, condemnation or otherwise, the said company shall thereupon dedicate thirty-three (33) feet off the west end of the same for street purposes, and shall grade, curb, macadamize and sidewalk the same, as is provided in the case of the property south of Bushnell street, when said thirty-three (33) feet, between Bushnell street and Archer avenue, shall have become dedicated as

aforesaid, the said company shall provide a safe and convenient access from Archer avenue to Twenty-second street, until the dedication of said thirty-three (33) feet, between Bushnell street and Archer avenue as aforesaid. The said company shall keep the entire width of Stewart avenue, exclusive of sidewalk space, between Bushnell street and Archer avenue, graded and paved to the level of the tops of the rails, under the direction of the department of public works, so that carriages and other vehicles may safely and conveniently pass and repass at all points. Said company shall also run its trains, between Twenty-second street and Bushnell street, during the time just aforesaid, at a speed not greater than six (6) miles an hour, and said rate of speed shall apply as well to passenger as to freight trains.

¶ 14. **Four viaducts—foot bridges—conditions as to cost and maintenance.**] § 14. The permission, authority and privileges hereby granted are upon the further express condition that the Pittsburg, Fort Wayne and Chicago Railway Company, its lessees or successors, shall pay to the city of Chicago the cost and expense of the construction and maintenance of four viaducts over the tracks of said company at such streets crossing the right of way hereby granted which may be selected by the city council of said city, and in addition thereto the said last mentioned railroad company shall pay the entire cost and expense of the approaches on the east side of said four viaducts and shall also pay all damages to lots, lands and buildings and any title to or interest therein, or to the occupancy or possession thereof which may be recovered or obtained against said city in consequence of the construction of said eastern approaches and viaducts; Provided, however, that said last mentioned railway company, its lessee or successor, shall not be required to pay for, in whole or in part, the erection of more than one of any such viaducts in any one year; Provided, further, that when any such viaduct cannot be built at any such street crossings without the same be built over the tracks of some other railroad company or companies then the Pittsburg, Fort Wayne and Chicago Railway Company, its lessees or successors, shall only be obliged to join with such other last mentioned company or companies in the construction and maintenance of such viaducts and pay its fair proportion of the cost of such viaduct or viaducts; but the Pittsburg, Fort Wayne and Chicago Railway Company shall, in any event, pay the entire cost of the eastern approaches, and land or other damages hereinbefore mentioned, on the east side of said tracks: Provided, further, that whenever the commissioner of public works shall order the same to be built, the said Pittsburg, Fort Wayne and Chicago Railway Company shall construct and maintain overhead foot bridges over and across said tracks not exceeding four in number, which said overhead foot bridges shall be removed to points where no viaduct is provided, when the viaducts hereinbefore provided for shall be built, at any point where a foot-bridge shall have been erected.

¶ 15. When in force—acceptance.] § 15. This ordinance shall take effect and be in force when the same shall have been duly accepted by said company; and the said company, its lessee or successor, shall have executed and filed with the city clerk the bond provided for herein, in manner and form as hereinbefore required; Provided, however, that unless this ordinance shall be duly accepted and said bond executed and filed within sixty (60) days of the passage hereof, this ordinance shall be null and void.

§ 371. Pittsburg, Fort Wayne & Chicago Railroad company.

¶ 1. Right confirmed to maintain existing tracks on Stewart avenue.
¶ 2. Permission to lay two additional tracks, with switches and cross-overs.
¶ 3. Viaducts at Forty-third and State streets—viaducts at other streets.
¶ 4. When in force.

An ordinance granting permission to the Pittsburg, Fort Wayne & Chicago Railway company to lay additional tracks on Stewart avenue. (Passed July 10, 1889. Accepted July 12, 1889.)

¶ 1. Right confirmed to maintain existing tracks on Stewart avenue.] § 1. Whereas, a dispute has arisen between the authorities of the town of Lake and the Pittsburg, Fort Wayne and Chicago Railway Company, relative to the right of said company to have certain of its tracks in Stewart avenue within the said town of Lake; and whereas, it is deemed important to the interests both of said company and of said town of Lake, that all questions in relation thereto should be now amicably settled for all time to come:

Therefore, Be it ordained by the trustees of the town of Lake, that the right of said Pittsburg, Fort Wayne and Chicago Railway Company, its lessees, successors and assigns, to the maintenance and operation of all its tracks which are now situated within the limits of said Stewart avenue, in said town of Lake, as the same are now constructed, be and the same is granted and confirmed forever.

¶ 2. Permission to lay two additional tracks, with switches and cross-overs.] § 2. That permission and authority are hereby given to said Pittsburg, Fort Wayne and Chicago Railway Company, its lessees, successors and assigns, to construct and forever operate and maintain, subject only to proper police regulation in respect thereto, two additional tracks, parallel with the two existing main tracks of said company within the limits of Stewart avenue; also across all other streets and alleys that may be now or hereafter laid out across said Pittsburg, Fort Wayne and Chicago Railway within the limits of the town of Lake, including herein necessary and proper switches and crossovers to the end that said Pittsburg, Fort Wayne and Chicago Railway Company, its lessees, successors and assigns may forever have the right to construct, maintain and operate within said town of Lake four main railway tracks, and necessary yard and side tracks.

¶ 3. Viaducts at Forty-third and State streets—viaducts at other streets.] § 3. The permission and authority herein granted is upon the following express condition:

First. That whenever the town of Lake wishes to construct viaducts over the tracks of said Pittsburg, Fort Wayne and Chicago Railway at 43rd street and at State street, said company will pay the cost of the superstructure over its right of way, and in the first named street will also pay the cost of building the east approach, but not the land damages, and one-half the cost of the pier (should there be one), located on the boundary line between their right of way and that of the Chicago and Western Indiana Railroad; and at the second named street they will do likewise with the superstructure, south approach and supporting pier, on boundary line between their right of way and that of the Lake Shore and Michigan Southern Railroad.

Second. That whenever the town of Lake may desire to construct a viaduct over any other street crossing than the ones named, the said Pittsburg, Fort Wayne and Chicago Railway Company, its lessees, successors or assigns, will pay the cost of so much of the superstructure of said viaduct as may be over the right of way or property of said Pittsburg, Fort Wayne and Chicago Railway, and also the cost of the supporting masonry, except when said masonry may also support superstructure that extends over the tracks or property of some other company, in which case they will pay one-half the cost of said masonry; it being understood that the town of Lake shall pay all land damages that may be caused in consequence of the construction of said viaducts or of said approaches, and will pay or cause to be paid the cost of all approaches to said viaducts other than to the two herein before mentioned; provided also further, that no more than two of said viaducts shall be constructed in any one calendar year. Provided also further, that the general plan of said viaducts and each of them so far as the same relates to the crossing of the right of way of the Pittsburg, Fort Wayne and Chicago Railway, shall be submitted for approval to the chief engineer of said railway company, its lessees, successors and assigns, and that before final bids shall be accepted for the construction of said viaducts or either of them, said Pittsburg, Fort Wayne and Chicago Railway, its lessees, successors or assigns, shall be permitted to inspect and approve the same.

¶ 4. When in force.] § 4. This ordinance shall not take effect or be in force unless the Pittsburg, Fort Wayne and Chicago Railway Company, or its lessee, the Pennsylvania company, shall within sixty (60) days of the passage thereof, file with the clerk of the town of Lake, its written acceptance thereof.

SOUTH CHICAGO & SOUTHERN RAILROAD COMPANY.

§ 372. South Chicago & Southern Railroad company.

¶ 1. Route.
¶ 2. Liability for damage.
¶ 3. Bond.

An ordinance granting permission to the South Chicago & Southern Railroad company to lay down tracks in the village of Hyde Park. (Passed and approved March 31, 1882.)

¶ 1. **Route.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission be and is hereby granted to the South Chicago and Southern Railroad Company, to construct and lay one or more railroad tracks upon that certain strip of land, not exceeding one hundred feet in width, which said company may acquire in said village, commencing at a point in the north line of One Hundred and Tenth street, at the intersection of the section line, between sections seventeen and eighteen, township thirty-seven (37), north range fifteen (15), east of the third (3rd) P. M., in the village of Hyde Park; thence south upon and along said section line to the south line of the southwest quarter (¼) of section 29, said town; thence to some point in the south line of the southwest quarter of section 32, said town, to be determined by said company; also commencing at the point of intersection of said section line, between sections nineteen and twenty, with the meander line of the government survey as made on said sections in 1874, thence south by west along, adjacent to and to the east of said meander line as established by the survey of 1874, to the south line of the northeast quarter of section three in said town; thence to connect with the Chicago and Western Indiana, and New York, Chicago and St. Louis railroads, as now established, and also with any belt line railroad or railroads which shall be constructed on any part of section thirty-one (31), said town, over such routes and at such points as may be determined by said company; also all such branches, side tracks and switches as the said company may, from time to time, elect to build on their own land now acquired, or which shall be hereafter acquired, by them on sections nineteen, twenty, twenty-nine, thirty-one and thirty-two in said township, county and state.

¶ 2. **Liability for damage.**] § 2. The said railroad company, within the boundaries aforesaid, may cross any street or alley on their lines of road; Provided, said company shall pay any and all damages arising from, or in any way growing out of, such taking or using such street or alley crossings or any of them, to any and all persons injured or damaged by the same; and provided further, said railroad company shall construct and maintain good and convenient crossings and sidewalks, and upon such grade or grades as may from time to time be required by the board of trustees, as well as cattle guards, culverts and warning tables across their tracks and grounds at the inter-

section of all streets and alleys now existing, or which may hereafter be authorized or opened by said board, and comply with and be subject to all laws and ordinances of said village now in force, or which may hereafter be adopted.

¶ 3. **Bond.**] § 3. This ordinance shall not take effect until after said company shall have entered into a bond with or to said village of Hyde Park in the penal sum of $5,000, conditioned for the payment of all damages which may arise to the said village of Hyde Park, and to any person or persons whoever, by reason of said company constructing, laying down, maintaining, using or occupying said railroad track or tracks, or taking, using or crossing said streets or alleys, within the said village of Hyde Park.

§ 372a. South Chicago & Southern Railroad company.

¶ 1. Route.
¶ 2. Damages—crossings—time limit for construction.

An ordinance granting permission to the South Chicago & Southern Railroad company to construct and maintain one or more railroad tracks in the village of Hyde Park. (Passed and approved February 1, 1886. Accepted March 22, 1886.)

¶ 1. **Route.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission be and is hereby granted to the South Chicago and Southern Railroad Company, its successors, or assigns, to construct and lay one or more railroad tracks upon that certain strip of land, not exceeding 100 feet in width, which said company may acquire in said village, commencing at the northwest corner of the northeast fractional quarter of section 20, township 37 north, range 15, east of the 3rd P. M., at the intersection of the half section line with the north line of said section 20; thence northerly to a point in the north line of 106th street, at the center of a plot or strip of land, known as "private property," on the northeast fractional quarter of section 8; thence north along the center of said strip of land to the south line of the right of way of the Baltimore and Ohio Railroad Company, to connect both to the easterly and westerly with said road, the Lake Shore and Michigan Southern Railroad, the Pittsburg, Fort Wayne and Chicago Railway, or either of them.

¶ 2. **Damages—crossings—time limit for construction.**] § 2. The said railroad company in the construction of said line, may construct and operate its road across any street or alley in their said line; Provided, said company shall pay any and all damages arising from, or in any way growing out of, such taking or using such street or alley crossings, or any of them, to any and all persons injured or damaged by the same; and Provided further, said railroad company shall, from time to time, as may be required by the board of trustees, construct and maintain good and convenient crossings and sidewalks and suitable cattle guards and culverts across its tracks and grounds, at the intersection of all streets and alleys which now exist, or which may

hereafter be authorized or opened by said board, and comply with and be subject to all laws and ordinances of said village now in force, or which may hereafter be adopted, governing the operation of railways. Provided further, that the said railroad company shall construct its road over the said line within one year from the date of the passage of this ordinance, or the same shall become voidable.

UNION STOCK YARD & TRANSIT COMPANY.

§ 373. Union Stock Yard & Transit company (resolution).

¶ 1. Resolution—permission to lay track on Emerald avenue.

Resolution passed by the board of trustees of the town of Lake authorizing the Union Stock Yard & Transit company to lay a single track on Emerald avenue. (Passed August 29, 1871.)

¶ 1. Resolution—permission to lay track on Emerald avenue.] Whereas, the Union Stock Yard & Transit Company has petitioned this board through John B. Sherman, general superintendent of said company, for the privilege of laying a single railroad track on the central line of Emerald avenue, north of the Union Stock Yard crossing or transfer track to Egan avenue: And whereas, J. V. LeMoyne, agent of parties owning the court subdivision of the west half of the northwest quarter of section 4, town 38, north range 14, in which subdivision said railroad track is proposed to be laid, has given this board, in writing, his opinions that the parties owning said subdivision would have no objection to have said railroad track laid on said Emerald avenue: And whereas, said J. V. LeMoyne gave it, as his opinion, to members of this board that said railroad track would be an advantage to said property owners, Resolved, that the Union Stock Yard and Transit Company are hereby granted the right to lay a single railroad track on the center line of Emerald avenue, north of the Union Stock Yard crossing, or transfer track, to Egan avenue.

§ 374. Union Stock Yard & Transit company.

¶ 1. Grant—street paving and repair.
¶ 2. Motive power—subject to ordinances—reservation.
¶ 3. Maintain crossings, bridges and viaducts.
¶ 4. Indemnity.
¶ 5. When in force.

An ordinance authorizing the Union Stock Yard & Transit company to extend its tracks. (Passed March 19, 1877.)

¶ 1. Grant—street paving and repair.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and are hereby granted to the Union Stock Yard and Tran-

sit Company to extend its railroad tracks along the east side of and adjoining the Columbus, Chicago and Indiana Central Railway from the crossing of the Illinois and Michigan Canal northward to a connection with the Chicago and Northwestern Railway at or near the crossing of that road and Ogden avenue, in said city, and may construct, maintain and operate such railroad with single or double track, and with all necessary switches, turn-outs and connections along the line thereof, as may be convenient or necessary for the transaction of the business to be done therein; said track, side tracks, turn-outs and switches to be laid, completed and constructed subject to the direction of the city engineer. And the paving and keeping in repair of so much of the streets, alleys and crossings as may be occupied by said Union Stock Yark and Transit Company with such tracks, switches and turn-outs, also to be under the direction of said engineer, and shall be paved and repaired when ordered by the city council of this city, and the said Stock Yark and Transit Company shall pave all approaches to the same, and keep them in proper repair.

¶ 2. **Motive power—subject to ordinances—reservation.**] § 2. The said Union Stock Yark and Transit Company is hereby authorized to run, and permit to be run, cars and engines over and along said tracks hereby authorized to be constructed, with steam or such other motive power as said company may deem best; subject, however, to all laws and ordinances of the city of Chicago, relative to railroad companies now in force, or which may hereafter be passed. But this section shall not be so construed as to authorize the said Union Stock Yark and Transit Company to construct or operate or permit to be operated what is commonly known as horse railroads, transporting passengers and baggage to and fro within the city of Chicago.

¶ 3. **Maintain crossings, bridges and viaducts.**] § 3. Such crossings, bridges or viaducts shall be made and maintained by said Union Stock Yard and Transit Company, where such track or tracks cross any streets, water-course or alley within the limits of the city of Chicago, as may be ordered by the city council.

¶ 4. **Indemnity.**] § 4. The permission and authority hereby granted are upon the further express condition, that the said Union Stock Yard and Transit Company, shall, and will forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees, costs and expenses, which it may suffer or which may be recovered or obtained against the city by reason of the granting of such privileges and authority, or for or by reason of, or growing out of or resulting from the passage of this ordinance, or any matter or thing connected therewith or with the exercise by said Union Stock Yard and Transit Company of the privileges hereby granted.

¶ 5. **When in force.**] § 5. This ordinance shall take effect and be in force from and after its passage and due publication.

§ 375. Union Stock Yard & Transit company.

¶ 1. Grant—extension—route.
¶ 2. Motive power—subject to ordinances.
¶ 3. Crossings—viaducts.
¶ 4. Indemnity clause.
¶ 5. When in force.

An ordinance concerning the Union Stock Yard & Transit company. (Passed May 26, 1877.)

¶ 1. Grant—extension—route.] Be it ordained by the trustees of the town of Cicero: § 1. That permission and authority be and are hereby granted to the Union Stock Yard and Transit Company, to extend its railroad tracks along the east side of, and adjoining the Columbus, Chicago and Indiana Central Railway from or near the point of crossing of Western and Egan avenues, northward to the south bank of the Illinois and Michigan Canal, and may construct, maintain and operate such railroad, with single or double tracks, and with all necessary switches, turn-outs and connections along the line thereof, as may be convenient or necessary for the transaction of the business to be done thereon.

¶ 2. Motive power—subject to ordinances.] § 2. The said Union Stock Yard and Transit Company is hereby authorized to run and permit to be run cars and engines over and along said tracks hereby authorized to be constructed with steam or such other motive power as said company may deem best, subject, however, to all laws and ordinances of said town of Cicero, relating to railroad companies now in force or which may hereafter be passed.

¶ 3. Crossings—viaducts.] § 3. Proper crossings, bridges or viaducts shall be made and maintained by said Union Stock Yard and Transit Company where such track or tracks cross any street or alley between the points aforesaid as may be ordered by the trustees of said town of Cicero, and said company is hereby authorized to cross, occupy and use any street or alley necessary or convenient for the construction, maintenance and use of said tracks.

¶ 4. Indemnity clause.] § 4. The permission and authority hereby granted are upon the further express condition that the said Union Stock Yark and Transit Company shall and will forever indemnify and save harmless the town of Cicero against and from any and all damages, judgments, decrees, costs and expenses, which it may suffer or which may be recovered or obtained against the town by reason of the granting of such privileges and authority, or for or by reason of, or growing out of, or resulting from the passage of this ordinance or any matter or thing connected therewith or with the exercise by said Stock Yard Company of the privileges hereby granted.

¶ 5. When in force.] § 5. This ordinance shall take effect and be in force from and after its passage.

§ 376. Union Stock Yard & Transit company.

¶ 1. Grant—route—indemnity—viaducts.
¶ 2. Subject to ordinances.
¶ 3. Forfeiture.
¶ 4. When in force—acceptance.

An ordinance granting permission to the Union Stock Yard & Transit company to lay tracks in the town of Lake. (Passed May 6, 1881. Accepted May 6, 1881.)

¶ 1. Grant—route—indemnity—viaducts.] Be it ordained by the board of trustees of the town of Lake: § 1. That permission and authority be and the same is hereby granted to the Union Stock Yards and Transit Company of Chicago to lay down, maintain and operate a railroad with tracks, as hereinafter provided, and such switches, sidings and turn-outs as may be necessary along and upon the following route in the town of Lake, to wit: Commencing at the lands of the Union Stock Yards and Transit Company in the east half of section five (5), town 38, north range 14, east of the third principal meridian, and running thence southwardly over such lots, lands and property as the said company now owns, or hereafter may acquire by lease, purchase, condemnation or otherwise, to the right of way of the Grank Trunk Junction Railway Company, between Forty-ninth and Fifty-first streets; thence eastwardly along the north side of the said right of way of the said Grand Trunk Junction Railway Company, and parallel with the same to a connection with the track or tracks of the Chicago and Western Indiana Railroad which are now laid, or which may be hereafter laid on Wallace street, in said town of Lake, and for that purpose to cross all intervening streets with its said tracks or track. The provisions and authority hereby granted are upon the following express conditions:

1st. That the said railway company, and its grantees, lessees and assigns, shall and will forever indemnify and save harmless the town of Lake against and from any and all damages, judgments, decrees, costs and expenses of the same which it may suffer, or which may be recovered or obtained against said town, for or by reason of the granting of such privileges and authority, or for or by reason of, or growing out of, or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company, its grantees, lessees or assigns of the privileges hereby granted, or from any act or acts of said company, its grantees, lessees or assigns, under or by virtue of the provisions of this ordinance.

2nd. That the said company shall construct and forever maintain a viaduct or viaducts with suitable approaches over any of its said tracks at Halsted street and Winter street, in case the public necessities shall hereafter at any time require the construction of such viaduct or viaducts and approaches thereto; such viaducts and approaches to be constructed according to a plan to be approved by the board of trustees of said town, and to be constructed within six months

from service on the company of a written notice from said board that the same is required: Provided, that any corporation constructing and owning a railroad, crossing said Halsted street and Winter street adjacent to the tracks of said railway company, shall be bound by ordinance of the town to contribute, in the construction of said viaducts and approaches, a sum equal to the cost of constructing the same over the tracks of such corporation.

¶ 2. Subject to ordinances.] § 2. The privileges and authority hereby granted to said company are granted upon the express conditions that said company, its successors and assigns, will promptly fulfill all obligations and duties that are now, or may hereafter be, imposed by ordinances of this board upon railway companies generally in the town of Lake, in respect to ditches, drains, culverts and the suitable and proper maintenance of street and railway crossings of the tracks of said company, and in respect to all police and sanitary regulations.

¶ 3. Forfeiture.] § 3. A failure of the said company, its successors or assigns, to comply with and fulfill the obligations and duties imposed upon it by this ordinance shall be cause of forfeiture of all rights and privileges hereby granted.

¶ 4. When in force—acceptance.] § 4. This ordinance shall take effect and be in force, from and after its passage and acceptance by the said company.

§ 377. Union Stock Yard & Transit company.

¶ 1. Grant—route—crossings—acceptance.

An ordinance authorizing the Union Stock Yard & Transit company to lay down, maintain and operate a double track railroad in the town of Lake. (Passed July 30, 1884. Accepted August 6, 1884.)

¶ 1. Grant—route—crossings—acceptance.] Be it ordained by the board of trustees of the town of Lake: § 1. That permission be and the same is hereby granted to the Union Stock Yard and Transit Company of Chicago to lay down, maintain and operate a double track railroad with necessary turn-outs and switches upon and diagonally across the alley in block two of the subdivision of the north seventy-four rods of the northeast quarter of section four, town 38 north, range 14 east, lying east of the Chicago, Rock Island and Pacific Railroad in the town of Lake in the county of Cook and state of Illinois, not exceeding fifty feet north of the south line of said block two.

Also over, upon and diagonally across Butterfield street, between block number 2 and block number 3 in said subdivision, not exceeding one hundred and seventy-five feet north of the south line of said blocks, provided, the said company shall at all times keep the street crossings along their right of way in the town of Lake in good repair.

This ordinance to go into effect from and after its passage, providing said company files a written acceptance of the same with the town clerk of the town of Lake.

WABASH RAILROAD COMPANY

§ 378. Wabash Railroad company.

¶ 1. Authority to lay switch tracks.
¶ 2. Repair of street crossings—supervision.
¶ 3. Bond.

An ordinance to authorize the Wabash Railroad company to construct and maintain two additional switches or side tracks from a connection with the Wabash yard across Forty-seventh street, and to change location of present switch crossing Forty-seventh street. (Passed July 18, 1892.)

¶ 1. Authority to lay switch tracks.] Be it ordained by the city council of the city of Chicago, as follows: § 1. The Wabash Railroad Company is hereby authorized and empowered to lay and maintain two additional switches or side tracks from its main yards, beginning at a point north of Forty-seventh street and extending thence southward across Forty-seventh street to a connection with its side tracks situated on the south side of Forty-seventh street, and to change the location of its west track, as now located, by shifting the same, in whole or in part, a distance not exceeding twenty-five (25) feet to the west.

¶ 2. Repair of street crossing—supervision.] § 2. Said tracks, where they cross Forty-seventh street, shall be laid under the supervision of the proper city officer, and at such crossing the street shall be kept in repair by said Wabash Railroad Company. Should said company at any time fail to keep said crossing in repair, the street commissioner shall, after ten days notice in writing to said company, repair said crossing at the expense of said company.

¶ 3. Bond.] § 3. The Wabash Railroad Company, before availing itself of the privileges granted by this ordinance, shall file its bond with the comptroller of the city of Chicago in the sum of ten thousand dollars, with two or more securities, owners of unencumbered real estate, situated in the city of Chicago, to be approved by the mayor and council, conditioned that said company will save the city of Chicago harmless from any and all damages that may arise from the construction and operation of said switch and side tracks.

CHAPTER XI.—RAILROADS—TRACK ELEVATION.

§ 379. Chicago & Northwestern Railway company (Galena division).
§ 380. Chicago & Northwestern Railway company (Wisconsin and Milwaukee lines).
§ 381. Illinois Central Railroad company.
§ 382. Lake Shore & Michigan Southern and Chicago, Rock Island & Pacific Railway companies. (Authority to elevate limits.)
§ 383. Lake Shore & Michigan Southern and Chicago, Rock Island & Pacific Railway companies. (Vacating parts of certain streets.)
§ 384. Lake Shore & Michigan Southern and Chicago, Rock Island & Pacific Railway companies. (Amendment.)
§ 385. Pittsburg, Cincinnati, Chicago & St. Louis Railway company, Chicago & Northwestern Railway company, and Chicago & Northern Pacific Railroad company (Chicago Terminal Transfer).
§ 386. Pittsburg, Fort Wayne & Chicago Railway company.
§ 387. Pittsburg, Fort Wayne & Chicago Railway company.
§ 387*. Pittsburg, Fort Wayne & Chicago Railway company. (Amendment.)
§ 388. Union Stock Yard & Transit company.
§ 389. Lake Shore & Michigan Southern and Chicago, Rock Island & Pacific Railway companies. (Ordinance amending ordinance.)

RAILROADS—TRACK ELEVATION.

CHICAGO & NORTHWESTERN RAILWAY COMPANY.

§ 379. Chicago & Northwestern Railway company.

¶ 1. Rockwell street yards (east of Sacramento avenue) to Fortieth street.
¶ 2. Embankment—retaining wall.
¶ 3. Streets crossed—bridges—substructures.
¶ 4. Subways—change of grade of streets.
¶ 5. Subways, company to light—paving.
¶ 6. Drainage of subways.
¶ 7. Deflection of water pipes, sewers, etc.
¶ 8. Location of abutments.
¶ 9. Sidewalks, etc., in subways—cost of construction—damages.
¶ 10. Temporary obstruction of streets.
¶ 11. Notification prior to commencement of work.
¶ 12. Commencement and completion of work.
¶ 13. Company not liable for services of city officers.
¶ 14. Trespassing on elevated tracks—penalty.
¶ 15. Speed—gates and flagmen.
¶ 16. When in force—agreement—dedication of street.
¶ 17. Repeal of all ordinances for opening streets, except.

An ordinance requiring the Chicago & Northwestern Railway company to elevate the plane of certain of its railway tracks (Galena division) in the city of Chicago. (Passed February 18, 1895. Agreement filed March 20, 1895.)

¶ 1. **Rockwell street yards (east of Sacramento avenue) to W. Fortieth street.**] Be it ordained by the city council of the city of Chicago: § 1. The Chicago and Northwestern Railway Company is hereby ordered and required to elevate the plane of its roadbed and tracks, within the limits, and in the form and manner, and upon the terms and conditions hereinafter set forth, that is to say: Beginning at any point within the so-called Rockwell street yards of said company, east of Sacramento avenue, and rising therefrom on any gradient and within any length or distance by said company deemed best for the proper maintenance and operation of its railroad, said roadbed and tracks shall attain an elevation of not less than 32.43 feet above city datum, at the head of said grade, at or within 100 feet east of the east line of Kedzie avenue; thence said elevated roadbed and tracks shall continue, with such gradients and on such alignment within its right of way, as said company may adopt, to a point about 800 feet west of Hamlin avenue, attaining elevations above city datum, of not less than 33.00 feet at Homan avenue, 33.42 feet at Saint Louis avenue, 33.81 at Central Park boulevard, and of 33.58 at Hamlin avenue; thence said elevated roadbed and tracks shall further continue, as aforesaid, and shall descend to the present surface, on any grandient and alignment, and within any length or distance said company may adopt, and attaining an elevation, on said descending grade, of not less than 33.00 feet above city datum, at the west line of West Fortieth street.

¶ 2. **Embankment—retaining walls.**] § 2. The embankment or embankments, on which said elevated roadbed shall be constructed within the aforesaid limits, shall be composed of sand, clay, gravel, loam, broken stone, or whatever else may compose the surplus material excavated from the subways, and from the foundation pits and trenches along the line of said work; the side slopes and lateral dimensions of said embankments will be fixed and determined by the natural angle of repose of the materials of which said embankments may be constructed, but, whenever it may become necessary, for the purpose of keeping said embankments entirely within the lines of the right of way of said company, such portions of said embankments, at all such points, shall be kept within said right of way lines by, or they shall be confined between, retaining walls of stone or brick masonry; Provided, however, that whenever said retaining walls are of insufficient height to properly protect said right of way, and to prevent trespassing thereon, then said retaining walls, as aforesaid, shall be surmounted with a metallic picket fence or railing; but wherever said retaining walls are not used at all, the right of way of said company shall be fenced in, or otherwise properly enclosed, in compliance with the present ordinances of the city of Chicago relating to the fencing of railroad tracks.

¶ 3. **Streets crossed—bridges—substructures.**] § 3. The

tracks of said company which will be supported and carried on said embankment or embankments, so to be constructed as aforesaid, shall cross the following streets and avenues, namely: Kedzie avenue, Central Park boulevard, Hamlin avenue and West Fortieth street; and also Homan avenue and St. Louis avenue, when said two avenues are dedicated and opened, on bridges of one or three spans, whose superstructures shall consist of iron or steel main girders, and with iron or steel corrugated floor systems, or with ordinary floor beams and track stringers. In the event of the latter system being used, then some suitable device shall be provided to prevent dirt and storm water from falling on the sidewalks and roadways beneath. The substructures of all of said bridges shall consist of abutments, of stone or brick masonry, with or without intermediate supporting systems, consisting of rows of iron or steel columns, braced together laterally, and erected on and anchored to masonry foundations, constructed in the curb lines of the intersecting streets and avenues within the subways, and parallel with and equidistant from the faces of the abutments as aforesaid. All of said abutments shall be located and constructed entirely within the right of way lines of said company, and, whenever said abutments, or any of them, shall be located on the lot lines of any of said streets and avenues, the facial alignment of said abutments shall be uniform with said lot lines as aforesaid.

¶ 4. **Subways—change of grade of streets.**] § 4. At the points where said company's right of way is intersected and crossed by the above named streets and avenues, subways therein shall be constructed, passing through said embankments and beneath said tracks, so to be elevated as aforesaid, as follows, viz.: In Kedzie, Homan and Saint Louis avenues, in Central Park boulevard, in Hamlin avenue and in West Fortieth street, all of which said subways shall generally conform to the descriptions and dimensions contained in a schedule hereunto annexed, and made part of this ordinance, entitled "Schedule of Subways."

The grade of the several streets and avenues upon which subways shall be constructed as aforesaid, shall be and the same is hereby changed so as to be as in said "Schedule of Subways" and this ordinance set forth.

¶ 5. **Company to light subways—paving.**] § 5. Said subways, and the approaches thereto, so to be constructed by said company in said streets and avenues aforesaid, shall be at each subway lighted by electric lights, erected under the supervision of the commissioner of public works. The cost of such electric lighting to be borne and always maintained by said company, and such subways shall all conform to the following structural requirements, viz.: The roadways throughout shall be paved with a single course of vitrified paving brick of standard quality, laid at a right angle with the curb lines, and set on a solid foundation of hydraulic cement concrete, not less than

nine inches thick or deep when solidly tamped in place, and otherwise finished and properly crowned ready for the brick wearing surface, between which and the concrete there shall be interposed a layer of screened sand, not less than half an inch thick. The curbs shall be of granite, or of sound, hard limestone, of standard dimensions and finish; and the sidewalks throughout shall be finished and paved with Portland cement concrete, of standard quality and workmanship, and, with the curbing and roadway paving, shall be made, finished and put in permanent place, in accordance with the requirements of the department of public works of the city of Chicago.

¶ **6. Drainage of subways.**] § 6. The drainage of all of said subways shall be provided for by receiving basins, constructed in the lowest points therein; and said receiving basins shall be connected with, and shall thereby discharge their contents into the nearest sewer.

¶ **7. Deflection of water pipes, sewers, etc.**] § 7. Wherever, during the construction of said subways, it shall become necessary to change the location of water pipes, brick or pipe sewers, and electrical conduits owned by the city of Chicago, all such shall be deflected laterally from the position in which they may be found, and be carried around said subways, and beneath the embankments in the rear of the abutments, or, they may be carried through the subways, beneath the sidewalks, wherever the latter are sufficiently elevated above the roadways, as may be determined by the commissioner of public works; but, the gradients of the sewers shall not be reduced in any event. All water pipes and pipe sewers shall be placed in brick conduits, especially designed and constructed for their reception and protection, and all brick sewers shall be treated independently, and shall be protected and strengthened with an additional ring of brickwork where they pass through and beneath the embankments as aforesaid. Electrical conduits may be treated independently, or, they may be placed in the conduits carrying the water pipes, or pipe sewers, as the commissioner of public works may determine; all of which said work shall be done by said company and at its sole expense.

¶ **8. Location of abutments.**] § 8. Nothing in this ordinance named and contained shall be so construed as to prevent said company from locating and constructing the abutments which form the parallel walls of the said subways, at any distance back from the lot lines of said streets and avenues, so as to enable said company to construct, maintain and use therein, station or other buildings, fronting on said streets and avenues, uniform with the said lot lines thereof, and entirely within the right of way lines of said company, for the accommodation and convenience of its traffic, or for any other purposes in connection with the efficient maintenance and operation of said company's railroad.

¶ **9. Sidewalks, etc., in subways—cost of construction—dam-**

ages.] § 9. The location of the sidewalks in the subways whose construction is herein authorized and required, the various devices for the drainage of said subways, and for the proper handling and protection of water pipes, sewers and electrical systems of the city, except as in this ordinance otherwise defined, shall all be determined by the commissioner of public works; and all the work upon or in connection with any of the matters or things in this section specified, shall be done and performed subject to the inspection and approval, and to the entire satisfaction of said commissioner of public works aforesaid.

All of the work of construction hereinbefore in this ordinance provided for shall be done at the expense of said railway company; not, however, including damages to adjacent property or business caused by change of grade of streets, avenues, alleys or the railway, or by the performance by the railway company of the matters and things in this ordinance required of the railway, it being intended and understood that such damages, if any, are to be adjusted and paid by the city of Chicago; and all of the work in this section provided for shall be done under the superintendence of the department of public works of said city.

¶ **10. Temporary obstruction of streets.**] § 10. Permission and authority are hereby given said company, whenever the same shall become necessary in the prosecution of the work of raising its roadbed and tracks, as said company is herein authorized and required to do, to temporarily obstruct any street or avenue, to such extent and for such length of time, as may be approved by the commissioner of public works; and the said company is hereby authorized, whenever the same shall become necessary as aforesaid, to erect and maintain temporary structures and false works, in any of said streets and avenues, during the construction of their said elevated structure or structures, subject, however, to the approval of the commissioner of public works as aforesaid.

¶ **11. Notification prior to commencement of work.**] § 11. Said company shall—at least ten (10) days prior to the commencement of any part or parts of its said work, which is designed to be within the limits of or abutting on any street and avenue—submit to the commissioner of public works for his approval, complete plans and specifications of said part or parts of said proposed work, for the purpose of ascertaining whether the same are in strict compliance with the provisions of this ordinance; and, after the approval of all such plans and specifications by the commissioner of public works, all of said work shall be constructed in strict accordance therewith, and to the entire satisfaction of said commissioner of public works, and not otherwise, except as herein otherwise provided.

¶ **12. Commencement and completion of work.**] § 12. Said railway company is hereby required to commence the work of elevating its said tracks as hereinbefore specified, on or before the first

day of May, 1895, and to prosecute said work continuously and without interruption thereafter and to complete the same within two years from the date of the commencement thereof as aforesaid, unless prevented by strikes or restrained by injunction or other order or process of a court of competent jurisdiction. The time during which said railway company shall be prevented by strike or legal proceedings as aforesaid, shall be added to the time hereby limited for the completion of such work; provided said railway company give notice to the corporation counsel of the city of Chicago of the institution of such legal proceedings. The city of Chicago shall thereupon have the right to intervene in any suit or proceeding brought by any person or persons seeking to enjoin, restrain or in any manner interfere with the prosecution of said work, and move for the dissolution of such injunction or restraining order, and for any other proper order in such suit.

¶ 13. **Company not liable for services of city's officers.**] § 13. Nothing in this ordinance contained shall be construed as imposing any liability on said railway company to the city of Chicago for the services to be performed by any officer or employe of said city in superintending the work of construction required by this ordinance.

¶ 14. **Trespassing on elevated tracks—penalty.**] § 14. When and in case said railway shall be elevated in accordance with the provisions of this ordinance, or when and in case sections of said elevated railway, as herein provided, shall be completed, it shall be unlawful for any person or persons save employes of said company in discharge of duties to said company, to enter upon, be or walk along or across said elevated structures or roadway at any point, and any person violating this ordinance shall be liable to a fine of not more than one hundred dollars ($100), and not less than ten dollars ($10), for each and every such offense.

¶ 15. **Speed—gates and flagmen.**] § 15. When said railway shall be elevated in accordance with the provisions of this ordinance, or when any section thereof shall be so elevated and ready for use, then and thereupon all provisions of the ordinances of the city relating to speed of railway trains in said city, the giving of signals upon such trains and the maintenance of gates, flagmen, watchmen, signals and signal towers, shall cease to be applicable to such railway company so far as the lines of said road shall be elevated as herein required.

¶ 16. **When in force—agreement—dedication of street.**] § 16. This ordinance shall take effect from and after its passage, approval and publication; Provided, however, that this ordinance shall be null and void, unless said Chicago and Northwestern Railway Company shall, through its authorized officers, file with the mayor of the city of Chicago within sixty (60) days from the passage of this ordinance an agreement, duly executed, whereby said railway company shall undertake to do and perform all the matters and things required

of it by this ordinance, and whereby also said Chicago and Northwestern Railway Company shall undertake to give and dedicate to the public, on or before the completion of the subways required herein for Homan and Saint Louis avenues, the right to extend and open across its land, right of way and yard, and for highway purposes, the said streets in the city of Chicago known as Homan and St. Louis avenues, as follows, viz.: Homan avenue across that part of its right of way and yard lying between the east line of said Homan avenue as existing on the south side of said railway and prolonged in a straight line across said right of way and yard and a line sixty-six (66) feet to the west of and parallel with said first line, and St. Louis avenue across that part of its right of way and yard lying between the east and west lines thereof as existing on the south side of said railway, and being fifty (50) feet apart, prolonged as straight lines across said right of way and yard, which such agreement by said railway company shall be made as a return for any liabilities which may be incurred by the city of Chicago, or recoverable against it for any damages to adjacent property or business in consequence of change of grade of streets, avenues, alleys or the railway, or of the performance by the railway company of the matters and things in this ordinance required of the railway, and which agreement shall be held to relieve and protect said company from all liability to said city or others for such damages to adjacent property or business in consequence of change of grade of streets, avenues, alleys or the railway, or of the performance by the railway company of the matters and things in this ordinance required of it; save that for any damages occasioned by the negligent manner of doing said work by said company it shall be liable. After the filing of said agreement, as aforesaid, this ordinance shall not be materially modified or amended without the consent of said railway company; but nothing in this ordinance contained shall be deemed a waiver or surrender of the police power of the city, or to deprive the city of the right to properly exercise such power.

¶ 17. **Repeal of all ordinances for opening streets, except.**] § 17. All ordinances heretofore passed for opening streets across any portion of the right of way or yards of the Chicago and Northwestern Railway Company whereon the tracks are required to be elevated, as in this ordinance provided, are hereby repealed, except in those cases where the street ordered opened has already, in fact, been opened and become a lawful and existing highway.

SCHEDULES OF SUBWAYS.

Note—The depressions of all streets and avenues are referred to, and measured from, the legally established grades at the heads of the approaches to the subways, or, from levels or elevations determined therefrom and based thereon.

GENERAL DETAILS OF SUBWAYS.

SUBWAY IN KEDZIE AVENUE.

1. Elevation of floor of subway shall not be less than 17.93 feet above city datum, and it shall extend not less than 10 feet beyond the north portal, and to the south line of the 20-feet alleyway at the south portal.
2. Width of subway between walls shall not be less than 66 feet.
3. Width of roadway between curbs shall not be less than 38 feet.
4. Width of sidewalks shall not be less than 14 feet each.
5. Depression of street at north and south ends shall not exceed 3.60 feet each.
6. Length of north and south approaches shall not exceed 120 feet each.
7. Gradients of same shall not exceed 3.5 per cent each.
8. Length of approach from the alleyway, in the side, shall not exceed 125 feet.
9. Gradient of same shall not exceed 4 per cent.
10. The sidewalk on the east side shall be depressed uniformly with the roadway, and it shall be one foot above the same at the curb line throughout, but on the west side, while maintaining the same height above the roadway, it shall only be uniformly depressed therewith between the head of the south approach and the alleyway. From the north line of the alleyway to the head of the north approach, the grade shall be uniform irrespective of the height above the roadway at intermediate points, the elevation of 1 foot above the roadway being maintained at the head of the approach, and at the north line of the alleyway only.
11. Minimum clearance over roadway 13 feet, 6 inches.

SUBWAY IN HOMAN AVENUE.

1. Elevation of floor of subway shall not be less than 19.00 feet above city datum, and its length shall not be less than 150 feet to the north and south lines of the parallel alleyways.
2. Width of subway between walls shall not be less than 66 feet.
3. Width of roadway between curbs shall not be less than 38 feet.
4. Width of sidewaks shall not be less than 14 feet each.
5. Depression of street at north and south ends shall not exceed 3.5 feet each.
6. Length of north and south approaches shall not exceed 110 feet each.
7. Gradients of same shall not exceed 3.5 per cent each.
8. Length of approaches from the east and west in the parallel alleyways shall not exceed 100 feet each.
9. Gradients of same shall not exceed 4 per cent each.
10. The depression of the sidewalks shall be uniform with the roadway, and they shall be 1 foot above the same at the curb lines throughout.
11. Minimum clearance over roadway 13.6 feet.

SUBWAY IN SAINT LOUIS AVENUE.

1. Elevation of floor of subway shall not be less than 19.42 feet above city datum, and its length shall not be less than 150 feet to the north and south lines of the parallel alleyways.
2. Width of subway between walls shall not be less than 50 feet.
3. Width of roadway between curbs shall not be less than 30 feet.
4. Width of sidewalks shall not be less than 10 feet each.
5. Depression of street at north end shall not exceed 3 feet.
6. Length of north approach shall not exceed 120 feet.
7. Gradient of same shall not exceed 3.5 per cent.
8. Depression of street at south end shall not exceed 2.25 feet.

9. Length of south approach shall not exceed 100 feet.
10. Gradient of same shall not exceed 3 per cent.
11. Length of approaches from the east and the west in the parallel alleyways shall not exceed 100 feet each.
12. Gradients of same shall not exceed 3.5 per cent. each.
13. The depression of the sidewalks shall be uniform with the roadway, and they shall be one foot above the same at the curb lines throughout.
14. Minimum clearance over roadway 13.6 feet.

SUBWAY IN HAMLIN AVENUE.

1. Elevation of floor of subway shall not be less than 20.58 feet above city datum, and it shall extend not less that 10 feet beyond the portals at each end.
2. Width of subway between walls shall not be less than 80 feet.
3. Width of roadway between curbs shall not be less than 40 feet.
4. Width of sidewalks shall not be less than 20 feet each.
5. Depression of street at north and south ends shall not exceed 3.25 feet each.
6. Length of north and south approaches shall not exceed 110 feet each.
7. Gradients of same shall not exceed 3.5 per cent. each.
8. The depression of the sidewaks shall be uniform with the roadway, and they shall be 1 foot above the same at the curb lines throughout.
9. Minimum clearance over roadway, 13.6 feet.

SUBWAY IN WEST 40TH STREET.

1. Elevation of floor of subway shall not be less than 18.50 feet above city datum, and it shall extend 10 feet beyond the north portal, and at least to the south line of Kinzie street at the south portal.
2. Width of subway bteween walls shall not be less than 66 feet.
3. Width of roadway between curbs shall not be less than 38 feet.
4. Width of sidewalks shall not be less than 14 feet each.
5. Depression of street at north and south ends in West 40th street, and at the west end in Kinzie street, shall not exceed 6.25 feet.
6. Length of north, south and west approaches shall not exceed 200 feet each.
7. Gradients of same shall not exceed 3.5 per cent. each.
8. Length of approach from the east in the alleyway at the south portal shall not exceed 175 feet.
9. Gradient of same shall not exceed 4 per cent.
10. The depression and disposition of the sidewalks shall be as follows:

On the west side of the south approach, and on the south side of the west approach, the sidewalks shall be 1 foot above the roadways at the head of the approaches, and 3.5 feet above the same at the intersection of Kinzie street with West 40th street, at which latter point there shall be a flight of steps descending into the roadways, each step in which shall not be less than 14 inches tread, nor more than 8.00 inches rise; and the length of the lowest step, measured around the curve at its base, shall not be less than 14 feet. Between the head and foot of each approach, the gradients shall be uniform, irrespective of the height of the sidewalks at any intermediate points.

On the north side of the west approach and the west side of the north approach, the sidewalks may be similarly arranged; or, they shall be 1 foot above the roadways at the head of the approaches, and 1 foot above the same at the intersection of Kinzie street with West 40th street, between which points the gradients shall be uniform, irrespective of the height of the sidewalks above the roadway at any intermediate points, but the minimum clearance over the sidewalk shall not be less than 8 feet between the portals. On the east side, the sidewalk shall be 1 foot above the roadway at the head of

the north and south approaches, and 4.5 feet above the same at the intersection with the alleyway at the south portal, with steps descending into the alleyway on the north and south sides, not less than 10 feet long, the rise of each step not being over 8 inches, nor the tread less than 14 inches. Should the alley-way be closed and the same vacated, the sidewalk on the east side shall be 1 foot above the roadway at the head of the approaches, and 5 feet above the same at the portals, between which latter the elevation shall be uniform, with a clear head-room of not less than 8 feet thereover.

11. Minimum clearance over roadway 13.6 feet.

§ 380. Chicago & Northwestern Railway company.

¶ 1. Wisconsin and Milwaukee lines—places of beginning and ending.
¶ 2. Embankments—retaining walls, fences and railings.
¶ 3. Streets to be crossed—bridges—substructures—vacation of streets—side tracks.
¶ 4. Subways on both lines—streets—grades.
¶ 5. Construction of subways, requirements.
¶ 6. Subway drainage.
¶ 7. Deflection of underground work—sewer gradients.
¶ 8. Location and construction of abutments.
¶ 9. Location of sidewalks—drainage devices, etc.—land damages.
¶ 10. Temporary obstruction of streets.
¶ 11. Notice prior to commencement of work.
¶ 12. Commencement and completion of work.
¶ 13. City officials not to be paid for superintending.
¶ 14. Trespassing on elevated tracks—penalty.
¶ 15. Speed—signals—gates and flagmen.
¶ 16. When in force—agreement.
¶ 17. Repealing clause.

An ordinance requiring the Chicago & Northwestern Railway company to elevate the plane of its roadbeds and tracks along the Milwaukee line and the Wisconsin line of the Wisconsin division of said railway. (Passed March 30, 1896. Agreement filed May 1, 1896.)

¶ 1. Wisconsin and Milwaukee lines—places of beginning and ending.] Be it ordained by the city council of the city of Chicago: § 1. The Chicago and Northwestern Railway Company is hereby ordered and required to elevate the plane of its roadbeds and tracks, within the limits, and in the form and manner, and upon the terms and conditions hereinafter set forth, that is to say:

1st. Along what is known as the Wisconsin line of the Wisconsin division of said railway, as follows: Beginning at the point of intersection of said line with what is known as the Milwaukee line of said Wisconsin division, such point being commonly called Clybourn Junction, and rising therefrom on any gradient and within any length or distance by said company deemed best for the proper maintenance and operation of said railroad, said roadbeds and tracks shall attain an elevation of not less than 21.40 feet above city datum, at the head of said grade, at or within 100 feet east of the east line of Wood street; thence said elevated roadbeds and tracks shall continue, with such gradients and on such alignment within its right of way as said company may adopt, to a point about 100 feet northwest of North 43rd

court, attaining elevations above city datum of not less than 21.40 feet in North Wood street, Webster avenue and 21.90 feet at North Robey street; 22.40 feet at West Fullerton avenue; 23.30 feet at North Western avenue; 23.40 feet at North Campbell avenue; 23.50 feet at North Rockwell street (formerly Hoffman avenue); 23.80 feet at West Diversey avenue; 24.10 feet at North California avenue; 24.60 feet at West Wellington street; 24.90 feet at North Sacramento, formerly Thomas avenue; 25.40 feet at West Belmont avenue; 25.80 feet at North Kedzie avenue; 27.70 feet at Kimball avenue; 30.20 feet at West Addison street; 33.30 feet at North 40th avenue; 34.40 feet at Irving Park boulevard, North 42d court, North 43d court or Washington avenue, North 44th avenue. (Each and all of the aforesaid elevations above city datum refer to the top of the new rail upon said elevated roadbeds.) And said elevated roadbeds shall descend to the present surface on any gradient or alignment, and within any length or distance said company may adopt, and attaining an elevation at bottom, on said descending gradient, of not less than 30 feet above city datum, measured at the top of the new rail, as aforesaid, at a point in Mayfair Yard about 900 feet northwest of North 43d court.

2nd. Along what is known as the Milwaukee line of the Wisconsin division of said railway, as follows: Beginning at a point where the north line of Wrightwood avenue intersects said Milwaukee line of the Wisconsin division of said railway, and rising therefrom, on any gradient and within any length or distance by said company deemed best for the proper maintenance and operation of its railroad, said roadbed and tracks shall attain an elevation of not less than 20.40 feet measured to the top of the new rail on said elevated roadbed above city datum, at the head of said grade, at or within 100 feet south of the south line of Diversey avenue; thence said elevated roadbed and tracks shall continue, with such gradients and on such alignment within its right of way as the said company may adopt, to a point about 1350 feet north of Foster avenue, attaining elevations above city datum, measured to the top of the new rail upon said elevated roadbed, of not less than 20.6 feet at Diversey avenue; 26.4 feet at Belmont avenue; 27.4 feet at Roscoe street; 28.4 feet at Addison street and Lincoln avenue; 29.4 feet at Irving Park boulevard (formerly Graceland avenue), Berteau avenue, Montrose avenue, Wilson avenue, Lawrence avenue, Leland avenue, Winnemac avenue and Foster avenue, and shall descend to the present surface on any gradient and alignment said company may adopt at the south line of Bryn Mawr avenue.

¶ 2. **Embankments—retaining walls, fences and railings.**] § 2. The embankment or embankments on which said elevated roadbed shall be constructed within the aforesaid limits shall be composed of sand, clay, gravel, loam, broken stone, or whatever else may compose the surplus material excavated from the subways and from the foundation pits and trenches along the line of said work; the side

slopes and lateral dimensions of said embankments will be fixed and determined by the natural angle of repose of the materials of which said embankments may be constructed, but whenever it may become necessary, for the purpose of keeping said embankments entirely within the lines of the right of way of said company, such portions of said embankments, at all such points, shall be kept within said right of way lines by, or they shall be confined between, retaining walls of stone or brick masonry; Provided, however, that whenever said retaining walls are of insufficient height to properly protect said right of way, and to prevent trespassing thereon, then said retaining walls as aforesaid shall be surmounted with a suitable fence or railing; but wherever said retaining walls are not used at all, the right of way of said company shall be fenced in, or otherwise properly enclosed, in compliance with the present ordinances of the city of Chicago relating to the fencing of railroad tracks.

¶ 3. **Streets to be crossed—bridges—substructures—vacation of streets—side tracks.**] § 3. The tracks of said company which will be supported and carried on said embankment or embankments, so to be constructed as aforesaid, shall cross the following streets and avenues upon said Wisconsin line, namely: North Wood street, Webster avenue, North Robey street, North Leavitt street, West Fullerton avenue, North Western avenue, North Campbell (Forest) avenue, North Rockwell street (Hoffman avenue), West Diversey avenue, North Washtenaw (Laurel) avenue, North California avenue, West Wellington street, North Sacramento avenue, North Albany avenue (Wallace street), West Belmont avenue, North Kedzie avenue, Kimball (Holman) avenue, West Addison street, North 40th avenue, St. Charles avenue (North 41st court), Irving Park boulevard (Graceland avenue), North 42d avenue, North 42d court, North 43d court or Washington avenue, North 44th avenue, together with a foot subway at Schubert avenue; and the following streets and avenues upon said Milwaukee line, namely: Diversey avenue, Wellington street, Noble avenue, Belmont avenue, Melrose street, School street, Roscoe street, Cornelia street, Addison street, Lincoln avenue, Grace street, Irving Park boulevard (Graceland avenue), Berteau avenues, Montrose avenue, Sunnyside avenue, Wilson avenue, Leland avenue, Lawrence avenue, Winnemac avenue, Foster avenue, Balmoral avenue, on bridges of one, two or three spans, whose superstructure shall consist of iron or steel main girders, and with iron or steel corrugated floor systems, or with ordinary floor beams and track stringers. In the event of the latter system being used, then some suitable device shall be provided to prevent dirt and storm water from falling on the sidewalks and roadways beneath. The substructures of all of said bridges shall consist of abutments of stone or brick masonry or columns, with or without intermediate supporting systems, consisting of rows of iron or steel columns, braced together laterally, and erected on and anchored to

masonry foundations, constructed in the curb line or in the center of the intersecting streets and avenues, within the subways, and parallel with and equidistant from the faces of the abutments, as aforesaid. All of said abutments shall be located and constructed entirely within the right of way lines of said company, and whenever said abutments, or any of them, shall be located on the lot lines of any of said streets and avenues, the facial alignment of said abutments shall be uniform with said lot lines, as aforesaid. If, in any case, it shall be found necessary to construct any retaining or side walls in connection with any approaches to subways, then such walls may be constructed within the limits of the street, alley or way upon which such approach is situated, and the abutments or side walls of the subway itself, reached by such approach, may be correspondingly advanced into the street, so as to be in a continuous straight line with the approach wall; and in any such case the other details and dimensions of the subway given in the attached schedule of subways may be changed as far as necessary to accord with the location of retaining or side walls or abutments, as aforesaid. Any and all portions of any streets, alleys or avenues extending into or across either of said lines of railway, within the limits herein above provided for the elevation of said roadbeds, or either of them, except the streets and avenues in this section above enumerated, and except Armitage avenue, be and the same are hereby discontinued and vacated within the limits of said company's right of way, and the city of Chicago shall at any time take any proceedings essential to perfect or effectuate such vacation.

Permission and authority are hereby granted to the Chicago and Northwestern Railway Company to construct branch, spur or side tracks from any point along the line to be elevated pursuant to the provisions of this ordinance to reach any industrial or commercial establishments now or hereafter existing on any land adjoining or adjacent to said line so to be elevated and to cross with such branch, spur or side track any alley or other public way not more than twenty (20) feet in width intervening between said main line and said establishment, in such manner as shall be approved by the commissioner of public works, provided, that in all cases such tracks shall leave a clear head-room for the public way of not less than ten feet; but in case it shall be necessary in order to obtain such head-room to depress any such alley or public way, it may be so depressed upon condition that said railway company shall do all the excavating necessary to make such depression with approaches thereto at proper gradients and shall restore such alley or public way as near as may be to its former condition.

Permission and authority are hereby granted to the Chicago and Northwestern Railway Company to occupy portions of East Ravenswood park contiguous to the right of way of said railway for passenger stations, stairways and platforms, and portions of West Ravenswood

park for stairways, at each of the following named places, to wit: Gross Park station, between Belmont avenue and Melrose street; Cuyler station, between Byron street and Irving Park boulevard; Ravenswood station, between Sunnyside avenue and Wilson avenue; Summerdale station, between Foster avenue and Pine street. The portions of said East Ravenswood park and West Ravenswood park so to be enclosed and occupied shall not exceed the following dimensions, at either of said places, to wit: For station buildings twenty feet in width and eighty feet in length, and for stairways ten feet in width by thirty feet in length, the greatest length to be parallel with the street lines in all cases.

¶ **4. Subways on both lines—street grades.**] § 4. At the points where the said company's right of way is intersected and crossed by the streets and avenues above named in section 3 of this ordinance, as being the streets and avenues which the tracks of said company herein required to be elevated shall cross, subways therein shall be constructed, passing through said embankments and beneath said tracks, so to be elevated as aforesaid, as follows, namely: On said Wisconsin line at the following named streets and avenues: North Wood street, Webster avenue, North Robey street, North Leavitt street, West Fullerton avenue, North Western avenue, North Campbell (Forest) avenue, North Rockwell (Hoffman) street, West Diversey avenue, North Washtenaw avenue (Laurel), North California avenue, West Wellington street, North Sacramento avenue, North Albany avenue (Wallace street), West Belmont avenue, North Kedzie avenue, Kimball (Holman) avenue, West Addison street, North 40th avenue, North 41st court, Irving Park boulevard (Graceland avenue), North 42d avenue, North 42d court, North 43d court or Washington avenue, North 44th avenue, together with a foot subway at Schubert avenue; and on said Milwaukee line at the following streets and avenues: Diversey avenue, Wellington street, Noble avenue, Belmont avenue, Melrose street, School street, Roscoe street, Cornelia street, Addison street, Lincoln avenue, Grace street, Irving Park boulevard (Graceland avenue), Berteau avenue, Montrose avenue, Sunnyside avenue, Wilson avenue, Leland avenue, Lawrence avenue, Winnemac avenue, Foster avenue, Balmoral avenue, all of which said subways shall generally conform to the descriptions and dimensions contained in two schedules hereunto annexed and made a part of this ordinance, one entitled "Schedule of Subways, Milwaukee division;" the other entitled "Schedule of Subways, Wisconsin division."

The grade of the several streets and avenues upon which subways shall be constructed as aforesaid, and the grade of the several streets and avenues in which approaches to any of said subways shall be constructed under the terms of this ordinance, shall be and the same is hereby changed so as to be as in said "Schedules of Subways," in this ordinance set forth. The grade of Armitage avenue shall be and is

hereby changed to conform to the grade of said elevated roadbed, as it shall be constructed under the terms of this ordinance.

¶ 5. **Construction of subways, requirements.**] § 5. The subways and the approaches thereto, so to be constructed by said company in said streets and avenues aforesaid, shall all conform to the following structural requirements, namely: The roadways in subways shall be paved with a single course of vitrified brick, of standard quality, laid at a right angle with the curb lines, and set in a solid foundation of hydraulic cement concrete, not less than six inches thick or deep when solidly tamped in place, and otherwise finished and properly crowned ready for the brick wearing surface, between which and the concrete there shall be interposed a layer of screened sand not less than half an inch thick. The curbs shall be of sound, hard limestone of standard dimensions and finish, and the sidewalks in subways shall be finished and paved with Portland cement concrete, of standard quality and workmanship, and, with the curbing and roadway paving, shall be made, finished and put in permanent place, in accordance with the requirements of the department of public works of the city of Chicago. The approaches to subways shall be excavated to the grades established by this ordinance and shall be in all other respects restored as near as may be to their condition before being so excavated.

¶ 6. **Subway drainage.**] § 6. The subways provided for by this ordinance shall be thoroughly and properly drained by the construction of receiving basins, properly located in or immediately adjacent to said subways, which said receiving basins shall be connected with and shall discharge their contents into the adjacent sewerage system.

¶ 7. **Deflection of underground work — sewer gradients.**] § 7. Wherever, during the construction of said subways, it shall become necessary to change the location of water pipes, brick or pipe sewers, and electrical conduits owned by the city of Chicago, all such may be deflected laterally from the position in which they may be found, or may be depressed in their trenches to such depth as may be necessary for their proper protection, or, they may be carried through the subways, beneath the sidewalks, wherever the latter are sufficiently elevated above the roadways, as may be determined by the commissioner of public works; but the gradients of the sewers shall not be reduced in any event; all of which said work shall be done by the said company and at its sole expense.

¶ 8. **Location and construction of abutments.**] § 8. Nothing in this ordinance contained and named shall be so constructed as to prevent said company from locating and constructing the abutments which form the parallel walls of said subways at any distance back from the lot lines of said streets and avenues, so as to enable said company to construct, maintain, and use therein, station or other buildings,

fronting on said streets and avenues, uniform with the said lot lines thereof, and entirely within the right of way lines of said company, for the accommodation and convenience of its traffic, or for any other purpose in connection with the efficient maintenance and operation of said company's railroads.

¶ 9. **Location of sidewalks—drainage devices, etc.—land damages.**] § 9. The location of the sidewalks in the subways, whose construction is herein authorized and required, the various devices for the drainage of said subways, and for the proper handling and protection of water pipes, sewers, and electrical systems of the city, except as in this ordinance otherwise defined, shall all be determined by the commissioner of public works; and all the work upon or in connection with any of the matters or things in this section specified, shall be done and performed under the superintendence and subject to the inspection and approval, and to the entire satisfaction of said commissioner of public works aforesaid and all of the work of construction hereinbefore in this ordinance provided for shall be done at the expense of said railway company; not, however, including damages to adjacent property or business, caused by change of grade of streets, avenues, alleys or the railway, or by the vacation of any street, alley, avenue, or other public way, or by the performance by the railway company of the matters and things in this ordinance required of the railway, it being intended and understood that such damages, if any, are to be adjusted and paid by the city of Chicago.

¶ 10. **Temporary obstruction of streets.**] § 10. Permission and authority are hereby given said company, whenever the same shall become necessary in the prosecution of the work of raising its roadbeds and tracks, as said company is herein authorized and required to do, to temporarily obstruct any street or avenue, to such extent and for such length of time as may be approved by the commissioner of public works; and said company is hereby authorized, whenever the same shall become necessary, as aforesaid, to erect and maintain temporary structures and false works in any of said streets and avenues, during the construction of their said elevated structure or structures, subject, however, to the approval of the commissioner of public works, as aforesaid.

¶ 11. **Notice prior to commencement of work.**] § 11. Said company shall, at least ten (10) days prior to the commencement of any part or parts of its said work, which is designated to be within the limits of or abutting on any street or avenue, submit to the commissioner of public works, for his approval, complete plans and specifications of said part or parts of said proposed work, for the purpose of ascertaining whether the same are in strict compliance with the provisions of this ordinance; and, after the approval of all such plans and specifications by the commissioner of public works, all of said work shall be constructed in strict accordance therewith, and to the entire

satisfaction of said commissioner of public works, and not otherwise, except as herein otherwise provided.

¶ 12. **Commencement and completion of work.**] § 12. Said railway company is hereby required to commence the work of elevating its said tracks, as hereinbefore specified, on or before the first day of May, A. D. 1896, and to complete the same within eight years from the date of the commencement thereof, as aforesaid, unless prevented by strikes or restrained by injunction or other order or process of a court of competent jurisdiction. The time during which said railway company shall be prevented by strike or legal proceedings, as aforesaid, shall be added to the time hereby limited for the completion of said work; provided, said railway company give notice to the corporation counsel of the city of Chicago of the institution of such legal proceedings. The city of Chicago shall thereupon have the right to intervene in any suit or proceeding brought by any person or persons seeking to enjoin, restrain or in any manner interfere with the prosecution of said work, and move for the dissolution of such injunction or restraining order, and for any other proper order in such suit.

¶ 13. **City officials not to be paid for superintending.**] § 13. Nothing in this ordinance contained shall be construed as imposing any liability on said railway company to the city of Chicago for the services to be performed by an officer or employe of said city in superintending the work of construction required by this ordinance.

¶ 14. **Trespassing on elevated tracks—penalty.**] § 14. When and in case said railway shall be elevated in accordance with the provisions of this ordinance, or when and in case sections of said elevated railways, as herein provided, shall be completed, it shall be unlawful for any person or persons, save employes of said company in discharge of duties to said company, to enter upon, be, or walk along or across said elevated structures or roadways at any point; any person violating this ordinance shall be liable to a fine of not more than one hundred (100) dollars and not less than ten (10) dollars for each and every such offense.

¶ 15. **Speed—signals—gates and flagmen.**] § 15. When said railways shall be elevated in accordance with the provisions of this ordinance, or when any section thereof shall be so elevated and ready for use, then and thereupon all provisions of the ordinances of the city relating to speed of railway trains in said city, the giving of signals upon such trains and the maintenance of gates, flagmen, watchmen, signals, and signal towers, shall cease to be applicable to such railway company so far as the lines of said road shall be elevated as herein required.

¶ 16. **When in force—agreement.**] § 16. This ordinance shall take effect from and after its passage, approval and publication; Provided, however, that this ordinance shall be null and void unless

said Chicago and Northwestern Railway Company shall, through its authorized officers, file with the mayor of the city of Chicago within sixty (60) days from the passage of this ordinance an agreement, duly executed, whereby said railway company shall undertake to do and perform all the matters and things required of it by this ordinance, including also the giving and dedication to the public for highway purposes of so much of the right of way of said railway company as may be occupied by and necessary for the extension across such right of way of any streets or avenues that may not heretofore have been opened and legally established as streets or avenues but are by this ordinance hereinbefore mentioned as streets or avenues to be crossed by the tracks of said railway company on bridges and to be furnished with subways, which such agreement by said railway company shall be made as a return for any liabilities which may be incurred by the city of Chicago, or recoverable against it for any damages to adjacent property or business in consequence of change of grade of streets, avenues, alleys, or the railway, or of the vacation of any street, alley, avenue or other public way, or of the performance by the railway company of the matters and things in this ordinance required of the railway, and which agreement shall be held to relieve and protect said company from all liability to said city or others for such damages to adjacent property or business in consequence of change of grade of streets, avenues, alleys or the railway, or of the vacation of any street, alley, avenue, or other public way, or of the performance by the railway company of the matters and things in this ordinance required of it; save that for any damages occasioned by the negligent manner of doing said work by said company it shall be liable. After the filing of said agreement as aforesaid, this ordinance shall not be materially modified or amended without the consent of said railway company; but nothing in this ordinance contained shall be deemed a waiver or surrender of the police power of the city, or to deprive the city of the right to properly exercise such power.

¶ **17. Repealing clause.**] § 17. All ordinances heretofore passed for opening streets across any portion of the right of way or yards of the Chicago and Northwestern Railway Company whereon the tracks are required to be elevated, as in this ordinance provided, are hereby repealed, except in those cases where the street ordered opened has already, in fact, been opened and traveled and has become a lawful and existing highway not hereinbefore vacated.

SCHEDULE OF SUBWAYS—WISCONSIN DIVISION.

SUBWAY IN NORTH WOOD STREET (NORTH AND SOUTH), 66 FEET WIDE—ASKEW.

The depression of street shall not exceed 3 feet below city grade of street, making the elevation of floor of subway not less than 8 feet above city da-

tum. This level shall extend to south curb line of street parallel to the right of way on the north side, and to the north curb line of street parallel to the right of way on the south side; from this level the approaches shall extend on a grade of 3.5 feet in 100 feet in Wood street and Hervey street, and on a grade of 4 feet in 100 feet in streets parallel to the railway, to intersection with the present surface of streets.

The width of streets and sidewalks shall be the same as now exists, and two lines of posts shall be placed in said subway at the curb lines and inside thereof to support girders.

Depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN WEBSTER AVENUE (EAST AND WEST), 66 FEET WIDE—ASKEW.

The depression of street shall not exceed 3.5 feet below the city grade of street, making the elevation of floor of subway not less than 8 feet above city datum. This level shall extend on the west to the inter-section of south right of way line with the north street line, and on the east to the intersection of north right of way line with south street line of Webster avenue; from this level the approaches shall extend on a grade of 3.5 feet in 100 feet in Webster avenue and Elk Grove avenue, and on a grade of 4 feet in 100 feet in the alleys parallel to right of way, to intersection with present surface of streets and alleys.

The width of streets and sidewalks shall be the same as now exists, and two lines of posts shall be placed in said subway at the curb lines and inside thereof to support girders.

Depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN NORTH ROBEY STREET (NORTH AND SOUTH), 66 FEET WIDE—ASKEW.

The depression of street shall not exceed 5 feet below city grade of street, making the elevation of floor of subway not less than 7 feet above city datum. This level shall extend on the north to the intersection of the north right of way line with the west street line, and on the south to the south curb line of Kosciusko street; from this level the approaches shall extend on a grade of 3.5 feet in 100 feet in Robey street and Kosciusko street, and on a grade of 4 feet in 100 feet in alleys parallel to right of way, to intersection with present surfaces of streets and alleys.

The width of streets and sidewalks shall be the same as now exists, and two lines of posts shall be placed in said subway at the curb lines and inside thereof to support girders.

Depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 13.5 feet.

SUBWAY IN WEST FULLERTON AVENUE (EAST AND WEST), 73 FEET WIDE—ASKEW.

The depression of street shall not exceed 5 feet below city grade of street, making the elevation of floor of subway not less than 7.5 feet above city datum. This level shall extend on the west to the intersection of south right of way line with the north street line, and on the east to the intersection of the north right of way line with the south street line of Fullerton avenue;

from this level the approaches shall extend on a grade of 3.5 feet in 100 feet to present surface of street.

The width of streets and sidewalks shall be the same as now exists, two lines of posts shall be placed in said subway at the curb lines and inside thereof to support girders.

Depression of sidewalks shall be uniform and level with center of roadway.

Minimum clearance above roadway, 13.5 feet.

SUBWAY IN NORTH LEAVITT STREET, 66 FEET WIDE—ASKEW (NORTH AND SOUTH).

The depression of street shall not exceed 4.5 feet below the city grade of street, making the elevation of floor of subway not less than 9.2 feet above city datum. This level shall extend on the north to the north right of way line, and on the south to the south line of alley parallel to right of way. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet in Leavitt, Snow and Station streets, and on a grade of 4 feet in 100 feet in the alley parallel to right of way to intersection with present surfaces of streets and alleys.

The width of streets and sidewalks shall be the same as now exists, and two rows of posts, for supports of girders, shall be placed in subway at the curb lines and inside thereof.

Depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN NORTH WESTERN AVENUE (NORTH AND SOUTH), 66 FEET WIDE—ASKEW.

The depression of street shall not exceed 5 feet below city grade of street, making the elevation of floor of subway not less than 8.4 feet above city datum. This level shall extend on the north to the intersection of the north right of way line with the west street line, and on the south to the intersection of south right of way line with the east curb line of Western avenue, and on the west to the intersection of south right of way line with the north street line of Humboldt boulevard. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet in Western avenue, in Humboldt boulevard and in Helen court, and on a grade of 4 feet in 100 feet in alleys, to intersection with present surface of streets and alleys.

The width of streets and sidewalks shall be the same as now exists, and two lines of posts shall be placed in said subway at the curb lines and in the center line of said North Western avenue, to support girders.

Depression of sidewalks shall be uniform and level with center of roadways.

Minimum clearance above roadway, 13.5 feet.

These specifications to be subject to such modifications as may be agreed upon between the West Chicago park commissioners and the said Northwestern Railway Company respecting so much of said sub-way as is located in Humboldt boulevard.

FOOT SUBWAY ON SCHUBERT AVENUE.

The footway to be ten feet wide, measured at right angle to the abutments. The floor of subway to be at the level of 13.1 feet above city datum.

The side walls to be of masonry. The roof to be of 10-inch I beams, placed two feet center to center at right angles to the abutments and covered with 5-16 inch plate iron and at such a height as to give 8 feet head-room in footway.

Floor to be of concrete 6 inches thick, inclined 1 inch in 100 feet from the center towards each end.

SUBWAY IN NORTH CAMPBELL AVENUE (NORTH AND SOUTH), 66 FEET WIDE—ASKEW.

Depression of street shall not exceed 4 feet below city grade of street, making elevation of floor of subway not less than 10 feet above city datum. This level shall extend on the north to the intersection of the north right of way line with west street line, and on the south to the intersection of the south right of way line with east street line of Campbell avenue; from this level the approaches shall extend on a grade of 3.5 feet in 100 feet in Campbell avenue and Evergreen avenue, and on a grade of 4 feet in 100 feet in alleys, to intersection with present surface of streets and alleys.

The width of streets and sidewalks shall be the same as now exists, and two lines of posts shall be placed in said subway at the curb lines and inside thereof to support girders.

Depression of sidewalks shall be uniform and level with center of roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN N. ROCKWELL ST. (HOFFMAN AVE.) (NORTH AND SOUTH), 66 FEET WIDE—ASKEW.

The depression of street shall not exceed 4.5 feet below city grade of street, making the elevation of floor of subway not less than 10.1 feet above city datum. This level shall extend on the north to the intersection of north right of way line produced with west street line, and on the south to the intersection of south right of way line with east street line; from this level the approaches shall extend on a grade of 3.5 feet in 100 feet in Hoffman avenue, and on a grade of 4 feet in 100 feet in alleys, to intersection with present surface of street and alleys.

The width of street and sidewalks shall be the same as now exists, and two lines of posts shall be placed in said subway, at the curb lines and inside thereof to support girders.

Depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN WEST DIVERSEY AVENUE (EAST AND WEST), 66 FEET WIDE—ASKEW.

The depression of street shall not exceed 5 feet below city grade of street, making the elevation of floor of subway not less than 8.9 feet above city datum. This level shall extend on the west to the intersection of south right of way line with north street line, and on the east to the intersection of north right of way line produced with south street line. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet in Diversey avenue, and on a grade of 4 feet in 100 feet in alleys to intersection with present surface of street and alleys.

The width of streets and sidewalks shall be the same as now exists, and two lines of posts shall be placed in said subway at the curb lines and inside thereof to support girders.

Depression of sidewalks shall be uniform and level with center of roadway.

Minimum clearance above roadway, 13.5 feet.

SUBWAY IN WASHTENAW AVENUE (NORTH AND SOUTH), 66 FEET WIDE—ASKEW.

The depression of street shall not exceed 4.2 feet below the present grade of street, making the elevation of floor of subway not less than 10.4 feet above city datum. This level shall extend on the north to the intersection of the north right of way line with the west street line, and on the south to the intersection of the south right of way line with the east street line. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet to intersection with present surface of street.

The width of streets and sidewalks shall be the same as now exists, and two lines of posts shall be placed in said subway at the curb lines and inside thereof to support girders.

Depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN NORTH CALIFORNIA AVENUE (NORTH AND SOUTH), 66 FEET WIDE—ASKEW.

The depression of street shall not exceed 3.9 feet below city grade of street, making the elevation of floor of subway not less than 10.7 feet above city datum. This level shall extend on the north to the intersection of north right of way line with west street line, and on the south to the south curb line of George street; from this level the approaches shall extend on a grade of 3.5 feet in 100 to intersection with present surface of street.

The width of streets and sidewaks shall be the same as now exists, and two lines of posts shall be placed in said subway at the curb lines and inside thereof to support girders.

Depression of sidewalks shall be uniform and level with center of roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN WEST WELLINGTON STREET (EAST AND WEST), 66 FEET WIDE—ASKEW.

The depression of street shall not exceed 3.6 feet below present grade of street, making the elevation of floor of subway not less than 11.2 feet above city datum. This level shall extend on the west to the south curb line of Avondale avenue, and on the east to the intersection of north right of way line with south line of street. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet to intersection with present surface of streets.

The width of streets and sidewalks shall be the same as now exists, and two lines of posts shall be placed in said subway at the curb lines and inside thereof to support girders.

Depression of sidewalks shall be uniform and level with center of roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN NORTH SACRAMENTO AVENUE (THOMAS AVENUE), 66 FEET WIDE—ASKEW.

The depression of street shall not exceed 3.7 feet below present grade of street, making the elevation of floor of subway not less than 11.5 feet above city datum. This level shall extend on the north to intersection of north line of alley with west street line, and on the south to the south curb line of Avondale avenue. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet in North Sacramento avenue and Avondale avenue, and on a

grade of 4 feet in 100 feet in the alleys parallel to the right of way, to intersection with present surfaces of streets and alleys.

The width of streets and sidewalks shall be the same as now exists, and two lines of posts shall be placed in said subway at the curb lines and inside thereof to support girders.

Depression of sidewaks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN NORTH ALBANY AVENUE (NORTH AND SOUTH), 80 FEET WIDE—ASKEW.

The depression of street shall not exceed 3.2 feet below the present grade of street, making the elevation of floor of subway not less than 11.8 feet above city datum. This level shall extend on the north to the north curb line on Lee avenue, and on the east to the east curb line of North Albany avenue, and on the south to the south curb line of Avondale avenue. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet to intersection with present surfaces of streets.

The width of streets and sidewalks shall be the same as now exists, and two lines of posts shall be placed in said subway at the curb lines and inside thereof to support girders.

Depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN WEST BELMONT AVENUE (EAST AND WEST) 66 FEET WIDE—ASKEW.

The depression of street shall not exceed 5 feet below city grade of street, making the elevation of subway not less than 10.5 feet above city datum. This level shall extend on west side to intersection of south curb line of Belmont avenue with east curb line of Avondale avenue, and on the east side to the east curb line of North Troy street. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet to intersection with present surface of street.

The width of streets and sidewalks shall be the same as now exists, and one line of posts shall be placed in the center of said roadway to support girders. The south abutment shall be shortened by turning due south the west end thereof for a distance of about thirty feet, for the purpose of accommodating the travel in Hammond avenue.

Depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 13.5 feet.

SUBWAY IN NORTH KEDZIE AVENUE (NORTH AND SOUTH) 66 FEET WIDE—ASKEW.

The depression of street shall not exceed 5 feet below present grade of street, making the elevation of floor of subway not less than 10.9 feet above city datum. This level shall extend on the north to the intersection of the north right of way line with the west street line, and on the south to the intersection of the south right of way line with the west curb line. From this level the approaches on the north side shall extend on a grade of 3.5 feet in 100 feet to intersection with present surface of street, and on the south side the approaches shall extend on a grade of 4 feet in 100 feet to intersection with present surface of street. The approach in Linden avenue shall extend from east curb line of Kedzie avenue on a grade of 4 feet in 100 feet to intersection with present surface of street.

The width of streets and sidewalks shall be the same as now exists, and two lines of posts shall be placed in said subway at the curb lines and inside thereof to support girders.

Depression of sidewalks shall be uniform and level with center of roadway.

Minimum clearance above roadway, 13.5 feet.

SUBWAY IN KIMBALL AVENUE (NORTH AND SOUTH), 80 FEET WIDE—ASKEW.

The depression of street shall not exceed 2.7 feet below present grade of street, making the elevation of floor of subway not less than 14.3 feet above city datum. This level shall extend on the north to the intersection of north right of way line with west street line, and on the south to the south curb line of Henderson street (produced). From this level the approaches shall extend on a grade of 3.5 feet in 100 feet to intersection with present surface of street.

The width of streets and sidewalks shall be the same as now exists, and two lines of posts shall be placed in said subway at the curb lines and inside thereof to support girders.

Depression of sidewalks shall be uniform and level with center of roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN WEST ADDISON STREET (EAST AND WEST), 66 FEET WIDE—ASKEW.

The depression of street shall not exceed 2.8 feet below present grade of street, making elevation of subway not less than 16.8 feet above city datum. This level shall extend on the west to the south curb line of Randolph avenue produced, and on the east to the intersection of north right of way line with south street line of West Addison street. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet to intersection with present surface of street.

The width of streets and sidewalks shall be the same as now exists, and two lines of posts shall be placed in said subway at the curb lines and inside thereof to support girders.

Depression of sidewalks shall be uniform and level with center of roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN NORTH 40TH AVENUE (NORTH AND SOUTH) 66 FEET WIDE—ASKEW.

The depression of street shall not exceed 2.2 feet below present grade of street, making the elevation of subway not less than 18.4 feet above city datum. This level shall extend on the north to the intersection of north right of way line with west street line, and on the south to the intersection of the south right of way line with east street line. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet in North 40th avenue to intersection with present surface of street, and on a grade of 4 feet in 100 feet in Avondale avenue, parallel to right of way, to intersection with present surface of street.

The width of streets and sidewalks shall be the same as now exists, and two lines of posts shall be placed in said subway at the curb lines and inside thereof, to support girders.

Depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 13.5 feet.

SUBWAY IN NORTH 41ST COURT (ST. CHARLES AVENUE) (NORTH AND SOUTH), 80 FEET WIDE—ASKEW.

The depression of street shall not exceed 3.2 feet below present grade of street, making the elevation of floor of subway not less than 21 feet above city datum. This level shall extend on the north to the intersection of the north right of way line with the west curb line, and on the south to the intersection of south right of way line with east curb line. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet to the intersection with present surface of street.

The width of streets and sidewalks shall be the same as now exists, and two lines of posts shall be placed in said subway at the curb lines and inside thereof to support girders.

Depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN IRVING PARK BOULEVARD (EAST AND WEST), 100 FEET WIDE—ASKEW.

The depression of street shall not exceed 5 feet below present grade of street, making the elevation of subway floor not less than 19.5 feet above city datum. This level shall extend on the east to the intersection of the north right of way line with south curb line, and on the west to the intersection of the south right of way line with north curb line. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet in street and on a grade of 4 feet in 100 feet in alleys to intersection with present surface of street and alleys.

The width of roadway shall be forty feet, and of the sidewalk on each side, thirty feet, and two lines of posts shall be placed in said subway at the curb lines and inside thereof to support girders.

Depression of sidewalks shall be uniform and level with center of roadway.

Minimum clearance above roadway, 13.5 feet.

SUBWAY IN NORTH 42D AVENUE (NORTH AND SOUTH), 80 FEET WIDE—ASKEW.

The depression of street shall not exceed 3.9 feet below the present grade of street, making the elevation of floor of subway not less than 21 feet above city datum. This level shall extend on the north to the intersection of the north right of way line with the west street line, and on the south to the south curb line of Irving Park boulevard. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet to intersection with the present surface of street.

The width of streets and sidewalks shall be the same as now exists, and two lines of posts shall be placed in said subway at the curb lines and inside thereof, to support girders.

Depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN NORTH 42ND COURT (NORTH AND SOUTH), 80 FEET WIDE—ASKEW.

The depression of street shall not exceed 4 feet below the present grade of street, making the elevation of floor of subway not less than 21 feet above city datum. This level shall extend on the north to the intersection of north right of way line with west street line, and on the south to the intersection of

south right of way line with east street line. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet to intersection with present surface of street.

The width of streets and sidewalks shall be the same as now exists, and two lines of posts will be placed in said subway at the curb lines and inside thereof to support girders.

Depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN NORTH 43RD COURT (NORTH AND SOUTH), 66 FEET WIDE—ASKEW.

The depression of street shall not exceed 5 feet below the present grade of street, making the elevation of floor of subway not less than 21 feet above city datum. This level shall extend on the north to the intersection of the north right of way line with the west street line, and on the south to the intersection of the south right of way line with the east street line. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet, to intersection with the present surface of street.

The width of streets and sidewalks shall be the same as now exists, and two lines of posts shall be placed in said subway at the curb lines and inside thereof to support girders.

Depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN NORTH 44TH AVENUE (FORMERLY HUNTING AVENUE), 66 FEET WIDE—ASKEW—NORTH AND SOUTH.

The depression of street shall not exceed 7.5 feet below the present surface of tracks, making the elevation of floor of subway not less than 21 feet above city datum. This level shall extend to the north and south right of way lines. From this level the approaches shall extend on a grade of 4 feet in 100 feet in 44th avenue, and in the streets parallel to the right of way.

The subway shall be 66 feet wide. The east line of subway shall be a line connecting the east line of 44th avenue north of the tracks, with the east line of 44th avenue south of the tracks; the west line of subway shall be 66 feet west of and parallel to the east line of same. The roadway in subway shall be 38 feet wide between curb lines, and the sidewalk shall be 14 feet wide, there will be a line of posts for support of girders, on each side of roadway inside of curb lines. The width of streets and sidewalks within the limits of the approaches shall be the same as now exists.

Depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 10 feet.

SCHEDULE OF SUBWAYS—MILWAUKEE DIVISION.

SUBWAY IN DIVERSEY AVENUE, 66 FEET WIDE.

To be constructed of such dimensions and according to such plan as may be agreed upon between the Lincoln park commissioners and the said railway company. The alley on the east side of the right of way and extending north from Diversey avenue shall be excavated upon a grade conforming to the grade of Diversey avenue at the south end of said alley, as such grade shall be established by the board of Lincoln park commissioners, and thence

ascending in a northerly direction upon a grade of four feet in one hundred feet.

SUBWAY IN WELLINGTON STREET, 66 FEET WIDE. [EAST AND WEST.]

The depression of street shall not exceed 5 feet below city grade of street, making the elevation of floor of subway not less than 10.1 feet above city datum. This level shall extend to the curb line on the east side of the street east of and parallel to right of way, and to 10 feet beyond the west right of way line. From this level the approaches shall extend on a grade of 3.5 feet in Wellington street, and on a grade of 4 feet in 100 feet in the street parallel to the right of way, to intersection with the present surface of streets.

The width of street and sidewalks shall be the same as now exists.

Depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN NOBLE AVENUE, 66 FEET WIDE (EAST AND WEST).

The depression of street shall not exceed 5 feet below city grade of street, making the elevation of floor of subway not less than 11.5 feet above city datum. This level shall extend to the curb line on the east side of street east of and parallel to the right of way and to the west right of way line. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet in Noble street, and on a grade of 4 feet in 100 feet in streets parallel to the right of way to intersection with present surfaces of streets.

The width of streets and sidewalks shall be the same as now exist.

Depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN BELMONT AVENUE, 66 FEET WIDE.

The depression of street shall not exceed 4.5 feet below city grade of street, making the elevation of floor of subway not less than 11.5 feet above city datum. This level shall extend to curb line on the east side of street, east of and parallel to right of way and to the curb line on the west side of street, west of and parallel to right of way. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet in Belmont avenue, and on a grade of 4 feet in 100 feet in the streets parallel to the right of way to intersection with the present surface of streets.

The width of streets and sidewalks shall be the same as now exists.

Depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 13.5 feet.

SUBWAY IN MELROSE STREET, 66 FEET WIDE—EAST AND WEST.

The depression of street shall not exceed 2 feet below city grade of street, making the elevation of floor of subway not less than 15.3 feet above city datum. This level shall extend to the right of way lines. From this level the approaches shall extend on a grade of 4 feet in 100 feet along Melrose street and along the streets parallel to the right of way to intersection with present surfaces of streets.

The width of streets and sidewalks shall be the same as now exists.

The depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 10 feet.

SUBWAY IN SCHOOL STREET, 66 FEET WIDE.

The depression of street shall not exceed 2.8 feet below city grade of street, making the elevation of floor of subway not less than 13.5 feet above city datum. This level shall extend to the curb line on the east side of street east of and parallel to right of way and to the curb line on the west side of street west of and parallel to the right of way. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet in School street, and on a grade of 4 feet in 100 feet in the streets parallel to the right of way to intersection with the present surfaces of streets.

The width of streets and sidewalks shall be the same as now exists.

The depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN ROSCOE STREET, 66 FEET WIDE.

The depression of streets shall not exceed 2.5 feet below city grade of street, making the elevation of floor of subway not less than 14 feet above city datum. This level shall extend to the curb line on the east side of street east of and parallel to the right of way, and to the curb line on the west side of street west of and parallel to the right of way. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet in Roscoe street, and on a grade of 4 feet in 100 feet in streets parallel to right of way to intersection with present surfaces of streets.

The width of streets and sidewalks shall be the same as now exists.

The depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN CORNELIA STREET, 66 FEET WIDE. [EAST AND WEST.]

The depression of street shall not exceed 4 feet below city grade of street, making the elevation of floor of subway not less than 14.5 feet above city datum. This level shall extend to the curb line on the east side of street east of and parallel to the right of way, and to the curb line on the west side of street west of and parallel to the right of way. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet in Cornelia street, and on a grade of 4 feet in 100 feet in streets parallel to the right of way to intersection with present surfaces of streets.

The width of streets and sidewalks shall be the same as now exists.

The depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN ADDISON STREET, 73 FEET, AND LINCOLN AVENUE—ASKEW—66 FEET, COMBINED.

The depression of street shall not exceed 4 feet below the city grade of streets, making the elevation of floor of subway not less than 13.5 feet above city datum. This level shall extend in Addison street to the east curb line of street east of and parallel to right of way, and to the west curb line of street west of and parallel to right of way, and in Lincoln avenue this level shall extend to a point 65 feet southeasterly from the east right of way line, and to a point 65 feet northwesterly from the west right of way line. From this level, the approaches in Addison street and Lincoln avenue shall extend on a grade of 3.5 feet in 100 feet, and in the streets parallel to the right of

way on a grade of 4 feet in 100 feet, to intersection with present surfaces of streets.

The width of streets and sidewalks shall be the same as now exists, and two lines of posts shall be placed in said subway at the curb lines to support girders and in the center of Lincoln avenue.

Depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 13.5 feet.

SUBWAY IN GRACE STREET, 66 FEET WIDE. [EAST AND WEST.]

The depression of street shall not exceed 4 feet below the city grade of street, making the elevation of floor of subway not less than 16 feet above city datum. This level shall extend to the curb line on the east side of the street east of and parallel to the right of way, and to the curb line on the west side of street west of and parallel to the right of way. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet in Grace street, and on a grade of 4 feet in 100 feet in the streets parallel to the right of way to intersection with the present surfaces of streets.

The width of streets and sidewalks shall be the same as now exists.

Thd depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN IRVING PARK BOULEVARD, 100 FEET WIDE. [GRACELAND AVENUE.]

The depression of street shall not exceed 3 feet below city grade of street, making the elevation of floor of subway not less than 16 feet above city datum. This level shall extend to the curb line on the east side of street east of and parallel to right of way, and to the curb line on west side of street west of and parallel to right of way. From this level the approaches shall extend in Irving Park boulevard on a grade of 3.5 feet in 100 feet, and in north and south streets on a grade of 4 feet in 100 feet to intersection with present surfaces of streets.

The width of streets and sidewalks in the limits of the approaches shall be the same as now exists, but the subway shall have a roadway of 60 feet divided by a line of posts in center of same, and shall have two sidewalks of 20 feet each.

Depression of sidewalks shall be uniform and level with the center of roadway, except at southeast corner of approaches, where they will remain as they are and be connected with street level by suitable stone steps.

Minimum clearance above roadway, 12 feet.

SUBWAY IN BERTEAU AVENUE, 80 FEET.

The depression of streets shall not exceed 4.30 feet below present grade in Berteau avenue, making the elevation of floors of subways not less than 16 feet above city datum. This level shall extend to the curb line on the east side of street east of and parallel to the right of way, and to the curb line on the west side of street west of and parallel to the right of way. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet in the east and west streets (as above named) and on a grade of 4 feet in 100 feet in the north and south streets (parallel to the right of way) to intersection with the present surfaces of streets.

The width of streets and sidewalks in the limits of the approaches shall be the same as now exists, but the aggregate width of the roadway and sidewalks in the subway shall be sixty-six feet and shall correspond to the width of the existing street and sidewalk on the west side of the railway.

The depression of sidewalks shall be uniform and level with the center of the roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN MONTROSE AVENUE, 80 FEET.

The depression of streets shall not exceed 4.50 feet below present grade in Montrose avenue, making the elevation of floors of subways not less than 16 feet above city datum. This level shall extend to the curb line on the east side of street east of and parallel to the right of way, and to the curb line on the west side of street west of and parallel to the right of way. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet in the east and west streets (as above named), and on a grade of 4 feet in 100 feet in the north and south streets (parallel to the right of way) to intersection with the present surfaces of streets.

The width of streets and sidewalks shall be the same as now exists, and two lines of posts shall be placed in said subway at the curb lines and inside thereof to support girders.

The depression of sidewalks shall be uniform and level with the center of the roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN SUNNYSIDE AVENUE, 80 FEET WIDE. [EAST AND WEST.]

The depression of street shall not exceed 2.5 feet below the city grade of street, making the elevation of floor of subway not less than 18 feet above city datum. This level shall extend to the east and west right of way lines. From this level the approaches shall extend in Sunnyside avenue easterly to intersection with present surface of East Ravenswood park at east street line, and westerly to intersection with present surface of West Ravenswood park at west street line; the approaches in East and West Ravenswood park streets, parallel to right of way, will have a grade of not more than 3.5 feet in 100 feet at the right of way lines.

The width of streets and sidewalks shall be the same as now exists, and two lines of posts shall be placed in said subway at the curb lines and inside thereof to support girders.

The depression of sidewalks in subway proper will be uniform and level with the center of roadway; but in the approaches in East and West Ravenswood park the level of the sidewalks at property lines of residents will be the same as at present except at right of way lines where the curbstones will be depressed uniform with roadway.

Minimum clearance above roadway, 10 feet.

SUBWAY IN WILSON AVENUE, 80 FEET WIDE.

The depression of street shall not exceed 2 feet below the city grade of street, making the elevation of floor of subway not less than 18 feet above city datum. This level shall extend to the east and west right of way lines. From this level the approaches shall extend in Wilson avenue easterly to intersection with the present surface of East Ravenswood park at east street line, and westerly to intersection with present surface of West Ravenswood park; at west street line, the approaches in East and West Ravenswood park will have a grade of not more than 3.5 feet in 100 feet at the right of way lines.

The width of streets and sidewalks shall be the same as now exists, and two lines of posts shall be placed in said subway at the curb lines and inside thereof to support girders.

The depression of sidewalks in subway proper will be uniform and level with the center of roadway, but in the approaches in the streets parallel to the right of way, the level of the sidewalks at property lines of the residents will be the same as at present, except at right of way lines where the curbstones will be depressed uniform with roadway.

Minimum clearance above roadway, 10 feet.

SUBWAY IN LELAND AVENUE, 80 FEET WIDE. [EAST AND WEST.]

The depression of street shall not exceed 2 feet below city grade of street, making the elevation of floor of subway not less than 18 feet above city datum. This level shall extend to the east and west right of way lines. From this level the approaches shall extend in Leland avenue easterly to intersection with the present surface of East Ravenswood park at east street line, and westerly to intersection with present surface of West Ravenswood park at west street line.

The approaches in East and West Ravenswood park will have a grade of not more than 3.5 feet in 100 feet at the right of way lines.

The width of streets and sidewalks within the limits of approaches shall be the same as now exists, but in the subway proper the roadway will be 40 feet wide, with 20 feet sidewalks on each side, and two lines of posts shall be placed in said subway at the curb lines and inside thereof to support girders.

The depression of sidewalks in subway proper will be uniform and level with the center of roadway, but in approaches in streets parallel to the right of way, the level of the sidewalks at property lines of residents will be the same as at present, except near right of way lines, where the curbstones will be depressed uniform with roadway.

Minimum clearance above roadway, 10 feet.

SUBWAY IN LAWRENCE AVENUE, 80 FEET.

The depression of streets shall not exceed 4.00 feet below present grade in Lawrence avenue, making the elevation of floors of subways not less than 16 feet above city datum. This level shall extend to the curb line on the east side of street east of and parallel to the right of way, and to the curb line on the west side of street west of and parallel to the right of way. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet in the east and west streets (as above named), and on a grade of 4 feet in 100 feet in the north and south streets (parallel to the right of way) to intersection with the present surfaces of streets.

The width of streets and sidewalks shall be the same as now exists, and two lines of posts shall be placed in said subway at the curb lines and inside thereof to support girders.

The depression of sidewalks shall be uniform and level with the center of the roadway, except at Wilson avenue, where they will remain as they are and be connected with street level by suitable stone steps.

Minimum clearance above roadway, 12 feet.

SUBWAY IN WINNEMAC AVENUE, 80 FEET.

The depression of streets shall not exceed 3.50 feet below present grade in Winnemac avenue, making the elevation of floors of subways not less than 16 feet above city datum. This level shall extend to the curb line on the east side of street east of and parallel to the right of way, and to the curb line on the west side of street west of and parallel to the right of way. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet in the east and west streets (as above named), and on a grade of 4 feet in 100 feet

in the north and south streets (parallel to the right of way) to intersection with the present surfaces of streets.

The width of streets and sidewalks in the limits of the approaches shall be the same as now exists, but the aggregate width of the roadway and sidewalks in the subway shall be sixty-six feet and shall correspond to the width of the existing street and sidewalk on the east side of the railway.

The depression of sidewalks shall be uniform and level with the center of the roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN FOSTER AVENUE, 66 FEET WIDE.

The depression of street shall not exceed 4.1 feet below present grade of street, making the elevation of floor of subway not less than 16 feet above city datum. This level shall extend to the curb line on the east side of street east of and parallel to right of way, and to the curb line on the west side of the street west of and parallel to right of way. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet in Foster avenue, and on a grade of 4 feet in 100 feet in the north and south street, to intersection with present surfaces of streets.

The width of streets and sidewalks shall be the same as now exists.

Depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN BALMORAL AVENUE, 66 FEET WIDE. [EAST AND WEST.]

The depression of street shall not exceed 4 feet below the city grade of street, making the elevation of floor of subway not less than 16 feet above city datum. This level shall extend to the curb lines in the east side of street east of and parallel to the right of way, and to the curb line in the west side of street west of and parallel to the right of way. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet in Balmoral avenue, and on a grade of 4 feet in 100 feet in the streets parallel to the right of way, to intersection with the present surfaces of streets.

The width of streets and sidewalks shall be the same as now exists.

The depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 12 feet.

ILLINOIS CENTRAL RAILROAD COMPANY.

§ 381. Illinois Central Railroad company.

¶ 1. Preamble.
¶ 2. Fifty-first street to Sixty-seventh street.
¶ 3. Embankment.
¶ 4. Open spaces—extension of streets—drainage.
¶ 5. Subways.
¶ 6. Cost of depressing and paving streets, etc., to be borne by company.

¶ 7. Commencement and completion of work.
¶ 8. Branches near Sixty-first, Sixty-seventh and Sixty-ninth streets—change of grade to connect.
¶ 9. Rights of company—power of city.
¶ 10. Land and business damages assumed by company.
¶ 11. When in force—acceptance.

An ordinance requiring the Illinois Central Railroad company to raise its roadbed and tracks between Fifty-first and Sixty-seventh streets in the city of Chicago. (Passed May 23, 1892. Accepted June 20, 1892.)

¶ 1. **Preamble.**] Whereas, in order to provide increased facilities for the conveyance of passengers and freight to and from Jackson park during the continuance of the World's Fair, to be held there in the year 1893, and to remove as far as practicable impediments to the future use of the public streets intersecting the tracks of the Illinois Central Railroad Company between Fifty-first street and Sixty-seventh street, both inclusive, the public interests imperatively require that the railroad tracks of that company within the aforesaid limits shall be raised to a sufficient height above the present surface of the roadbed to admit of the intervening streets being carried under the said tracks.

¶ 2. **Fifty-first street to Sixty-seventh street.**] Be it, therefore, ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby given the Illinois Central Railroad Company, and the said company is hereby required, to elevate its roadbed and tracks between the north line of Fifty-first street and the south line of Sixty-seventh street in the city of Chicago to the height of eighteen (18) feet above the city datum at Fifty-first street, thence rising by a gradual ascent to nineteen (19) feet above city datum at Fifty-third street, which elevation shall be maintained as far south as the south line of Sixty-seventh street.

Provided, such grade shall not extend on the north farther than Forty-seventh street, and, provided, such grade shall not extend farther than Seventy-first street on the south.

The railroad tracks laid upon the elevated roadbed may be connected with the surface tracks at each end by the use of such gradients as the company shall deem necessary for the efficient operation of its railroad.

¶ 3. **Embankment.**] § 2. The new roadbed shall be constructed upon a solid embankment of earth or other suitable material, except at the street intersections, and shall be of sufficient width to admit of the construction and maintenance of not less than ten (10) tracks thereon. The work shall conform as nearly as may be to the plans shown upon the drawings hereto annexed, and which are hereby made a part of this ordinance, and shall be done under the supervision and direction of the commissioner of public works of the city of Chicago; but the company shall be at liberty to increase the width of the roadbed and lay additional tracks thereon at any time or times hereafter, to such extent, within the limits of its present right of way, as the necessities of its business shall seem to it to require.

¶ 4. **Open spaces—extension of streets—drainage.**] § 3. Open spaces shall be left in the embankment for all streets now crossing the right of way of said company, also for the extension of Fifty-fifth, Fifty-sixth, Fifty-seventh, Sixtieth, Sixty-fourth, Sixty-fifth and Sixty-sixth streets, across the right of way, corresponding in width to the width of the respective streets at the place of crossing; and abutments of solid stone or brick masonry shall be constructed and maintained by said railroad company on each side of such open spaces and clear of the line of the streets. In order to furnish available room for the use of the railroad company on either side of the street crossings beneath the tracks, the abutments may be set back at such distance from the line of the street as may be deemed necessary. The tracks shall be carried across these open spaces upon iron or steel girders, for the support of which a row of iron or steel posts may be placed along the curb line on each line of the street below; these curb lines to be parallel to and to be fixed at equal distances from the center of the street, and at a distance from each other equivalent to sixty (60) per cent of the width of the street. Suitable fenders may be placed at the base of each post to protect it from injury from passing vehicles. No part of the girders of superstructure supporting the railroad tracks shall be less than eighteen (18) feet above the city datum at Fifty-first street, nor less than nineteen (19) feet at the other street crossings. Said work shall be done under the direction and supervision of the commissioner of public works.

There also shall be left, south of and adjoining a line 66 feet south of the north line of Fifty-ninth street, and north of and adjoining a line 66 feet north of the south line of Sixtieth street, at both places, an opening not less than 50 feet wide, in the clear, at all points, and north of the southerly opening and south of the northerly opening there shall be left openings not less than 12 feet wide, in the clear, at all points. The support for the tracks between the larger and smaller openings shall be iron or steel columns, and at the extremities of the openings shall be stone abutments with rock face coursed masonry on the exposed surfaces, with suitable slope walls at either end. The entire structure shall be tightly floored and concreted. In case it shall be necessary to depress the said roadways running under tracks, the said railroad company shall provide and maintain an efficient system of underground sewerage to carry off the surface water. There shall also be constructed and properly lighted and maintained, by said railroad company, a suitable pedestrian subway, at the place of the extension of Sixty-second street, said subway to be an arch of masonry not less than ten (10) feet in width and ten (10) feet in height, and as nearly as practicable at the present street grade.

¶ 5. **Subways.**] § 4. All streets, avenues, alleys and highways now crossing said railroad, or that may be hereafter extended across the same, between Forty-seventh street and Sixty-seventh street, shall be carried under the tracks of the said railroad, and at all openings

required to be left in the embankment for that purpose by the terms of this ordinance, said railroad company shall cause the surface of the ground to be depressed to a sufficient depth to leave a clear space between the surface of the roadway when completed and the superstructure of the railroad carried over it, not less than eleven (11) feet at Fifty-first street and Fifty-third street, and not less than twelve (12) feet at Fifty-fifth street, Fifty-sixth street, Fifty-seventh street, Fifty-ninth street and Sixtieth street, and not less than twelve and a half (12½) feet at Sixty-third street, Sixty-fourth street, Sixty-fifth street, Sixty-sixth street and Sixty-seventh street.

¶ 6. **Cost of depressing and paving streets, etc., to be borne by company.**] § 5. The cost of constructing suitable approaches to the depressed streets under the railroad tracks, and of paving the streets under the railroad tracks and the approaches thereto, and constructing suitable sidewalks and providing for water pipes and drainage in said depressed streets, shall be paid by the railroad company, the work to be done in accordance with plans approved by the commissioner of public works and under his direction.

¶ 7. **Commencement and completion of work.**] § 6. The work herein required to be done shall be commenced as soon as practicable and be thenceforth continuously and diligently prosecuted, and shall be completed on or before the first day of May, 1893. The work shall be done in such manner as not to unnecessarily obstruct the operation of the railroad or the use of the streets; but such temporary interference with the use of the streets as shall be found necessary in the proper prosecution of the work is hereby permitted.

¶ 8. **Branches near 61st, 67th and 69th streets—change of grade to connect.**] § 7. In order to maintain the connections with the branch railroad leading to Washington park, at or near 61st street, the branch railroad leading to the Oakwood cemetery at or near 67th street, and the connection with the South Chicago Railroad in the vicinity of 69th street, the location and grade of said branches, and said South Chicago Railroad may be so changed, raised and modified as may be necessary to obtain a suitable and convenient connection and approach to the elevated tracks of said Illinois Central Railroad Company.

¶ 9. **Rights of company—power of city.**] § 8. The said railroad company, its successors and assigns, shall have the right of maintaining and using the said elevated railroad, and may exercise all such powers, authority and control over or in respect to the same as may be now lawfully exercised by it upon any part of its line within the city of Chicago; but nothing herein contained shall be held to limit or impair the lawful authority, power or control over railroads vested in the city council.

¶ 10. **Land and business damages assumed by company.**] § 9. The consent, permission and authority hereby given are upon

the further express condition that the said Illinois Central Railroad Company shall and will forever indemnify and save harmless the city of Chicago against any and all damages of every kind and character, including land and business damages, and any and all damages to property of every kind and character, and from any and all damages, judgments, decrees and costs, and expenses of the same, which it may suffer, or which may be recovered or obtained against said city for or by reason of the granting of or resulting from the passage of this ordinance, or any manner or thing connected therewith, or with the exercise by said company of any of the privileges hereby granted, or from any act or acts of the said company under or by virtue of the provisions of this ordinance.

¶ 11. **When in force—acceptance.**] § 10. This ordinance shall take effect and be in force from and after its acceptance by said corporation under its corporate seal; provided, that if the said company shall not file with the city clerk its formal acceptance of the terms and conditions of this ordinance within thirty days from the passage hereof, then all rights and privileges hereby granted shall be wholly null and void and of no effect.

LAKE SHORE & MICHIGAN SOUTHERN AND CHICAGO, ROCK ISLAND & PACIFIC RAILWAY COMPANIES.

§ 382. Lake Shore & Michigan Southern and Chicago, Rock Island & Pacific Railway companies.

¶ 1. Authority to elevate—limits—gradients.
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¶ 10. Construction of subways subject to city's approval.
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¶ 17. Failure to comply—penalty.
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¶ 20. Suits to enforce compliance.
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An ordinance requiring the Lake Shore & Michigan Southern Railway company and the Chicago, Rock Island & Pacific Railway company to elevate the plane of certain of their railway tracks within the city of Chicago. (Passed July 9, 1894.)

¶ 1. **Authority to elevate—limits—gradients.**] Be it ordained by the city council of the city of Chicago: § 1. The Lake Shore and Michigan Southern Railway Company and the Chicago, Rock Island and Pacific Railway Company are hereby ordered and required to elevate the plane of their roadbed and tracks within certain limits of the city of Chicago, in the manner and upon the conditions hereinafter specified, that is to say:

Beginning at a point on the south side of the right of way of the Saint Charles Air Line Railroad, where said right of way is intersected and crossed by the right of way of the said Lake Shore and Michigan Southern Railway Company, and the Chicago, Rock Island and Pacific Railway Company, the plane of the tracks of said two last named companies shall rise on a gradient of not less than one-half of one per centum, southerly from said initial point, for a length or distance of about two thousand (2,000) feet, to a point about fifty (50) feet north of the north line of Archer avenue, where an elevation, above the plane of the existing roadbed, of not less than nine and one-half feet shall be reached, and attaining, within the limits of said rising grade southward from said initial point, elevations above the plane of said existing roadbed of not less than one (1) foot at 16th street, two (2) feet at 17th street, four (4) feet at 18th street, six and one-half (6.5) feet at 19th street, and eight and one-half (8.5) feet at 20th street. Thence said elevated roadbed and tracks shall continue for a length or distance of about three thousand (3,000) feet, to a point about one hundred and twenty (120) feet south of the south line of 25th street, within which said length or distance of about three thousand (3,000) feet, elevations above the plane of said existing roadbed shall be attained, of not less than nine and one-half (9.5) feet at Archer avenue, eight and one-half (8.5) feet at 21st street, eleven (11) feet at 22nd street and ten (10) feet at 23rd, 24th and 25th streets; thence said elevated roadbed and tracks shall continue and shall rise on a gradient of about two-tenths of one per centum for a further length or distance of about two thousand (2,000) feet, to a point about one hundred and twenty-five (125) feet south of the south line of 29th street, within which said length or distance of about two thousand (2,000) feet, elevations above the plane of said existing roadbed shall be attained of not less than ten (10) feet at 26th street, at Spring street and at 27th street, and not less than nine and one-half (9.5) feet at 29th street. Thence said elevated roadbed and tracks shall continue for a further length or distance of about three thousand (3,000) feet, to a point about four hundred and sixty-five (465) feet south of the south line of 33rd street, within which said length or distance, of about three thousand (3,000) feet, elevations above the plane of said existing roadbed

shall be attained of not less than nine and one-half (9.5) feet at 30th street, ten and one-fourth (10.25) feet at 31st street, nine and one-fourth (9.25) feet at 32nd street, and nine (9) feet at 33rd street. Thence said elevated roadbed and tracks shall continue and shall rise on a gradient of about one-fourth of one per centum, for a further length or distance of about eight hundred (800) feet, to a point at or near the north line of 35th street, from which said point they shall continue for a further length or distance of about three thousand three hundred and fifty (3,350) feet to a point at or near the south line of 40th street, within which said length or distance of about four thousand one hundred and fifty (4,150) feet elevations above the plane of said existing roadbed shall be attained of not less than ten and one-half (10.5) feet at 35th street, and of not less than ten (10) feet at 37th, 38th, 39th and 40th streets. Thence said elevated road-bed and tracks shall continue and shall descend on a gradient of about two-tenths of one per centum for a length or distance of about one thousand (1,000) feet, and of about three-tenths of one per centum for a further length or distance of about one thousand (1,000) feet, within which said length or distance of about two thousand (2,000) feet, elevations above the plane of said existing roadbed shall be attained of not less than eight (8) feet at Root street, and of four and one-half (4.5) feet at 43d street. Thence said elevated roadbed and tracks shall continue for a further length or distance of about one thousand (1,000) feet, to a point about two hundred (200) feet north of the north line of 45th street, within which said length or distance of about one thousand (1,000) feet, an elevation above the plane of said existing roadbed shall be attained of not less than five (5) feet at 44th street. Thence said elevated roadbed and tracks shall continue and shall rise on a gradient of about three-tenths of one per centum for a further length or distance of about one thousand (1,000) feet, to a point about six hundred (600) feet north of the north line of 47th street, within which said length or distance of about one thousand (1,000) feet, elevations above the plane of said existing roadbed shall be attained of not less than six (6) feet at 45th street and 45th court. Thence said elevated roadbed and tracks shall continue for a further length or distance of about seven hundred (700) feet, to a point about sixty (60) feet south of the south line of 47th street, within which said length or distance of about seven hundred (700) feet, an elevation above the plane of said existing roadbed of not less than eight and one-half (8.5) feet shall be attained at 47th street. Thence said elevated roadbed and tracks shall continue and they shall descend on a gradient of about three-tenths of one per centum for a further length or distance of about one thousand (1,000) feet, from which latter point they shall further continue for a length or distance of about two thousand three hundred (2,300) feet, within which said length or distance of about three thousand three hundred (3,300) feet, an elevation of not less than five (5) feet above the plane of said

existing roadbed shall be attained at 51st street. Thence said elevated roadbed and tracks shall continue and shall rise on a gradient of about thirty-three-hundredths of one per centum, for a further length or distance of about one thousand eight hundred (1,800) feet to a point about one hundred (100) feet north of the north line of 55th street, within which said length or distance of about one thousand eight hundred (1,800) feet, an elevation of not less than six (6) feet above the plane of said existing roadbed shall be attained at 53rd street. Then said elevated roadbed and tracks shall continue for a further length or distance of about four thousand three hundred (4,300) feet to a point at or near the south line of 61st street, within which said length or distance of about four thousand three hundred (4,300) feet, elevations above the plane of said existing roadbed shall be attained of not less than nine (9) feet at 55th and 57th streets, at Cloud court and at 59th, 60th and 61st streets.

The right of way upon the line hereinbefore defined being owned, maintained and operated jointly by the said Lake Shore and Michigan Southern Railway Company and the said Chicago, Rock Island and Pacific Railway Company, the work of constructing said elevated road-bed and tracks, as hereinbefore described and specified, shall be done and performed by said railway companies jointly.

¶ 2. **Lake Shore tracks south of divergence.**] § 2. From the point where the said roadbed and tracks, so to be elevated as aforesaid, cease to be common as between said railway companies, and where the line of the said Lake Shore and Michigan Southern Railway Company separates and diverges from the line of the said Chicago, Rock Island and Pacific Railway Company, the said Lake Shore and Michigan Southern Railway Company shall elevate the plane of its roadbed and tracks, in the manner following, that is to say:

Beginning at said point of divergence, at or near the north line of 61st street, where an elevation of not less than nine (9) feet above the plane of said existing roadbed has been attained, as aforesaid, the roadbed and tracks of said Lake Shore and Michigan Southern Railway Company, continuing therefrom in a southerly and southeasterly direction, shall descend on a gradient of about six hundredths of one per centum, for a length or distance of about one thousand eight hundred (1,800) feet, to the east line of State street, within which said length or distance of about eighteen hundred (1,800) feet as aforesaid, elevations, above the plane of said existing roadbed, of not less than eight (8) feet at 63rd street and seven and one-half (7.5) feet at State street shall be attained. Thence said elevated roadbed and tracks shall continue, and shall descend in to the yards of said Lake Shore and Michigan Southern Railway Company, on any gradient and within any length or distance within the limits of said yards, which said railway company may elect and adopt.

¶ 3. **Rock Island tracks south of divergence.**] § 3.

From the point where the said roadbed and tracks so to be elevated, as aforesaid, cease to be common as between the railway companies in this ordinance named, and where the line of the said Chicago, Rock Island and Pacific Railway Company separates and diverges from the line of the said Lake Shore and Michigan Southern Railway Company, the said Chicago, Rock Island and Pacific Railway Company shall elevate the plane of its roadbed and tracks, in the manner following, that is to say: Beginning at the said point of divergence at or near the north line of 61st street where an elevation of not less than nine (9) feet above the plane of said existing roadbed has been attained, as aforesaid, the roadbed and tracks of said Chicago, Rock Island and Pacific Railway Company, continuing therefrom in a southerly and southwesterly direction, shall rise on a gradient of about two-tenths of one per centum, for a length or distance of about one thousand (1,000) feet, to a point about sixty-five (65) feet north of the north line of 63rd street, from which latter point they shall continue for a further length or distance of about eighteen hundred and fifty (1,850) feet, to a point about two hundred (200) feet north of the north line of 66th street, within which length or distance of about two thousand eight hundred and fifty (2,850) feet, elevations above the plane of said existing roadbed shall be attained of not less than ten (10) feet at 63rd street, and of not less than eleven (11) feet at 65th street and at Wentworth avenue; thence said elevated roadbed and tracks shall continue, and shall descend on a gradient of about one-eighth of one per centum, for a further length or distance of about two thousand three hundred (2,300) feet to a point about one hundred (100) feet north of the north line of 69th street, within which said length or distance of about two thousand three hundred (2,300) feet, elevations above the plane of said existing roadbed shall be attained of not less than ten (10) feet at 66th street and 67th streets, and not less than nine (9) feet at Normal parkway; thence said elevated roadbed and tracks shall continue, and they shall descend on a gradient of about one-half of one per centum, for a further and final length or distance of about two thousand two hundred (2,200) feet, reaching the existing plane of said roadbed and tracks, at or near the point where the right of way of the said Chicago, Rock Island and Pacific Railway Company is intersected and crossed by Stewart avenue and 72nd street, and attaining, within said length or distance of about two thousand two hundred (2,200) feet, an elevation of not less than nine (9) feet above the plane of said existing roadbed at 69th street.

¶ 4. Subways under joint right of way—under individual tracks.] § 4. On that portion of the line and right of way owned and occupied in common by the said Lake Shore and Michigan Southern Railway Company and the Chicago, Rock Island and Pacific Railway Company, and upon which said companies are hereinbefore required to jointly elevate the plane of their railway tracks, that

is to say, from the initial point where said work of elevating the plane of said tracks is required to commence, to the south line of 61st street, subways, passing beneath said tracks so to be elevated as aforesaid, shall be constructed by said railway companies, jointly, at the points where said joint right of way is intersected and crossed by the following streets and avenues, namely, Archer avenue, 22nd, 23d, 24th, 25th, 26th, 27th, 29th, 30th, 31st, 32nd, 33rd, 35th, 37th, 38th and 39th streets, at Root street, at 43rd, 44th, 45th streets, 45th court, 47th, 51st, 53rd, 55th and 57th streets, at Cloud court and at 59th, 60th and 61st streets. Provided, however, that when and in case the grade of the railway known as the St. Charles Air Line and other lines crossing the tracks of said Lake Shore and Michigan Southern and Chicago, Rock Island and Pacific Railway companies, near Sixteenth street, shall be raised or depressed pursuant to an ordinance of the city, the elevation of the plane of the tracks of said Lake Shore and Michigan Southern Railway Company and Chicago, Rock Island and Pacific Railway Company shall begin at such point north of the north line of the right of way of said St. Charles Air Line as that on a gradient of not more than one-half of one per centum they can be carried across said St. Charles Air Line, attaining an elevation at Eighteenth street of not less than seven feet above the present elevation of the tracks of said companies at said street, and when this shall occur said companies shall construct a subway at said Eighteenth street passing beneath the tracks so to be elevated, such subway to be constructed in manner and form as in this ordinance provided for other subways and so as to leave at least twelve feet headroom. And, on that portion of the line so to be elevated as aforesaid and which is exclusively owned, occupied and used by the Lake Shore and Michigan Southern Railway Company, as hereinbefore specified, said railway company shall construct subways, passing beneath its said tracks, so to be elevated as aforesaid, at the points where said tracks are intersected and crossed by Sixty-third street and by State street, and on that portion of the line so to be elevated as aforesaid, and which is exclusively owned, occupied and used by the Chicago, Rock Island and Pacific Railway Company as hereinbefore specified, said railway company shall construct subways passing beneath its said tracks so to be elevated as aforesaid at the points where said tracks are intersected and crossed by 63rd street, and, also, 65th street and Wentworth avenue, and at 66th street and 67th street, at Normal parkway and at 69th street.

Whenever in the future the city council of the city of Chicago shall duly enact any ordinance for the vacation of 19th, 20th, 21st and Spring street, or any of them so far as they are within the right of way of said railway companies, the same shall be done without cost or expense to said companies.

¶ 5. **Specifications for subways—supervision.**] § 5. Paragraph 1—Each and every subway hereinbefore specified, whether re-

quired to be constructed by said railway companies jointly or by either of said railway companies separately, shall be so constructed that a minimum clearance or headroom of not less than twelve (12) feet shall be maintained between the highest point of the roadways in said subways and the lowest point in the overhead structures; and the sidewalks in each of said subways shall be so constructed that a minimum clearance or headroom of not less than seven and one-half feet between the highest point of said sidewalks and the lowest point of said overhead structures shall be maintained at all points.

Paragraph 2—The entire length and width of the roadways in subways, on all of the streets affected by this ordinance, shall be paved by said railway companies with a single course of vitrified brick of standard quality, laid at a right angle with the curb lines, and resting on a solid foundation of hydraulic cement concrete, nine inches thick or deep when solidly tamped in place, and otherwise finished and properly crowned ready for the reception of the brick wearing surface. Generally the curbs shall be of granite or hard, sound lime stone, free from argillaceous seams, and of the standard dimensions and finish, and otherwise set in permanent place, in accordance with the requirements of the department of public works of the city of Chicago. The sidewalks in the subways in this paragraph mentioned shall, also, be finished and paved by the said railway companies or either of them, as the case may be, for their entire length and width, with Portland cement concrete, likewise made and finished in accordance with the standard specifications of said department of public works as aforesaid. Said railway companies, or either of them, as the case may be, shall further, at their own expense, grade the approaches to said subways according to the requirements and specifications of this ordinance. As to all approaches in this paragraph mentioned, which are already paved or provided with sidewalks, such paving and sidewalks shall be restored by said companies, or either of them, as the case may be, at their expense. All of said work shall be done as by and for the city of Chicago under the superintendence of the department of public works of said city, but at the expense of said railway companies.

Paragraph 3—The several subways at the intersection of the several streets, avenues and highways with said elevated structure hereinbefore required to be constructed, shall generally conform to the description, measurements and dimensions contained in a schedule hereunto annexed and made part of this ordinance, entitled "Schedule of Subways;" Provided, however, that, in the event said railway companies, or either of them shall determine before, or at the time of the elevation of the plane of their tracks, to diminish the number of tracks now existing at any street crossing, or to otherwise change the position of their tracks within the limits of their joint or several right of way, then the dimensions of the subway so to be constructed may be changed or modified in proportion to such diminution or change in so

far as regards its length between portals, the length of floor and the length and location of its approaches; but the gradients of said approaches shall not, in any event, be increased; and all of said work involved in such change or changes shall be done subject to the approval of the commissioner of public works, and in accordance with his instructions.

Paragraph 4—Wherever alleys, which parallel the joint right of way of said railway companies, on one or both sides thereof, are found to be open and to intersect the streets or avenues in which said subways are to be constructed, all of said alleys, so found to be open as aforesaid, shall be properly graded down in to the streets or avenues with which they intersect, but at the expense of said railroad companies, or either of them, as the case may be.

Paragraph 5—Any street railway company occupying any of the streets in the city of Chicago to be crossed by said elevated railway or railways, shall, when and as the grade of said streets shall be changed as in this ordinance provided, at its own expense, without claim for damage, conform the grade of its track or tracks to the said change of grade on such streets; and nothing in this ordinance contained shall operate or be held to release or relieve such street railway company from any liability now existing, however created, to pave or bear the expense of paving such streets between and on either side of the rails of its said track or tracks in manner and form as now required.

Paragraph 6—That the grade of the several streets and alleys in this ordinance, and in the schedule thereto attached mentioned, be, and the same is hereby changed in manner and form as in said schedule, and in this ordinance provided, indicated and defined. The work of excavation rendered necessary by said change of grade shall be done as, by and for the city of Chicago under the superintendence of the department of public works of said city, but at the expense of said railway companies. The expense of grading approaches; expense of the work of excavation or other work mentioned in this section, is not intended to and shall not include damages caused by change of grade of streets or alleys, it being intended and understood that such damages are to be adjusted and paid by the city of Chicago.

¶ 6. **Drainage of subways.**] § 6. The drainage of said subways shall be properly provided for by the construction of receiving basins at the lowest point or points therein, which said receiving basins shall be connected with and shall discharge their contents in to the adjacent sewerage system. Provided, however, that whenever the floors of said subways are below the city sewerage system, all natural drainage and storm water may be intercepted at a proper point where it can be discharged in to said sewerage system, while that portion of said subways which is below the line of said sewers shall be drained into a well or sump, properly located in or immediately adjacent to said subways, which said wells or sumps shall be emptied of their con-

tents by means of a pumping plant driven by compressed air, or steam, or electricity; all of which shall be constructed and maintained by said railway companies at their own expense, and shall be of such character and dimensions as shall be approved by the commissioner of public works.

¶ 7. Location of sewers, etc.—change of—deflection.] § 7. Wherever, in the construction of said subways, it shall become necessary to change the location of water pipes, sewers and electrical conduits owned by the city, all water pipes and pipe sewers shall be deflected from the position in which they are found, and shall be placed in brick conduits especially constructed for that purpose, and shall be carried entirely around said subways on either side thereof, beneath the railway embankments or under the sidewalks as may be determined by the commissioner of public works. And all brick sewers and electrical conduits belonging to the city shall, when the same becomes necessary in the judgment of the commissioner of public works, likewise be carried around said subways on either side thereof, and beneath said railway embankments or sidewalks as aforesaid. All the work provided for in this section shall likewise be done at the sole expense of said railway companies.

¶ 8. Bridges at crossings—embankments—walls.] § 8. All streets and avenues intersecting said tracks, so to be elevated as aforesaid, shall be crossed on suitable bridge superstructures, fabricated in iron or steel supported on abutments which shall form the parallel walls of the subways, and with or without intermediate supports composed of iron or steel columns located in the curb lines in said subways, and parallel to and equi distant from the face of said abutments. Said abutments, including all foundations, shall be located wholly within the right of way lines of said railroads. The floor systems of all of said bridge superstructures shall likewise be fabricated in iron or steel, and shall be of the character technically designated and known as "solid construction;" provided, however, that said railway companies may use an open floor system composed of transverse floor beams and track stringers of iron or steel; in which event, however, all such open floor systems shall be furnished with a suitable device, covering the entire under side of the same, which shall intercept and carry off storm water or whatever else may fall from said elevated structures. The facial alignment of all said abutments, so to be constructed as aforesaid, shall be uniform with the building or lot lines of the streets or avenues in which said subways are located; and all of said abutments shall be constructed of heavy stone or brick masonry. The embankments upon which said elevated tracks shall be carried between said intersecting streets and avenues, shall be composed of sand, gravel, loam or clay, whose side slopes shall be defined by the natural angle of repose of the material out of which said embankments shall be constructed, or said embankments shall be carried between retaining walls

of stone, or brick masonry. But when such retaining walls are not used, the right of way of said railway companies shall be enclosed with fences, in compliance with the present ordinances of the city relating to the fencing of railway tracks.

¶ 9. **Location of abutments—station buildings, etc.**] § 9. Nothing in this ordinance named and contained shall be so construed as to prevent said railway companies, or either of them, from locating and constructing the abutments which form the walls of the subways, at a sufficient distance back from the building of lot lines of the streets and avenues, for the purpose of constructing and maintaining, in the spaces or recesses so left between said abutments and said building lines, station buildings with all necessary waiting rooms and ticket offices, fronting on said streets and avenue, uniform with the said building lines thereof, and entirely within the lines limiting and bounding the right of way of said railway companies, or either of them, and for the further purpose of constructing and maintaining within said lines stairways and approaches leading to and from said station buildings to the elevated platforms and tracks above the same, for the accommodation and convenience of the passenger traffic of said railway companies, or for any other purposes in connection with the efficient maintenance and operation of the lines.

¶ 10. **Construction of subways subject to city's approval.**] § 10. The location of the various sidewalks in the subways hereinbefore authorized and required, the various appliances for the drainage of said subways, and the devices for the protection of the water pipes, sewers and electrical systems of the city in or occasioned by the construction of said subways, except as in this ordinance otherwise defined, shall be determined by the said commissioner of public works. And all the work upon or in connection with any of the matters or things in this section specified shall be done and performed subject to the inspection and approval of said commissioner of public works.

¶ 11. **Street obstructions during work of elevation.**] § 11. Permission and authority are hereby given to said railway companies, jointly or severally, as the case may be, whenever the same shall be necessary in carrying on the work of elevating their railway tracks as herein authorized, to temporarily obstruct any street or avenue, for such length of time and in such manner as may be approved by the commissioner of public works; and the said railway companies are hereby jointly and severally authorized, in the prosecution of said work, to erect and maintain temporary structures in any of said streets and avenues, which shall be necessary or convenient to enable them to prepare for, or to erect the permanent elevated structure herein required, subject to like approval of said commissioner of public works.

¶ 12. **Commencement of work—prosecution of.**] § 12. The said railway companies are hereby jointly and severally required to commence the work of elevating the plane of their said railway tracks,

as hereinbefore specified, on or before thirty days after the filing of the agreement in section 21 of this ordinance mentioned, and jointly and severally to prosecute said work, continuously and without interruption thereafter, at the rate of not less than one mile per annum, until the whole of said work is completed. The time during which any legal proceedings shall be pending, whereby the said companies, or either of them, as the case may be, shall be prevented from or delayed in the work of elevating their tracks, shall be excluded from the time herein granted for the completion of the same; provided, however, that such exclusion shall date only from the time when the said company shall have given notice to the corporation counsel of the city of Chicago of the institution of such legal proceedings. The city of Chicago shall have the right to intervene in any suit or proceeding brought by any person or persons seeking to enjoin, restrain or in any manner interfere with the prosecution of said work, and move for a dissolution of such injunction or restraining order, and for any other proper order in such suit.

¶ 13. **Submission of plans prior to elevation.**] § 13. That the said railway companies, jointly or severally, as the case may be, shall, at least ten days prior to the commencement of any part or parts of said work, which is designed to be within the city limits of or abutting upon any street or avenue of said city, submit to the commissioner of public works, for his approval, complete plans and specifications of said part or parts of said proposed work for the purpose of ascertaining whether the same are in strict accordance with the provisions of this ordinance, and after the approval of such plans and specifications by the commissioner of public works, the said work shall be constructed in accordance therewith, and to the satisfaction of said commissioner of public works, and not otherwise, except as herein otherwise provided.

¶ 14. **Removal of obstructions.**] § 14. If any bridge, viaduct approach thereto, or other structure belonging to, or under the control of the city of Chicago, in any street or avenue, shall be found by said commissioner of public works to constitute an obstruction to, or interference with the work of constructing, maintaining or using the elevated structure hereinbefore required, the said commissioner of public works is hereby authorized and directed to promptly remove the same at the expense of the railway companies, or either of them, as the case may be.

¶ 15. **Rights reserved.**] § 15. It is not intended by the city council of the city of Chicago, by the provisions of this ordinance, to surrender any of its powers or control over said streets or avenues, nor in any manner to limit its authority or regulate the use of railroads upon the surface of said streets or avenues, nor its power and authority to cause the removal of said tracks from said streets or avenues, or the discontinuance of the use thereof, or prohibiting the use of steam

as a motive power upon any or all of said tracks upon the surface of said streets or avenues, but all its powers and authority over the surface tracks of said road shall survive and continue, notwithstanding the provisions of this ordinance, and the exercise of the same shall at all times be free and unrestricted, whether before or after the time or times hereinbefore fixed for the commencement or completion of said elevated structures.

¶ 16. **Commencement and prosecution of work.**] § 16. Within thirty days after filing the agreement mentioned in section 21 of this ordinance, the said railway companies shall severally notify the commissioner of public works of the point at which it or they will commence the work of elevating the plane of its or their tracks as hereinbefore required; from which point, so indicated, shall be measured the distance or length of not less than one mile of elevated structure, which shall be completed by said railway company or companies within one year from the commencement of said work, and in each year thereafter the said railway company or companies shall construct and complete at least one mile of said elevated structure. The whole of said elevated structure shall be completed by the 1st day of August, 1899.

¶ 17. **Failure to comply—penalty.**] § 17. If the said railway companies or either of them shall fail, neglect or refuse within the time limited by this ordinance to commence the work of elevating the plane of their tracks, as hereinbefore required, or if the said railway companies, or either of them, shall fail, neglect or refuse within the time and in the manner in this ordinance prescribed, to complete the work of elevating the plane of their tracks, as hereinbefore required, or if the said railway companies, or either of them, or any officer, agent, servant or employe of said companies, or either of them, shall cause any locomotive engine or steam railroad car to cross any street or avenue of the city within the limits herein provided for the elevation of the plane of their several tracks, otherwise than over and upon the elevated structures herein authorized to be constructed subsequent to the time designated by this ordinance for the elevation of the plane of their several railway tracks, the said railway company or companies, jointly or severally, as the case may be, shall be liable to a fine of not less than one hundred dollars nor more than two hundred dollars for each day they or either of them shall so fail, neglect or refuse to commence or complete the said elevation as by this ordinance required or shall so cause any locomotive engine or steam railroad car to cross said streets or avenues.

¶ 18. **Trespassing—penalty.**] § 18. When and in case said railways, or either of them, shall be elevated in accordance with the provisions of this ordinance, or when and in case sections of said elevated railways, or either of them as herein provided shall be completed, it shall be unlawful for any person or persons, save employes of said companies, or either of them, in discharge of duties to said companies,

or either of them, to enter upon, be, or walk along or across said elevated structures or roadway at any point, and any person violating this ordinance shall be liable to a fine of not more than one hundred dollars ($100), and not less than ten dollars ($10) for each and every such offense.

¶ 19. **Ordinances as to speed, etc., not to apply—lighting subways.**] § 19. When said railways, or either of them, shall be elevated in accordance with the provisions of this ordinance, or when any section thereof, or of either of said railways, shall be so elevated and ready for use, then and thereupon all provisions of the ordinances of the city relating to speed of railway trains in said city, the giving of signals upon such trains and the maintenance of gates, flagmen, watchmen, signals and signal towers, shall cease to be applicable to such railway companies, and to each of them, so far as the lines of said roads shall pass over the streets of said city upon such elevated structure and roadway. But the said railway companies shall be required to light the subways hereinbefore authorized to be constructed, in the manner prescribed by ordinances now in force, for the lighting by railway companies of the portions of their tracks at street crossings.

Nothing in this ordinance contained shall be construed as imposing any liability on said railway companies, or either of them, to the city of Chicago for the services to be performed by any officer or employe of said city in superintending the work of construction required by this ordinance.

¶ 20. **Suits to enforce compliance.**] § 20. The corporation counsel of the city of Chicago is hereby authorized and directed to institute and diligently prosecute all suits, actions and proceedings necessary or proper to secure full compliance with the provisions of this ordinance in all respects.

¶ 21. **When in force — conditions — agreement — damages.**] § 21. This ordinance shall take effect from and after its passage, approval and publication; provided, however, that this ordinance shall be null and void, if the said railway companies, and each of them, shall not, through their respective authorized officers, file with the mayor of the city of Chicago, within thirty (30) days from the passage of this ordinance, an agreement or agreements duly executed, whereby said railway companies, and each of them, shall undertake to do and perform all the matters and things required of them, and each of them, by this ordinance, and whereby said railway companies shall bind themselves, and each of them, in case of non-performance of the matters and things in this ordinance required, to pay to the city of Chicago the sum of fifty thousand dollars ($50,000) as and for liquidated damages arising to said city from such non-performance, and in and by which said agreement or agreements said companies shall further undertake to jointly pay to the city of Chicago the sum of one hundred thousand dollars ($100,000) as a contribution from said companies towards the

liabilities for land or business damages which may be incurred by or recoverable against said city of Chicago by the passage and enforcement of this ordinance, or by the changing of the grades of streets or alleys in accordance with the provisions hereof, or by reason of its having required said railway companies to do and perform the matters and things herein required of them, or by the performance by said railway companies of the matters and things herein required of them, said sum of one hundred thousand dollars ($100,000) to be paid to the city of Chicago at the time of filing the agreement or agreements in this section above referred to; which such payment by said companies shall be held to relieve and protect said companies and each of them from all liability for the damages aforesaid to said city or others save that for any damages occasioned by the negligent manner, of doing the said work by said companies or either of them, as the case may be, shall be liable. After the filing of said agreement or agreements as aforesaid, this ordinance shall not be materially modified or amended without the consent of said railway companies, but nothing in this ordinance contained shall be deemed a waiver or surrender of the police power of the city, or to deprive the city of the right to properly exercise such power.

SCHEDULE OF SUBWAYS.

Except where otherwise specifically noted and defined herein, the following general dimensions and structural data shall apply to all subways:

Width between walls, 66 feet.

Width of roadways between curbs, 38 feet.

Width of sidewalks, 14 feet each.

The depression of all sidewalks shall be uniform with that of the roadways, and it shall be at the standard elevation above the same at the curb lines throughout.

The floors of the subways shall extend not less than ten (10) feet beyond the portals of the subways at each end.

DETAILS OF SUBWAY IN ARCHER AVENUE.

Elevation of floor shall not be less than 8.50 feet above city datum.

Length of floor to west curb line of La Salle street, 195 feet.

Depression of avenue shall not exceed 4 feet.

Length of main approaches in Archer avenue shall not exceed 120 feet each.

Gradients of same shall not exceed 3.5 per cent. each.

Length of lateral approach from 20th street, in La Salle street, shall not exceed 120 feet.

Gradient of same shall not exceed 3.25 per cent.

Length of lateral approach from 21st street, in La Salle street, shall not exceed 130 feet.

Gradient of same shall not exceed 3.25 per cent.

Width of subway between walls, 80 feet.

Width of roadway between curbs, 48 feet.

Width of sidewalks, 16 feet each.

Clear headroom, 12 feet.

DETAILS OF SUBWAY IN 22D STREET.

Elevation of floor shall not be less than 7.535 feet above city datum.
Depression of street at east end shall not exceed 5.205 feet.
Length of east approach shall not exceed 160 feet.
Gradient of same shall not exceed 3.26 per cent.
Depression of street at west end shall not exceed 4.865 feet.
Length of west approach shall not exceed 150 feet.
Gradient of same shall not exceed 3.25 per cent.
Length of lateral approach in Clark street shall not exceed 160 feet.
Gradient of same shall not exceed 3.2 per cent.
Clear headroom, 13 feet 6 inches.

DETAILS OF SUBWAY IN 23D STREET.

Elevation of floor shall not be less than 7.09 feet above city datum.
Depression of street shall not exceed 4.97 feet.
Length of approaches shall not exceed 130 feet each.
Gradients of same shall not exceed 3.8 per cent. each.
Clear headroom, 12 feet.

DETAILS OF SUBWAY IN 24TH STREET.

Elevation of floor shall not be less than 7.32 feet above city datum.
Depression of street shall not exceed 5 feet.
Length of approaches shall not exceed 130 feet each.
Gradients of approaches shall not exceed 3.9 per cent. each.
Clear headroom, 12 feet.

DETAILS OF SUBWAY IN 25TH STREET.

Elevation of floor shall not be less than 7.7 feet above city datum.
Depression of street shall not exceed 4.63 feet.
Length of approaches shall not exceed 120 feet each.
Gradients of same shall not exceed 3.86 per cent. each.
Clear headroom, 12 feet.

DETAILS OF SUBWAY IN 26TH STREET.

Elevation of floor shall not be less than 7.42 feet above city datum.
Depression of street at east end shall not exceed 6.08 feet.
Length of east approach shall not exceed 170 feet.
Gradient of same shall not exceed 3.6 per cent.
Depression of street at west end shall not exceed 5.58 feet.
Length of west approach shall not exceed 160 feet.
Gradient of same shall not exceed 3.5 per cent.
Clear headroom, 13 feet 6 inches.

The depression of the sidewalk on the north side shall be uniform with the roadway, and it shall be at the standard elevation above the same at the curb lines throughout; but, on the south side the sidewalk shall not be depressed at all, but shall be carried through the subway and both approaches at its normal elevation.

DETAILS OF SUBWAY IN 27TH STREET.

Elevation of floor shall not be less than 9.75 feet above city datum.
Depression of street shall not exceed 3.73 feet.
Length of approaches shall not exceed 100 feet each.

Gradients of same shall not exceed 3.73 per cent. each.
Width between walls, 60 feet.
Width of roadway between curbs, 36 feet.
Width of sidewalks, 12 feet each.
Clear headroom, 12 feet.

DETAILS OF SUBWAY IN 29TH STREET.

Elevation of floor shall not be less than 11 feet above city datum.
Depression of street shall not exceed 2.68 feet.
Length of approaches shall not exceed 90 feet each.
Gradients of same shall not exceed 2.98 per cent. each.
Clear headroom, 12 feet.

DETAILS OF SUBWAY IN 30TH STREET.

Elevation of floor shall not be less than 11.75 feet above city datum.
Depression of street shall not exceed 2 feet.
Length of approaches shall not exceed 130 feet each.
Gradients of same shall not exceed 2 per cent. each.
Clear headroom, 12 feet.

DETAILS OF SUBWAY IN 31ST STREET.

Elevation of floor shall not be less than 11.251 feet above city datum.
Depression of street shall not exceed 2.55 feet.
Length of approaches shall not exceed 160 feet each.
Gradients of same shall not exceed 1.9 per cent. each.
Clear headroom, 13 feet 6 inches.

DETAILS OF SUBWAY IN 32D STREET.

Elevation of floor shall not be less than 11.53 feet above city datum.
Depression of street shall not exceed 2.52 feet.
Length of approaches shall not exceed 100 feet each.
Gradients of same shall not exceed 2.52 per cent. each.
Clear headroom, 12 feet.

DETAILS OF SUBWAY IN 33D STREET.

Elevation of floor shall not be less than 11.636 feet above city datum.
Depression of street shall not exceed 2.62 feet.
Length of approaches shall not exceed 150 feet each.
Gradients of same shall not exceed 1.75 per cent. each.
Clear headroom, 12 feet.

DETAILS OF SUBWAY IN 35TH STREET.

Elevation of floor shall not be less than 12.39 feet above city datum.
Depression of street at east end shall not exceed 2 feet.
Depression of street at west end shall not exceed 3.95 feet.
Length of east approach shall not exceed 75 feet.
Gradient of same shall not exceed 2.5 per cent.
Length of west approach shall not exceed 135 feet.
Gradient of same shall not exceed 3 per cent.
Clear headroom, 13 feet 6 inches.

DETAILS OF SUBWAY IN 37TH STREET.

Elevation of floor shall not be less than 13.68 feet above city datum.
Depression of street shall not exceed 2.52 feet.
Length of approaches shall not exceed 90 feet each.
Gradients of same shall not exceed 2.8 per cent. each.
Clear headroom, 12 feet.

DETAILS OF SUBWAY IN 38TH STREET.

Elevation of floor shall not be less than 13.61 feet above city datum.
Depression of street at east end shall not exceed 1.89 feet.
Depression of street at west end shall not exceed 3 feet.
Length of approaches shall not exceed 100 feet each.
Gradients of same shall not exceed 3 per cent. each.
Clear headroom, 12 feet.

DETAILS OF SUBWAY IN 39TH STREET.

Elevation of floor shall not be less than 11.82 feet above city datum.
Depression of street at east end shall not exceed 3.18 feet.
Depression of street at west end shall not exceed 4.68 feet.
Length of approaches shall not exceed 140 feet each.
Gradients of same shall not exceed 3.4 per cent. each.
Clear headroom 13 feet 6 inches.

DETAILS OF SUBWAY IN ROOT STREET.

Elevation of floor shall not be less than 10.211 feet above city datum.
Depression of street at east end shall not exceed 5.289 feet.
Length of east approach shall not exceed 160 feet.
Gradients of same shall not exceed 3.3 per cent.
Depression of street at west end shall not exceed 5.039 feet.
Length of west approach shall not exceed 155 feet.
Gradient of same shall not exceed 3.25 per cent.
Clear headroom, 13 feet 6 inches.
The sidewalks shall not be depressed at all, but shall be carried through the subway and approaches at their normal elevation.

DETAILS OF SUBWAY IN 43D STREET.

Elevation of floor shall not be less than 8.38 feet above city datum.
Depression of street at the east end shall not exceed 8.42 feet.
Depression of street at west end shall not exceed 6.62 feet.
Length of approaches shall not exceed 440 feet each.
Gradients of same shall not exceed 2.3 per cent. each.
Clear headroom, 12 feet.

DETAILS OF SUBWAY IN 44TH STREET.

Elevation of floor shall not be less than 8.85 feet above city datum.
Depression of street at east end shall not exceed 7.156 feet.
Length of east approach shall not exceed 190 feet.
Gradient of same shall not exceed 3.8 per cent.
Depression of street at west end shall not exceed 6.156 feet.
Length of west approach shall not exceed 170 feet.
Gradient of same shall not exceed 3.65 per cent.
Clear headroom, 12 feet.

The depression of the sidewalks shall be uniform throughout and they shall be four feet above the roadway, at the curb lines, between the portals.

DETAILS OF SUBWAY IN 45TH STREET.

Elevation of floor shall not be less than 9.76 feet above city datum.
Depression of street at east end shall not exceed 6.25 feet.
Length of east approach shall not exceed 170 feet.
Gradient of same shall not exceed 3.7 per cent.
Depression of street at west end shall not exceed 5.25 feet.
Length of west approach shall not exceed 160 feet.
Gradient of same shall not exceed 3.3 per cent.
Clear headroom, 12 feet.
The depression of the sidewalks shall be uniform throughout, and they shall be 4 feet above the roadway at the curb lines between the portals.

DETAILS OF SUBWAY IN 45TH COURT.

Elevation of floor shall not be less than 10.168 feet above city datum.
Depression of street shall not exceed 5.4 feet.
Length of approaches shall not exceed 160 feet each.
Gradients of same shall not exceed 3.5 per cent. each.
Clear headroom, 12 feet.
The depression of the sidewalks shall be uniform throughout, and they shall be 4 feet above the roadway at the curb lines between the portals.

DETAILS OF SUBWAY IN 47TH STREET.

Elevation of floor shall not be less than 11.4 feet above city datum.
Depression of street at east end shall not exceed 4.31 feet.
Length of east approach shall not exceed 130 feet.
Gradient of same shall not exceed 3.32 per cent.
Length of west approach shall not exceed 170 feet.
Gradient of same shall not exceed 2.4 per cent.
Clear headroom, 13 feet 6 inches.

DETAILS OF SUBWAY IN 51ST STREET.

Elevation of floor shall not be less than 10.04 feet above city datum.
Depression of street shall not exceed 6.71 feet.
Length of approaches in Fifty-first street shall not exceed 180 feet each.
Gradient of same shall not exceed 3.8 per cent.
Length of approach from the south in La Salle street shall not exceed 180 feet.
Gradient of same shall not exceed 3.8 per cent.
Length of approaches from the north and south in Armour avenue shall not exceed 110 feet each.
Gradients of same shall not exceed 2.87 per cent. each.
Clear headroom, 12 feet.

DETAILS OF SUBWAY IN 53D STREET.

Elevation of floor shall not be less than 11.605 feet above city datum.
Depression of street shall not exceed 5.025 feet.
Length of approaches shall not exceed 150 feet each.
Gradients of same shall not exceed 3.35 per cent. each.
Clear headroom, 12 feet.

DETAILS OF SUBWAY IN 55TH STREET BOULEVARD.

Rests entirely with South park commissioners.

DETAILS IN SUBWAY IN 57TH STREET.

Elevation of floor shall not be less than 14.973 feet above city datum.
Depression of street shall not exceed 1.733 feet.
Length of approaches shall not exceed 90 feet.
Gradients of same shall not exceed 1.9 per cent. each.
Clear headroom, 12 feet.

DETAILS OF SUBWAY IN 58TH STREET OR CLOUD COURT.

Elevation of floor shall not be less than 15.21 feet above city datum.
Depression of street at east end shall not exceed 1,798 feet.
Length of east approach shall not exceed 115 feet.
Gradient of same shall not exceed 1.6 per cent.
Depression of street at west end shall not exceed 1.598 feet.
Length of west approach shall not exceed 160 feet.
Gradient of same shall not exceed 1 per cent.
Clear headroom, 12 feet.

DETAILS OF SUBWAY IN 59TH STREET.

Elevation of floor shall not be less than 15.58 feet above city datum.
Depression of street at east end shall not exceed 4.822 feet.
Length of east approach shall not exceed 200 feet.
Gradient of same shall not exceed 2.5 per cent.
Depression of street at west end shall not exceed 1.622 feet.
Length of west approach shall not exceed 140 feet.
Gradient of same shall not exceed 1.2 per cent.
Clear headroom, 12 feet.

DETAILS OF SUBWAY IN 60TH STREET.

Elevation of floor shall not be less than 15.965 feet above city datum.
Depression of street at east end shall not exceed 4.435 feet.
Length of east approach shall not exceed 200 feet.
Gradient of same shall not exceed 2.25 per cent.
Depression of street at west end shall not exceed 1.235 feet.
Length of west approach shall not exceed 140 feet.
Gradient of same shall not exceed 1 per cent.
Clear headroom, 12 feet.

DETAILS OF SUBWAY IN 61ST STREET.

Elevation of floor shall not be less than 14.61 feet above city datum.
Depression of street shall not exceed 6.29 feet.
Length of approaches in 61st street shall not exceed 180 feet each.
Gradients of same shall not exceed 3.5 per cent. each.
Length of floor to east line of Butterfield street shall not exceed 278 feet.
Length of approach from the north in Butterfield street shall not exceed 180 feet.
Gradient of same shall not exceed 3.5 per cent.
Clear headroom, 13 feet 6 inches.

DETAILS OF SUBWAY IN 63D STREET.

Elevation of floor at west end shall not be less than 16.45 feet above city datum.

Depression of street at west end shall not exceed 5,522 feet.

Width between walls, 60 feet.

Length of west approach shall not exceed 200 feet.

Gradient of same shall not exceed 2.8 per cent.

Elevation of floor at east end shall not be less than 13.659 feet above city datum.

Depression of street at east end shall not exceed 9.341 feet.

Length of approach from the north, in State street, shall not exceed 300 feet, said approach being in common with the north approach to the State street subway.

Gradient of same shall not exceed 3.5 per cent.

Length of midway grade or connection between upper and lower floors shall not be less than 95 feet.

Gradient of same shall not exceed 3 per cent.

Clear headroom, 13 feet 6 inches.

The depression of the sidewalks shall be uniform throughout between the head of the west approach and the intersection with State street, and they shall be 5 feet above the roadway, at the curb lines, at all points between the portals.

The construction of the west approach to this subway will be the joint work of the Chicago, Rock Island and Pacific Railway and the Pittsburg, Fort Wayne and Chicago Railway Companies; and the construction of the east approach will be the exclusive work of the Lake Shore and Michigan Southern Railway Company.

The Lake Shore and Michigan Southern Railway Company shall construct the subways under its own tracks and up to the lines of its right of way between the portals, and the Chicago, Rock Island and Pacific Railway Company shall construct the subways under its own tracks up to the lines of its right of way between the portals.

DETAILS OF SUBWAY IN STATE STREET.

Elevation of floor at north end shall not be less than 13.482 feet above city datum.

Depression of street at north end shall not exceed 9.272 feet.

Length of north approach shall not exceed 300 feet.

Gradient of same shall not exceed 3.5 per cent.

Elevation of lower floor shall not be less than 11.275 feet above city datum.

Length of same shall not be less than 50 feet.

Gradients between portals shall not exceed 3 per cent. each.

Elevation of floor at south end shall not be less than 13.771 feet above city datum.

Depression of street at south end shall not exceed 6.979 feet.

Length of south approach shall not exceed 250 feet.

Gradient of same shall not exceed 2.8 per cent.

Length of lateral approach on the south side of East 63d street, shall not be less than 250 feet.

Gradient of same shall not exceed 3.3 per cent.

Width of same shall not be less than 30 feet.

Width of subway between walls in State street, 60 feet.

Width of roadway between curbs, 40 feet.

Width of sidewalk, 10 feet each.

Width of street on the east side of State street parallel with north ap-

proach, and extending from the head of same to the intersection with East 63d street, 40 feet.

Width of street on the north side of East 63d street parallel with approach therein, and extending from the head of same to the intersection with State street, shall not be less than 30 feet.

Clear headroom, 13 feet 6 inches.

There shall be a sidewalk on the north side of the approach in East 63d street, whose width shall not be less than 8 feet.

The depression of the sidewalks shall be uniform throughout between the heads of the approaches and they shall be 5 feet above the roadway at the curb lines, at all points between the portals.

The construction of the north approaches to this subway will be the exclusive work of the Lake Shore and Michigan Southern Railway Company, and the construction of the south approach will be the exclusive work of the Pittsburg, Fort Wayne and Chicago Railway Company.

The Lake Shore and Michigan Southern Railway Company shall construct the subways under its own tracks and up to the lines of its right of way between the portals.

DETAILS OF SUBWAY IN WENTWORTH AVENUE AND 65TH STREET.

Elevation of floor shall not be less than 17.151 feet above city datum.

Depression of avenue shall not exceed 3.65 feet.

Length of north approach shall not exceed 130 feet.

Gradient of same shall not exceed 2.8 per cent.

Length of south approach shall not exceed 196 feet, including the width of the level intersection with 66th street.

Gradient of same shall not exceed 2.8 per cent.

Length of approach from the west in 65th street shall not exceed 130 feet.

Gradient of same shall not exceed 2.9 per cent.

Length of approach from the east in 65th street shall not exceed 150 feet.

Gradient of same shall not exceed 3.25 per cent.

Width of subway inWentworth avenue between walls, 63 feet.

Number of roadways, 2.

Width of roadway between curbs and wheel guards around center line of columns, 20 feet each.

Width of sidewalks, 10 feet each.

Width of wheel guards around bases of center line of columns shall not exceed 3 feet at the floor line.

The sidewalks shall not be depressed with the roadways, but shall be carried throughout at their normal elevations, and they shall be provided with steps not less than 6 feet long, descending into the roadways at the intersections with 65th street on the east and west sides of Wentworth avenue.

Clear headroom, 13 feet 6 inches.

DETAILS OF SUBWAY IN 66TH STREET.

Elevation of floor shall not be less than 17 feet above city datum.

Depression of street shall not exceed 4.2 feet.

Length of approaches shall not exceed 150 feet each.

Gradients of same shall not exceed 3 per cent. each.

Length of approach in Ross avenue shall not exceed 100 feet.

Gradient of same shall not exceed 3.70 per cent.

Width of roadway between curbs, 30 feet.

Width of sidewalks, 18 feet each.

Clear headroom, 12 feet.

DETAILS OF SUBWAY IN 67TH STREET.

Elevation of floor shall not be less than 16.46 feet above city datum.
Depression of street shall not exceed 3.8 feet.
Length of approaches shall not exceed 130 feet each.
Gradients of same shall not exceed 3.5 per cent. each.
Width of roadway between curbs, 30 feet.
Width of sidewalks, 18 feet each.
Length of approach in Yale avenue shall not exceed 100 feet.
Gradient of same shall not exceed 3.25 per cent.
Clear headroom, 12 feet.

DETAILS OF SUBWAY IN NORMAL PARKWAY.

Elevation of floor shall not be less than 15.11 feet above city datum.
Depression of street shall not exceed 4.7 feet.
Length of approaches shall not exceed 140 feet each.
Gradients of same shall not exceed 3.4 per cent. each.
Length of approach in Lincoln avenue shall not exceed 100 feet.
Gradient of same shall not exceed 3 per cent.
Length of the level floor shall not be less than 215 feet.
Width of subway between walls, 73 feet.
Width of roadway between curbs, 30 feet.
Width of north sidewalk, 18 feet.
Width of south sidewalk, 25 feet.
Clear headroom, 12 feet.

DETAILS OF SUBWAY IN 69TH STREET.

Elevation of floor shall not be less than 12.63 feet above city datum.
Depression of street shall not exceed 6.27 feet.
Length of approaches in 69th street and in Webster avenue shall not exceed 200 feet each.
Gradients of same shall not exceed 3.15 per cent. each.
Width of roadway between curbs, 42 feet.
Width of sidewalks, 12 feet each.
Clear headroom, 13 feet 6 inches.
The depressions of all streets are referred to and measured from the established grade at the head of the approaches.

Note—See following ordinance for vacation of 19th, 20th, 21st and Spring streets, and also following amendatory ordinance.

§ 383. Lake Shore & Michigan Southern and Chicago, Rock Island & Pacific Railway companies.

¶ 1. Part of Nineteenth street vacated.
¶ 2. Part of Twentieth street vacated.
¶ 3. Part of Twenty-first street vacated.
¶ 4. Part of Spring street vacated.
¶ 5. When in force.

An ordinance vacating those parts of Nineteenth street, Twentieth street, Twenty-first street and Spring street lying within the right of way of the Chicago, Rock Island & Pacific Railroad company and the Lake Shore & Michigan Southern Railway company, in the city of Chicago, county of Cook and state of Illinois. (Passed July 12, 1894.)

¶ 1. Part of Nineteenth street vacated.] Be it ordained by

the city council of the city of Chicago: § 1. That that part of Nineteenth street lying within the right of way of the Chicago, Rock Island and Pacific Railroad Company and Lake Shore and Michigan Southern Railway Company, lying between the east line of La Salle street and a line 79 feet west and parallel to the west line of Clark street, as shown on that portion colored yellow of the plat hereto attached and marked Exhibit "A," be and the same is hereby vacated and closed.

¶ 2. **Part of Twentieth street vacated.**] § 2. That that part of Twentieth street lying within the right of way of the Chicago, Rock Island and Pacific Railroad Company and the Lake Shore and Michigan Southern Railway Company lying between the east line of La Salle street and a line 79 feet west of and parallel to the west line of Clark street, as shown on that portion colored yellow on the plat hereto attached and marked Exhibit "B," be and the same is hereby vacated and closed.

¶ 3. **Part of Twenty-first street vacated.**] § 3. That that part of Twenty-first street lying within the right of way of the Chicago, Rock Island & Pacific Railroad Company and Lake Shore and Michigan Southern Railway Company lying between the east line of La Salle street and a line drawn between a point on north line of Twenty-first street, located 79 feet west of west line of Clark street and a point on south line of Twenty-first street and 66 feet west of west line of Clark street, as shown on that portion colored yellow of the plat hereto attached, and marked Exhibit "C," be and the same is hereby vacated and closed.

¶ 4. **Part of Spring street vacated.**] § 4. That that part of Spring street lying within the right of way of the Chicago, Rock Island and Pacific Railroad Company and the Lake Shore and Michigan Southern Railway Company lying between a line 121 11-100 feet east of and parallel to the east line of La Salle street and a line 94 feet west of and parallel to the west line of Armour avenue, as shown on that portion colored yellow of the plat hereto attached, and marked Exhibit "D," be and the same is hereby vacated and closed.

¶ 5. **When in force.**] § 5. This ordinance shall be in force from and after its passage.

§ 384. Lake Shore & Michigan Southern Railway company and Chicago, Rock Island & Pacific Railway company.

¶ 1. Amending ordinance of July 9, 1894.
¶ 2. Lake Shore tracks south of divergence.
¶ 2a. Detail of subways and of grade crossings.
¶ 2b. Future subways at Keefe and St. Lawrence avenues.
¶ 2c. Stipulation of city as to subways at Keefe and St. Lawrence avenues.
¶ 2d. Ordinance of July 9, 1894, to apply, when.
¶ 2e. Commencement and completion of work.
¶ 2f. Company to light subways.
¶ 2g. Change of location of underground work.

¶ 2h. Sixty-seventh street a thoroughfare—city to pay for subway.
¶ 2i. When in force—agreement.

An ordinance to amend an ordinance relating to the elevation of the tracks of the Lake Shore & Michigan Southern Railway company and of the Chicago, Rock Island & Pacific Railway company. (Passed January 18, 1897.)

¶ 1. Amending ordinance of July 9, 1894.] Be it ordained by the city council of the city of Chicago: § 1. That an ordinance entitled "An ordinance requiring the Lake Shore and Michigan Southern Railway Company and the Chicago, Rock Island and Pacific Railway Company to elevate the plane of certain of their railway tracks within the city of Chicago," passed by the city council of said city on July 9th, A. D. 1894, be and the same is hereby amended by amending section 2 of said ordinance, and by adding thereto other sections to be known as section 2a, section 2b, section 2c, section 2d, section 2e, section 2f, section 2g, section 2h, and section 2i, respectively, so that section 2 as amended and so that said additional sections as inserted in said amended ordinance shall be as follows:

¶ 2. Lake Shore tracks south of divergence.] § 2. From the point where the roadbed and tracks so to be elevated as aforesaid, cease to be common as between said railway companies, and where the line of the said Lake Shore and Michigan Southern Railway Company separates and diverges from the line of the said Chicago, Rock Island & Pacific Railway Company, the Lake Shore and Michigan Southern Railway Company shall elevate the plane of its roadbed and tracks, in the manner following, that is to say:

Beginning at said point of divergence, at or near the north line of 61st street, where an elevation of not less than nine (9) feet above the plane of said existing roadbed has been attained as aforesaid, the roadbed and tracks of said Lake Shore and Michigan Southern Railway Company, continuing therefrom in a southerly and southeasterly direction shall descend on a gradient of about six (6) hundredths of one per centum, for a length or distance of about one thousand eight hundred (1,800) feet to the east line of State street, within which said distance or length of about eighteen hundred (1800) feet as aforesaid, elevations above the plane of said existing roadbed of not less that eight (8) feet at 63rd street and seven and one-half (7½) feet at State street shall be attained; thence said elevated roadbed and tracks shall continue and descend to the eastward for a distance of about three thousand (3,000) feet to a point on the north line of 67th street extended across the lands and right of way of the railway company where the elevation of the base of rail of said elevated tracks shall not be less than eighteen and eight-tenths (18.8) feet above the city datum; thence said elevated roadbed and tracks shall continue to the eastward on a level plane for a distance of about seven hundred (700) feet to a point on the east line of South Park avenue; thence said elevated roadbed and tracks shall continue in a southeasterly direction and shall descend on a suitable gra-

dient to a point about three hundred (300) feet east of the east line of St. Lawrence avenue, where the level of said elevated roadbed and tracks shall conform to the grade of said roadbed and tracks as they now exist.

¶ **2a. Detail of subways and of grade crossings.**] § 2a. The said Lake Shore and Michigan Southern Railway Company shall build and construct under said elevated roadbed and tracks subways at 67th street and South Park avenue and grade crossings at Keefe avenue and at St. Lawrence avenue in conformity to the following details: And the grades of the several streets and avenues in this ordinance mentioned are hereby changed and established so as to conform in all respects to the said details:

DETAILS OF SUBWAY IN 67TH.

Elevation of floor in subway shall not be less than five and three-tenth (5.3) feet above city datum.

Depression of street shall not exceed five and five-tenths (5.5) feet below established grade of street.

The length of east approach shall not exceed one hundred and sixty (160) feet.

The gradient of same shall not exceed three and one-half (3½) per centum.

Width between walls sixty-six (66) feet, 67th street.

Width roadway, forty-two (42) feet.

Width sidewalks, twelve (12) feet.

Clear headroom, twelve and one-half (12½) feet above roadway and not less than seven and one-half (7½) feet above sidewalk.

The depression of sidewalks shall be uniform with roadway one foot above level of same. Two lines of posts may be placed in said subway at the curb lines and inside thereof to support girders.

DETAILS OF SUBWAY IN SOUTH PARK AVENUE.

Elevation of floor of subway shall not be less than five and three-tenths (5.3) feet above city datum.

Depression of street shall not exceed five and seven-tenths (5.7) feet below established grade of street.

The length of north approach shall not exceed one hundred and sixty (160) feet.

The gradient of same shall not exceed three and one-half (3½) per centum.

Width between walls sixty-six (66) feet, South Park avenue.

Width roadway, forty-two (42) feet.

Width sidewalks, twelve (12) feet.

Clear headroom, twelve and one-half (12½) feet above roadway and not less than seven and one-half (7½) feet above sidewalk.

The depression of sidewalks shall be uniform with roadway and about one foot above level of same. Two lines of posts may be placed in said subway at the curb lines and inside thereof to support girders.

DETAILS OF GRADE CROSSINGS AT KEEFE AVENUE.

At the intersection of Keefe avenue with the elevated roadbed and tracks, on the descending grade from South Park avenue to St. Lawrence avenue, there shall be constructed upon and across said roadbed and tracks, a good

and sufficient street crossing of said Keefe avenue, in the following manner, to wit:

Said company shall construct approach from the northeast in Keefe avenue upon an incline from the present surface of said street at a grade not exceeding three and one-half (3½) per centum. Said crossing shall be well and sufficiently planked across said approach, and said planked crossing shall be of the full width of said Keefe avenue. Said company shall also construct a wooden sidewalk eight feet in width on each side of said avenue, within the limits of said company's right of way.

DETAILS OF GRADE CROSSING AT ST. LAWRENCE AVENUE.

At the intersection of St. Lawrence avenue with the elevated roadbed and tracks, on the descending grades from South Park avenue to the said point three hundred (300) feet east of St. Lawrence avenue, there shall be constructed upon and across said roadbed and tracks a good and sufficient street crossing of said St. Lawrence avenue, in the following manner, to wit:

Said company shall construct approach from the north in said St. Lawrence avenue upon an incline from the present surface of said street at a grade not exceeding three (3) per centum. Said crossing shall be well and sufficiently planked across said approach, and said plank crossings shall be of the full width of said St. Lawrence avenue. Said company shall also construct a wooden sidewalk eight (8) feet in width, on each side of said St. Lawrence avenue, within the limits of said company's right of way.

¶ 2b. Future subways at Keefe and St. Lawrence avenues.] § 2b. Whenever, at any time hereafter, the elevation of such roadbed and tracks shall be extended further southeasterly than is provided in this ordinance, it shall be the duty of said Lake Shore and Michigan Southern Railway Company to construct at its own expense its portion (being that part northeasterly of the southwesterly line of its right of way) of subways at Keefe avenue and at St. Lawrence avenue, which subways shall in the main be similar to the subways already built along the portion of said line of railway heretofore elevated.

¶ 2c. Stipulation of city as to subways at Keefe and St. Lawrence avenues.] § 2c. The city shall and will provide for and cause the extension and construction of said subways across and southwesterly of the right of way of the Pittsburg, Ft. Wayne and Chicago Railway Company, and under its tracks and the approaches thereto from the west. Also for the necessary change of grade over said last named company's right of way and tracks at Keefe avenue and at St. Lawrence avenue, and the Lake Shore and Michigan Southern Railway Company shall not do, or be required to do, or pay any part of the cost or expense of, the work and improvement herein provided for, which is to be done southwesterly of the line between its right of way and the right of way of the Pittsburg, Ft. Wayne and Chicago Railway Company. It shall be and is hereby made the duty, respectively, of said Lake Shore and Michigan Southern Railway Company and of the Pittsburg, Ft. Wayne and Chicago Railway Company and its lessee, the Pennsylvania Company, to prosecute simultaneously the work provided for in this ordinance, and

the work provided for in a certain other ordinance of the city of Chicago in relation to the same subject-matter, requiring the elevation of the tracks and roadbed of said Pittsburg, Ft. Wayne and Chicago Railway Company between the east line of State street and a point about three hundred (300) feet east of the east line of St. Lawrence avenue, so that the public use of the streets shall not be unnecessarily or unduly interfered with. Should either of said companies fail to prosecute such work, after August 1st, 1899, at the same time the other company shall be proceeding with its portion of said work, and if through such default the public use of 67th street, or South Park avenue, or Keefe avenue, or St. Lawrence avenue, or either of said streets or avenues, should, in the opinion of the commissioner of public works of the city of Chicago, be unduly interfered with, then and in that case such commissioner shall be and is hereby authorized and empowered to take any and all such legal steps as may be necessary to prevent unreasonable obstruction to the use of said street by the public.

¶ 2d. **Ordinance of July 9, 1894, to apply, when.**] § 2d. All of the provisions of the ordinance of July 9th, 1894, hereby amended shall apply to all things provided for and embraced in this ordinance, unless herein otherwise specially provided, and the rights, obligations, powers and duties of the city and said Lake Shore and Michigan Southern Railway Company shall be the same in all respects as if said ordinance of July 9th, 1894, had originally contained all the matters and things contained in this ordinance, and said ordinance of July 9th, 1894, and this ordinance shall be construed together, the same as if both had been contained in said ordinance hereby amended.

¶ 2e. **Commencement and completion of work.**] § 2e. The additional work provided for in this amendatory ordinance shall be commenced on or after August 1, 1899, and fully finished and completed in two years from and after the first day of August, 1899, the date when said railway company is to have completed the elevation of its roadbed to State street, under the provisions of the said ordinance of July 9th, 1894.

¶ 2f. **Company to light subways.**] § 2f. Said railway company shall construct the necessary appliances and perpetually provide, at its own expense, a good and sufficient light for each of the subways herein provided for. The light so to be furnished to be satisfactory to the commissioner of public works of the city of Chicago.

¶ 2g. **Change of location of underground work.**] § 2g. If found necessary during the construction of said subways to change the location of the water pipes, sewers or electrical conduits owned by the city of Chicago, all such work shall be done by the said railway company at its own cost and expense, and according to the directions of the commissioner of public works, but the gradient of the sewers shall not be reduced in any event.

¶ 2h. **Sixty-seventh street a thoroughfare—city to pay for**

subway.] § 2h. Said railway company shall and will and does hereby grant to the said city of Chicago the perpetual right of way on or after August 1st, 1899, for the opening, extending and maintaining of 67th street as a public highway across its lands and right of way by means of a subway to be constructed as herein provided, and in consideration thereof, and of the acceptance of this ordinance by the said railway company, the city undertakes and agrees that it will not hereafter require or attempt to compel said railway company at its expense to build any additional or other subways than those in this ordinance provided for, between State street and South Park avenue. But it is hereby agreed that if the city of Chicago shall at any time hereafter open and extend any street or streets or avenue or alley between State street and South Park avenue, such extension shall be by means of subways only across the right of way and lands and yard of said company; and in such case no claim for compensation on account of land taken for right of way of such street, avenue or alley will be made by the railway company, and such waiver of compensation shall attach to and run with such land in the hands of any grantee or grantees of such railway company or companies; but the sole cost and expense of the construction of such subways and of such bridges as may be necessary to carry all the tracks on said company's lands and right of way and yard over said highways shall be borne and paid by the city of Chicago, without expense to the company; and in no case shall any such bridge over such subways so to be built be inferior in any regard to the bridges provided by this ordinance or which shall be constructed over the subways at 67th street and at South Park avenue. The work of such construction shall be done by the railway company, and the amount to be paid by the city for such work and construction shall not exceed the actual and reasonable cost thereof. Said bridges respectively shall support all the tracks of said company then existing and in use across the lines of such proposed streets at the time of the construction of any such subway across such right of way and yard of said railway company. But said railway company shall not be required to do any work toward the construction of any such subway until the cost thereof, as may be estimated by the city engineer and the chief engineer of said railway company, first shall have been paid over to said company or deposited in some responsible bank for its benefit and to be paid over to it at once upon the completion of said work. The grade of the roadbed and tracks of said company shall be and remain at the grade hereinbefore specified.

¶ 2i. **When in force—agreement.**] § 2i. This ordinance shall take effect from and after its passage and approval; Provided, however, that the same shall be null and void if the said railway company shall not, within sixty (60) days from the passage of this ordinance, file with the mayor of the city of Chicago an agreement, duly executed, whereby said railway company shall undertake to do and perform all the matters and things required of it by this ordinance. After the filing of said

agreement, as aforesaid, this ordinance shall be binding upon the city and said railway company, and shall not be materially modified or amended without the consent of said railway company, but nothing in this ordinance contained shall be deemed a waiver or surrender of the police power of the city, or to deprive the city of the right to perpetually exercise such police power.

PITTSBURG, CINCINNATI, CHICAGO & ST. LOUIS RAILWAY AND OTHER COMPANIES.

§ 385. Pittsburg, Cincinnati, Chicago & St. Louis Railway company, Chicago & Northwestern Railway company and Chicago & Northern Pacific Railroad company.

¶ 1. Rockwell street—gradients.
¶ 2. Subways—location.
¶ 3. Specifications for subways—grades, etc.
¶ 4. Drainage of subways.
¶ 5. Deflection of pipes, sewers, etc.
¶ 6. Bridge construction—embankments—retaining walls.
¶ 7. Location of abutments—vacation of streets.
¶ 8. Authority of city over construction.
¶ 9. Temporary obstruction of street—side tracks.
¶ 10. Elevation, construction, commencement, etc.
¶ 11. Notice before commencing work.
¶ 12. Trespassing—penalty.
¶ 13. Speed, gates, flagmen, etc.
¶ 14. Suits, actions and proceedings.
¶ 15. When in force—agreement—C. & N. P. R. R. Co.
¶ 16. Repeal of ordinances for opening streets.
¶ 17. C. & N. P. R. R. company.
¶ 18. Paving at expense of companies.
¶ 19. C. & N. P. R. R. company—failure to comply—penalty.

An ordinance requiring the Pittsburg, Cincinnati, Chicago & St. Louis Railway company, the Chicago & Northwestern Railway company, the Chicago & Northern Pacific Railroad company and any successor to the railroad of said last named company, to respectively elevate the plane of certain of their railway tracks within the city of Chicago. (Passed January 18, 1897. Agreement by the Pittsburg, Cincinnati, Chicago & St. Louis Railway company and the Chicago & Northwestern Railway company, filed in office of the city clerk March 1, 1897. Agreement of date July 21, 1897, by the Chicago Terminal Transfer Railroad company (successor to the Northern Pacific Railroad company), filed in the office of the mayor July 23, 1897.)

¶ 1. Rockwell street—gradients.] Be it ordained by the city council of the city of Chicago: § 1. The Pittsburgh, Cincinnati, Chicago and St. Louis Railway Company, the Chicago and Northwestern Railway Company, and the Chicago and Northern Pacific Railroad Company, are respectively hereby ordered and required to

elevate the plane of their roadbeds and tracks within certain limits of the city of Chicago, in manner and upon the conditions hereinafter specified, that is to say:

Paragraph 1. Beginning on the north line of Ogden avenue on the tracks of the Chicago and Northwestern Railway Company, the Pittsburgh, Cincinnati and St. Louis Railway Company and the Chicago and Northen Pacific Railroad Company, respectively, said tracks shall rise therefrom on a gradient of about .7 per centum for a distance of about 1,100 feet to the south line of West Twelfth street, where an elevation of not less than 19.2 feet above Chicago city datum shall be attained by all the tracks of said companies crossing West Twelfth street, between Campbell avenue and Tallman avenue.

Paragraph 2. From the south line of West Twelfth street, the roadbeds and tracks of the Chicago and Northwestern Railway Company and the Chicago and St. Louis Railway Company shall proceed as follows: They shall continue to rise from the south line of West Twelfth street on a gradient of about .407 of one per centum for a distance of about 980 feet to the south line of Taylor street, where an elevation of not less than 23.19 feet above Chicago city datum shall be attained; thence they shall proceed on a level grade to a point 100 feet south of Flournoy street; thence they shall rise on a gradient of about .14 of one per centum for a distance of about 3,650 feet to a point 50 feet south of the south line of Washington boulevard, where an elevation of not less than 28.3 feet above Chicago city datum shall be attained; thence they shall proceed on a level grade for a distance of 900 feet to a point about 250 feet north of Lake street; thence they shall proceed on a descending grade of about .36 of one per centum to the north line of Fulton street, where they shall have an elevation of not less than 26.25 feet above Chicago city datum. In the course of said elevated roadbeds and tracks in this paragraph described they shall have elevations above city datum of not less than 23.19 feet at West Polk street, 23.33 feet at Flournoy street, 23.78 feet at West Harrison street, 24.34 feet at West Congress street, 24.88 feet at West Van Buren street, 25.59 feet at Jackson boulevard, 26.06 feet at West Adams street, 26.97 feet at West Monroe street, 27.42 feet at West Madison street, 27.88 feet at Warren avenue, 28.30 feet at Washington boulevard, 28.30 feet at West Lake street.

Paragraph 3. From the north line of Fulton street, said elevated roadbeds and tracks of said Chicago and Northwestern Railway Company, and said Pittsburgh, Cincinnati, Chicago and St. Louis Railway Company shall descend to a junction with and plane of the tracks of said companies not hereby required to be elevated, at a point not further east than Western avenue, on such gradient and within such distance as may be found by said companies convenient and practicable.

Paragraph 4. The elevated roadbeds and tracks of the Chicago and Northern Pacific Railroad Company shall continue to rise from the south line of West Twelfth street, on a gradient of about .4 of one per

centum, until after crossing said elevated roadbeds and tracks of the Chicago and Northwestern Railway Company and the Pittsburg, Cincinnati Chicago and St. Louis Railway Company, at the latter's new grade in this section previously described; and after such crossing, said elevated roadbeds and tracks of said Chicago and Northern Pacific Railroad Company shall descend to the west line of Washtenaw avenue, where they shall have an elevation above the plane of the existing roadbed and tracks of not less than 6.40 feet; thence they shall continue to descend on a gradient of about .7 of one per centum for a distance of about 705 feet to a point about on the east line of California avenue, conforming at that point to the plane of the existing roadbed and tracks of said Chicago and Northern Pacific Railroad Company.

Paragraph 5. The elevations of the roadbeds and tracks in this section required are intended to indicate and shall be measured to the level of the top of the rail of the elevated tracks.

¶ 2. Subways—location.] § 2. A subway passing beneath the tracks of the Pittsburgh, Cincinnati, Chicago and St. Louis Railway Company, the Chicago and Northwestern Railway Company and the Chicago and Northern Pacific Railroad Company, which are required to be elevated, as aforesaid, shall be constructed where said tracks are intersected and crossed by West Twelfth street, and each of said three companies shall construct its own proper part of such subway and its approaches.

A subway shall be constructed by the Chicago and Northern Pacific Railroad Company beneath the tracks of said company hereby required to be elevated where said tracks are intersected and crossed by Washtenaw avenue.

Subways shall be constructed beneath the tracks of the Pittsburgh, Cincinnati, Chicago and St. Louis Railway Company and the Chicago and Northwestern Railway Company where said tracks are intersected and crossed by West Taylor street, Harvard street, West Polk street, Lexington street, Flournoy street, West Harrison street, West Congress street, West Van Buren street, Jackson boulevard, West Adams street, Wilcox avenue, West Monroe street, West Madison street, Warren avenue, Washington boulevard, Park avenue, West Lake street and Fulton street; and the former of such two companies in this paragraph named shall construct the part of such subways and the approaches to such subways lying east of the east line of the right of way of the Chicago and Northwestern Railway Company produced across said streets, and the last named company shall construct the part of such subways and the approaches to such subways lying west of said line, except that the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company shall construct that part of the subway in Fulton street and the approach to such subway lying east of the easterly line of the right of way of the Chicago and Northwestern Railway Company produced, from the north line of said Fulton street to the south line thereof, alone a course parallel to the easternmost "Y" track of the last

named company, and said Chicago and Northwestern Railway Company shall construct the part of said Fulton street subway and the approach to said subway west of said last described line.

¶ 3. Specifications for subways, grades, etc.] § 3. Par. 1. Each and every subway hereinbefore specified, shall be so constructed that a minimum clearance or headroom of not less than twelve (12) feet shall be maintained between the highest point in the roadway in said subway and the lowest point in the overhead structures.

The floors of all subways shall extend on a level plane of not less than ten (10) feet beyond the portals of the subways at each end.

Any of the subways before mentioned in this ordinance, and of which the Chicago and Northwestern Railway Company is required to construct a part, may, at the option of said last named company, be extended to the west of the existing tracks of said company under which such subway is to be built, but such extension shall not go beyond, and the westerly portal of such subway shall be located to the east of the point where the westernmost boundary of the right of way of said Chicago and Northwestern Railway Company meets the street in which such subway is built.

Par. 2. Each of the three companies in this ordinance named and required to construct certain portions of the subways hereinbefore mentioned, shall pave the entire length and width of the roadway in such portions of the subways as are required to be constructed by that company, except that none of said companies is required to pave any parts of the subways to be occupied by or adjacent to street railway tracks and which, by reason of existing laws or ordinances, it will be the duty of any street railway company or other corporation itself to pave. The paving so to be done by said railroad companies hereunder shall consist of a single course of vitrified brick of standard quality, laid at right angles with curb lines, and resting on a solid foundation of hydraulic cement concrete nine (9) inches thick or deep when solidly tamped in place and otherwise solidly finished, and properly crowned ready for the brick bearing surface. Generally, the curb shall be of hard, sound limestone, free from argillacious seams, and of the standard dimensions and finish, and otherwise set in permanent place in accordance with the requirements of the department of public works of Chicago. Each of said railroad companies shall also finish and pave the sidewalks in such portions of said subways as they are respectively required hereby to construct for their entire length and width, with Portland cement concrete, likewise made and finished in accordance with the standard specifications of the said department of public works of the city of Chicago.

Such portions of the approaches to said subways as are required to be constructed by any of said railroad companies shall be graded by such railway company at its own expense, according to the requirements and specifications of this ordinance. As to all approaches in this paragraph mentioned which are already paved or provided with side-

walks, such paving and sidewalks shall be restored by each of said railroad companies at its own expense in such portions of said approaches as are required to be constructed by such railroad company, except that none of said railroad companies is required so to restore any part of the paving of approaches which it will be the duty of any street railway company or other corporation itself to restore under existing laws or ordinances. All of said work shall be done to the satisfaction of the department of public works of said city, but at the expense of said railroad companies, respectively, as hereinbefore stated.

Par. 3. The several subways at the intersection of the several streets, boulevards and avenues with said elevated structure, hereinbefore required to be constructed, shall generally conform to the description, measurements and dimensions contained in the schedule hereunto annexed and made part of this ordinance, entitled "Schedule of Subways."

Provided, however, that, in the event said railroad companies, or either of them, shall determine, before or at the time of the elevation of the plane of their tracks to diminish the number of tracks now existing at any street crossing, or to otherwise change the position of their tracks, within the limits of their rights of way, then the dimensions of the subways so to be constructed may be changed or modified in proportion to such diminution or change, in so far as regards the length between portals, the length of the floor and the length and location of approaches; but the gradient of said approaches shall not in any event be increased; and the plans for any such changes as are in this proviso described shall be submitted to the commissioner of public works and receive his approval before construction thereunder.

Par. 4. Wherever streets or alleys which parallel the right of way or tracks of any of said railroad companies on one or both sides thereof are found to be open and to intercept portions of streets, boulevards or avenues, in which said subways are to be constructed, all of said streets or alleys so found to be open shall be properly graded down into the subways which they intercept; and the work and expense of so grading same shall, for the purpose of distribution between the three railroad companies named in this ordinance, be deemed a part of the work and expense of constructing such subways, and shall be apportioned among said three companies accordingly.

Par. 5. Any street railway company occupying any of the streets in the city of Chicago to be crossed by said elevated railway or railways, shall when, and as the grade of such street shall be changed, as in this ordinance provided, at its own expense, without claim for damages, conform the grade of its track or tracks to the said change of grade on such streets; and nothing in this ordinance shall operate or be held to relieve such street railway company from any liability now existing, however created, to pave or bear the expense of paving such streets between or on either side of the rails of its said track or tracks, in the manner and form as now required.

Par. 6. The grade of the several streets, boulevards, avenues and alleys mentioned in this ordinance and in the schedule hereunto attached, shall be and is hereby changed so as to be as in this ordinance and in the schedule of subways indicated and set forth.

The work of excavation rendered necessary by said change of grade shall be done to the satisfaction of the department of public works of said city of Chicago, but by said railway companies and at their expense respectively, in such portions of the subways or approaches as they are hereinbefore severally required to construct. The expense of constructing their said elevated roadbeds and tracks and the subways, approaches and other work in this ordinance required, is not intended to include, and shall not include, damages to adjacent property or business caused by change of grade of streets, avenues, alleys or the railways, or by the vacation of any street, alley, avenue or other public way, or by the performance by the railway companies, or any of them, of the matters and things in this ordinance required of such railway companies, or any of them, it being intended and understood that such damages, if any, are to be adjusted and paid by the city of Chicago.

¶ 4. **Drainage of subways.**] § 4. The subways provided for by this ordinance shall be thoroughly and properly drained by the construction of receiving basins, properly located in or immediately adjacent to said subways, which said receiving basins shall be connected with and shall discharge their contents into the adjacent sewerage system.

¶ 5. **Deflection of pipes, sewers, etc.**] § 5. Wherever, during the construction of said subways, it shall become necessary to change the location of the water pipes, sewers or electrical conduits owned by the city of Chicago, all such shall be deflected laterally from the position in which they may be found, or may be depressed in their trenches to such depth as may be necessary for their proper protection, or they may be carried through the subways beneath the sidewalks wherever the latter are sufficiently elevated above the roadways as may be determined by the commissioner of public works; but the gradients of the sewers shall not be reduced in any event. The work in this section mentioned shall be done by said railway companies respectively, so that each shall do the portion thereof appertaining to that part of any subway or its approaches which such railway company is hereinbefore required to construct.

¶ 6. **Bridge construction—embankments—retaining walls.**] § 6. All the streets, boulevards and avenues in which subways are hereinbefore, by the provisions of section 2, required to be constructed, shall be crossed on suitable bridge superstructures, fabricated in iron or steel, and supported on abutments, which shall form the parallel walls of the subways, and between which there shall be no intermediate supports, except as otherwise indicated in the attached schedule of sub-

ways. The floor systems of all of such bridge superstructures shall likewise be fabricated in iron or steel, and shall be of the character technically designated and known as "solid construction;" Provided, however, that said railway companies may use an open floor system, composed of transverse floor beams and track stringers of iron or steel, in which event, some suitable device shall be provided to prevent dirt and storm water from falling on the sidewalks and roadways beneath. The facial alignment of the abutments of the bridges shall be uniform with the building or lot lines of the streets, boulevards or avenues in which the subways are located, except that in any case where such street, boulevard or avenue is of less width at one end of the subway therein than at the other, then the facial alignment of the abutments may be uniform with the building or lot lines of the street, boulevard or avenue at that end of the subway where they are nearest to each other. If in any case it shall be found necessary to construct any retaining or side walls in connection with any approaches to subways, then such walls may be constructed within the limits of the street, boulevard, alley or way upon which such approach is situated, and the abutments or side walls of the subway itself, reached by such approach, may be correspondingly advanced so as to be in a continuous straight line with the approach and walls; and in any such case, the other details and dimensions of the subway given in the attached schedule of subways may be changed as far as necessary to agree with the location of retaining or side walls or abutments as aforesaid. All of the abutments shall be constructed of heavy stone masonry.

The embankments on which said elevated track shall be carried between the intersecting streets, boulevards or avenues, shall be composed of sand, gravel, loam, clay, broken stone, or whatever else may compose the surplus material excavated from the subways and from the foundation pits and trenches along the line of said work, and their side slopes shall be defined by the natural angle of repose of the material out of which the embankments are constructed; or such embankments shall be carried between retaining walls of stone or brick masonry; but when such retaining walls are not used, the right of way of said railway companies shall be enclosed with fences, or otherwise, in compliance with the present ordinance of the city relating to the fencing of railway tracks.

¶ 7. **Location of abutments — vacation of streets.**] § 7. Nothing in this ordinance named and contained shall be so construed as to prevent said railway companies, or either of them, from locating and constructing the abutments which form the walls of the subway at a sufficient distance back from the building or lot line of the streets, boulevards or avenues, for the purpose of constructing and maintaining in the spaces or recesses so left between said abutments, and said building lines, station buildings, with all necessary waiting rooms and ticket offices or other buildings fronting on said streets, boulevards or avenues, uniform with the said building lines thereof, and entirely within

the lines limiting and bounding the right of way of said railway companies, or either of them, and for the further purpose of constructing and maintaining, within said lines, stairways and approaches leading to and from said station buildings to the elevated platform and tracks above the same, for the accommodation and convenience of the passenger traffic of said railway companies, or for any other purposes in connection with the efficient maintenance and operation of the lines.

Any and all portions of any streets, alleys or avenues extending into or across any of said lines of railway within the limits hereinbefore provided for the elevation of said roadbeds, or any of them, except the streets and avenues enumerated above in section 2, and in which subways are required to be constructed, shall be and the same are hereby discontinued and vacated under the elevated roadbeds or tracks in this ordinance described, and within the limits of the right of way of any of said railway companies; and the city of Chicago shall, at any time, take any proceedings essential to perfect or effectuate such vacation.

¶ 8. **Authority of city over construction.**] § 8. The location of the various sidewalks in the subways hereinbefore authorized and required, the various appliances for the drainage of said subways and the devices for the protection of the water pipes, sewers and electrical systems of the city, except as in this ordinance otherwise defined, shall be determined by the commissioner of public works; and all the work upon or in connection with any of the matters or things, in this section specified, shall be done and performed under the inspection and approval and to the entire satisfaction of the commissioner of public works; nothing, however, in this ordinance contained shall be construed as imposing any liability on any of said railway companies to the city of Chicago or services to be performed by any officer or employe of said city in inspecting the work of construction required by this ordinance.

¶ 9. **Temporary obstruction of street—side tracks.**] § 9. Permission and authority are hereby given to said railway companies, jointly, or each of them separately, as the case may be, whenever the same shall be necessary in carrying on the work of elevating their railway tracks, as herein authorized, to temporarily obstruct any street, boulevard, avenue or alley, for such length of time and in such manner as may be approved by the commissioner of public works. And the said railway companies are hereby jointly and severally authorized, in the prosecution of said work, to erect and maintain temporary structures in any of said streets, boulevards, avenues or alleys, which shall be necessary or convenient to enable them to prepare for and to erect the permanent elevated structure herein required, subject to like approval of said commissioner of public works.

Permission and authority are hereby granted to any of said railway companies, required to elevate their roadbeds and tracks, as afore-

said, to construct branch, spur or side tracks from any point along the line to be elevated pursuant to the provisions of this ordinance, to reach any industrial or commercial establishments which are now connected with said line so to be elevated, by existing branch, spur or side tracks, on any land adjoining or adjacent to said lines so to be elevated, and to cross with such branch, spur or side track any street or portion of a street not more than thirty-three (33) feet wide, or any alley or other public way of width not greater than thirty-three (33) feet, which may intervene between said main line and said establishment, in such manner as shall be approved by the commissioner of public works; provided, that in all such cases such tracks shall leave a clear head room for the public way of not less than ten (10) feet; but in case it shall be necessary in order to obtain such head room, to depress any such street, alley or public way, it may be so depressed upon condition that said railway company constructing such branch, spur or side track shall do all the excavating necessary to make such depression with approaches thereto at proper gradients, and shall restore such street, alley or public way as near as may be to its former condition; Provided, however, nothing in this ordinance contained shall be considered as in any way extending the time during which the various private switch track ordinances may be operated and maintained, which are now constructed leading to industrial or commercial establishments on said lines of railroad.

¶ 10. **Elevation, construction, commencement, etc.**] § 10. The Pittsburg, Cincinnati, Chicago and St. Louis Railway Company and the Chicago and Northwestern Railway Company are hereby severally required to commence the work of elevating the planes of their respective railway tracks required by this ordinance to be elevated within ninety (90) days after the filing of their two (2) agreements mentioned in section 15 of this ordinance, except that in case such ninety (90) days expire between November 1st and April 1st, the work need not then be begun until the April following; Provided, that neither of said companies in this paragraph named shall be required to commence any of the work in this ordinance imposed upon it until the structures and tracks of the Lake Street Elevated Railroad Company, where they cross the right of way and tracks of said two companies shall have been raised by and at the expense of said Lake Street Elevated Railroad Company to a height of not less than twenty (20) feet above the level of the tops of the rails of said Pittsburg, Cincinnati, Chicago and St. Louis Railway Company and said Chicago and Northwestern Railway Company, as elevated under this ordinance; and provided, further, that neither of said two last named companies shall be required to prosecute or continue any of the work imposed upon it by this ordinance south of Madison street until the structures and tracks of the Metropolitan West Side Elevated Railroad Company, where they cross the right of way and roadbeds of the former two companies, shall have been raised by and at the expense of said Metropolitan West

Side Elevated Railroad Company to a height of not less than twenty (20) feet above the tops of the rails of said Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, and the Chicago and Northwestern Railway Company, as elevated under this ordinance.

When the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company and the Chicago and Northwestern Railway Company, or either of them, shall have so far prosecuted the work required by this ordinance to be done by them respectively that such work can no longer be conveniently prosecuted further without the performance by the Chicago and Northern Pacific Railroad Company of the work imposed upon it by this ordinance, then said latter company shall forthwith begin such work required of it and shall prosecute the same continuously to completion.

The entire work required of each company shall be completed by the thirty-first day of December, A. D. 1898, except that the time during which any of said railway companies shall be prevented from work by strike, and the time during which it shall be restrained by injunction or other order or process of a court of competent jurisdiction, of which it shall have given notice to the corporation counsel of the city of Chicago, and the time after the expiration of ninety (90) days from the filing of the agreements mentioned in section 15 of this ordinance, during which the structures and tracks of the Lake Street Elevated Railroad Company or of the Metropolitan West Side Elevated Railroad Company shall not have been raised, as hereinbefore described, to a height of not less than twenty (20) feet above the elevated tracks hereby required, and the time during which any of said three companies required by this ordinance to elevate their respective roadbeds and tracks may be delayed in such work, without its own fault, in consequence of the failure of any other of said companies to do the work by this ordinance required of it, or in consequence of the failure of any street railway company or corporation to grade or pave any part of any subway or approach required to be graded or paved by such last named street railway or corporation, shall not be included as a part of the time within which the work imposed by this ordinance is required to be done; and the time for the completion of said work shall be extended by an equal period of time between the first day of April and the first day of November of the proper year or years; and except, further, that the time within which the Chicago and Northwestern Railway Company and the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company may complete the elevation of those parts of their roadbeds and tracks south of the north line of Twelfth street, in case they are required to elevate those parts of their roadbeds and tracks in consequence of the filing of an acceptance of this ordinance on the part of the Chicago and Northern Pacific Railroad Company, or in consequence of notice from the latter company that it proposes and agrees to proceed with the work of elevating its roadbed and tracks in compliance with this ordinance (being such acceptance or notice as are

in section 15 hereafter described), shall not in any event expire sooner than two (2) years after the filing of such acceptance or giving of such notice by the Chicago and Northern Pacific Railroad Company, or sooner than the Chicago and Northern Pacific Railroad Company may be itself required to complete its work of elevating its roadbed and tracks.

The city of Chicago shall have the right to intervene in any suit or proceedings brought by any person or persons seeking to enjoin, restrain or in any manner interfere with the prosecution of said work, and the right to move for a dissolution of such injunction or restraining order, and for any other proper order in such suit.

¶ 11. **Notice before commencing work.**] § 11. Said railway companies, jointly or severally, as the case may be, shall at least ten (10) days prior to the commencement of any part or parts of said work, which is to be within the limits of or abutting upon any street of said city, submit to the commissioner of public works, for his approval, complete plans and specifications of such part of said proposed work, for the purpose of ascertaining whether the same are in strict accordance with the provisions of this ordinance; and after the approval of such plans and specifications by the commissioner of public works, the said work shall be constructed in accordance therewith and to the satisfaction of said commissioner of public works, and not otherwise, except as herein otherwise provided.

¶ 12. **Trespassing—penalty.**] § 12. When and in case said railways, or either of them, shall be elevated in accordance with the provisions of this ordinance, and when and in case sections of said elevated railways, or either of them, shall be completed, it shall be unlawful for any person or persons, save employes of the company owning or operating such elevated railway in the discharge of their duties to such company, or enter upon, or walk along or across said elevated structure or roadway at any point, and any person violating this ordinance shall be liable to a fine of not more than one hundred dollars ($100.00) and not less than ten dollars ($10.00) for each and every such offense.

¶ 13. **Speed, gates, flagmen, etc.**] § 13. When said railways, or any of them, shall be elevated in accordance with the provisions of this ordinance, or when any section thereof shall be so elevated and ready for use, then and thereupon all provisions of the ordinances of the city of Chicago relating to speed of railway trains in said city, the giving of signals upon such trains and the maintenance of gates, flagmen, watchmen, signals and signal towers, shall cease to be applicable to such railway companies, and to each of them, so far as the lines of said railways, or any of them, shall be elevated as herein required.

¶ 14. **Suits, actions and proceedings.**] § 14. The corporation counsel of the city of Chicago is hereby authorized and directed to

institute and diligently prosecute all suits, actions and proceedings necessary or proper to secure full compliance with the provisions of this ordinance in all respects.

¶ 15. When in force—agreement—C. & N. P. R. R. Co.] § 15. This ordinance shall take effect from and after its passage, approval and publication; Provided, however, that this ordinance shall be null and void unless the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company and the Chicago and Northwestern Railway Company shall each, through its authorized officers, file with the mayor of the city of Chicago, within sixty (60) days from the passage of this ordinance, an agreement duly executed, whereby such railway company shall undertake to do and perform all the matters and things required of it by this ordinance, and whereby such railway company shall bind itself, in case of non-performance of the matters and things in this ordinance required of it, to pay to the city of Chicago the sum of fifty thousand (50,000) dollars, as and for liquidated damages arising to such city from such non-performance. Such agreement on the part of the Chicago and Northwestern Railway Company shall also bind that company to dismiss, with the consent of the city and without costs to either party, the proceedings now pending in the supreme court of the United States under a writ of error from that court, bringing up for review the validity of the judgment for the opening of Taylor street. Such agreement of each of said railway companies shall be made, in case both of said two companies file in proper time the agreements on their part herein contemplated, as a return for any liabilities which may be incurred by the city of Chicago, or recoverable against it, for any damages to adjacent property or business in consequence of change of grade of streets, avenues, alleys or the railway, or of the vacation of any street, alley, avenue or other public way, or of the performance by such railway company of the matters and things in this ordinance required of it; and such agreement shall be held to relieve and protect the company filing it from all liability to said city, or others, for such damages to adjacent property or business in consequence of change of grade of streets, avenues, alleys or the railway, or of the vacation of any street, alley, avenue or other public way, or of the performance by such railway company of the matters and things in this ordinance required of it; save that for any damages occasioned by the negligent manner of doing its work by said company, it shall be liable. After the filing of such agreements, as aforesaid, this ordinance shall not be materially modified or amended so as to affect either of said railway companies, without its consent; but nothing in this ordinance contained shall be deemed a waiver or surrender of the police power of the city or to deprive the city of the right to properly exercise such power.

In case the Chicago and Northern Pacific Railroad Company files with the mayor of the city of Chicago, not later than thirty (30) days before the time specified in section 10 of this ordinance, when

it must begin the work required of it, an agreement duly executed, whereby such railway company shall undertake to do and perform all the matters and things required of it by this ordinance, and whereby such railway company shall bind itself, in case of non-performance of the matters and things in this ordinance required of it, to pay to the city of Chicago the sum of fifty thousand (50,000) dollars, as and for liquidated damages arising to such city for such non-performance, then such agreement shall be deemed made in like manner as the agreements on the part of the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company and the Chicago and Northwestern Railway Company, as a return for the same liabilities as are the agreements of the two last named companies, and shall afford to the Chicago and Northern Pacific Railroad Company the same protection, privileges and immunities as the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, and the Chicago and Northwestern Railway Company are hereinbefore allowed upon the filing of their respective agreements; and in case of the timely filling, as aforesaid, of such an agreement on the part of the Chicago and Northern Pacific Railroad Company, or in case said Chicago and Northern Pacific Railroad Company shall at any time within three (3) years notify the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company and the Chicago and Northwestern Railway Company in writing, that it proposes and agrees with them to proceed with the work of elevating its roadbed and tracks, as required by this ordinance, then, and in either of such cases, the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company and the Chicago and Northwestern Railway Company shall be required to elevate those parts of their respective roadbeds and tracks south of the north line of Twelfth street, as in this ordinance indicated; but, otherwise, said two last named companies need not elevate those parts of their roadbeds and tracks south of the north line of Twelfth street, but may bring their respective roadbeds and tracks down to their present grade at the north line of Twelfth street, or between that line and the south line of West Taylor street, by such grade as may be feasible and convenient in descent from the level herein provided for their roadbeds and tracks across West Taylor street. If they so elect, however, and through the Chicago and Northern Pacific Railroad Company may not file the agreement on its part hereinbefore described, or give written notice of its purpose and agreement to proceed with the work of elevating its roadbed and tracks, as hereinbefore described, the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company and the Chicago and Northwestern Railway Company may elevate their respective roadbeds and tracks south of the north line of Twelfth street in the manner described in this ordinance.

¶ **16. Repeal of ordinances for opening streets.**] § 16. All ordinances heretofore passed for opening streets across any portion of the right of way or yards of any of said railway companies whereon the tracks are required to be elevated, as in this ordinance provided, are hereby repealed, except in those cases where the street ordered opened

has already in fact been opened traveled and has become a lawful and existing highway, not hereinbefore vacated.

¶ 17. C. & N. P. R. R. Company.] § 17. By the roadbeds, tracks or property of the Chicago and Northern Pacific Railroad Company, whenever mentioned in this ordinance, are meant the roadbed, tracks or property lately or now owned by that company, whether or not heretofore or hereafter conveyed from that company; and whenever the Chicago and Northern Pacific Railroad Company is mentioned or referred to in this ordinance, it is intended to designate and affect the persons, corporation or corporations that may now or at any time hereafter own the roadbed or tracks of the Chicago and Northern Pacific Railroad Company at the places where they are by this ordinance required to be elevated, or that may possess the right to elevate said roadbed and tracks in compliance with this ordinance.

¶ 18. Paving at expense of companies.] § 18. Wherever in this ordinance any of said railway companies is required to pave any subway or lay any sidewalk, then such company is hereby required to keep such pavement and such sidewalk forever in good repair at its own expense to the satisfaction of the city of Chicago.

¶ 19. C. & N. P. R. R. Co.—failure to comply—penalty.] § 19. In case of the failure of the Chicago and Northern Pacific Railroad Company to make timely filing in the office of the mayor of the city of Chicago of the agreement on its part hereinbefore mentioned, and in case said Chicago and Northern Pacific Railroad Company shall fail in any respect to comply with this ordinance, such failure shall subject said company and make it liable to a penalty of two hundred (200) dollars, to be recovered in any court of competent jurisdiction, and each day of the continuance of such failure shall constitute a separate offense; but, in case it seasonably files in the office of the mayor the aforesaid agreement on its part, the penalties in this section prescribed shall not attach.

SCHEDULE OF SUBWAYS.

SUBWAY IN WEST TWELFTH STREET, 100 FEET WIDE.

The depression of street shall not exceed 8.1 feet below the present surface of tracks, making the elevation of floor of subway not less than 5.3 feet above city datum. This level shall extend on the west ten feet beyond the west portal of the subway, and on the east ten feet beyond the east portal thereof. From this level, the approaches shall extend on a grade of 3.5 feet in 100 feet to intersection with the present surface of 12th street and connecting streets or alleys.

The width of roadway in subway shall be 50 feet, with sidewalk 25 feet wide on each side, and a line of posts shall be placed at each curb line and inside thereof in the subway for support of girders.

The sidewalks may be 4 feet above roadway in subway, and shall extend

from this level to present surface of sidewalks at ends of roadway approaches.

Minimum clearance above roadway, 12.5 feet.

Minimum clearance above sidewalks, not less than 7.5 feet.

SUBWAY IN WEST TAYLOR STREET—66 FEET WIDE.

The depression of street shall not exceed 5 feet below the present surface of tracks, making the elevation of floor of subway not less than 9.79 feet above city datum. This level shall extend ten feet beyond each portal of the subway. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet to intersection with present surface of Taylor street.

The width of streets and sidewalks shall be the same as now exists.

The depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 12.5 feet.

SUBWAY IN HARVARD STREET—66 FEET WIDE.

The depression of street shall not exceed 3.4 feet below the present surface of tracks, making the elevation of floor of subway not less than 9.79 feet above city datum.

This level shall extend ten feet beyond the west portal of subway on the west, and to the east curb line of Rockwell street on the east.

From this level the approaches shall extend on a grade of 3.5 feet in 100 feet in Harvard street and 4 feet per 100 in Rockwell street to intersection with present surface of streets.

The width of streets and sidewalks shall be the same as now exists.

Width between walls of approach on Rockwell street, 22 feet.

Width roadway, 17 feet.

Width sidewalk, 5 feet.

The depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN WEST POLK STREET—66 FEET WIDE.

The depression of street shall not exceed 3.5 feet below the present surface of tracks, making the elevation of floor of subway not less than 9.79 feet above city datum. This level shall extend ten feet west of the west portal of the subway on the west, and on the east to the east curb line of Rockwell street. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet to intersection with present surface of Polk street, and 4 per cent. on Rockwell street.

Width between walls on Polk street, 66 feet.

Width of roadway, 38 feet.

Width of sidewalks, 14 feet.

Clear headroom, 12 feet.

Width between walls of approach on Rockwell street, 22 feet.

Width of roadway, 17 feet.

Width of sidewalk, 5 feet.

The depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearances above roadway, 12 feet.

SUBWAY IN LEXINGTON STREET—66 FEET WIDE.

The depression of street shall not exceed 3.7 below the present surface of

tracks, making the elevation of floor of subway not less than 9.79 feet above city datum.

This level shall extend ten feet beyond the west portal of subway on the west, and to the east curb line of Rockwell street on the east.

From this level the approaches shall extend on a grade of 3.5 feet in 100 feet in Lexington street, and 4 feet per 100 in Rockwell street to intersection with the present surface of streets.

Width of streets and sidewalks the same as now exists.

Width between walls of approach on Rockwell street, 22 feet.

Width roadway, 17 feet.

Width sidewalk, 5 feet.

Width between walls of approach in alley, 9 feet.

The depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN FLOURNOY STREET—66 FEET WIDE.

The depression of street shall not exceed 4 feet below the present surface of tracks, making the elevation of floor of subway not less than 9.93 feet above city datum. This level shall extend on the west ten feet beyond the west portal of the subway, and on the east to the east curb line of Rockwell street. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet to intersection with the present surface of Flournoy street, and 4 per cent. on Rockwell street.

The width of street and sidewalk shall be the same as now exists.

Width between walls of approach on Rockwell street, 22 feet.

Width roadway, 17 feet.

Width sidewalk, 5 feet.

Width between walls of approach in alley, 9 feet.

The depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN WEST HARRISON STREET—66 FEET WIDE.

The depression of the street shall not exceed 4.6 feet below the present surface of tracks, making the elevation of floor of subway not less than 9.88 feet above city datum. This level shall extend on the west to the west line of alley west of and parallel to right of way, and on the east to the east curb line of Rockwell street. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet in Harrison and 4 feet in 100 in Rockwell streets, to intersection with the present surface of streets, and on a grade of 4 feet in 100 feet in alley west of and parallel to right of way.

The width of street and sidewalk shall be the same as now exists.

Width between walls of north approach on Rockwell street, 25 feet.

Width roadway, 20 feet.

Width sidewalk, 5 feet.

Width between walls of south approach on Rockwell street, 22 feet.

Width roadway, 17 feet.

Width sidewalk, 5 feet.

Width between walls of approaches, Cicero court, 40 feet.

Width roadway, 28 feet.

Width sidewalks, 6 feet.

Width between walls of approach in alley, 14 feet.

The depression of sidewalks shall be uniform and level with the center of the roadway.

Minimum clearance above roadway, 12.5 feet.

SUBWAY IN WEST CONGRESS STREET—66 FEET WIDE.

The depression of street shall not exceed 3.8 feet below the present surface of tracks, making the floor of subway not less than 10.94 feet above city datum. This level shall extend on the west to the west line of alley west of and parallel to the right-of-way, and on the east to the east curb line of Rockwell street. From this level the approaches shall extend on a grade of 3 5 feet in 100 feet in Congress and 4 feet in 100 on Rockwell streets to intersection with present surfaces for streets, and on a grade of 4 feet in 100 feet in alley west of and parallel to the right-of-way.

The width of street and sidewalks shall be the same as now exists.

Width between walls of approach on Rockwell street, 30 feet.

Width roadway, 24 feet.

Width of sidewalks, 6 feet.

The depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN WEST VAN BUREN STREET—66 FEET WIDE.

The depression of street shall not exceed 3.8 feet below the present surface of tracks, making the elevation of floor subway not less than 10.98 feet above city datum. This level shall extend on the west to the west line of alley west of and parallel to the right of way, and on the east to the east curb line of Rockwell street. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet in Van Buren and 4 feet per 100 in Rockwell streets, to intersection with the present surfaces of streets, and on a grade of 4 feet in 100 feet in alley west of and parallel to the right of way.

The width of street and sidewalks shall be the same as now exists.

Width between walls of approach on Rockwell street, 30 feet.

Width roadway, 24 feet.

Width sidewalk, 6 feet.

Width Cicero court, 40 feet.

Width roadway, 28 feet.

Width sidewalk, 6 feet.

Width alley, 14 feet.

The depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 12.5 feet.

SUBWAY IN JACKSON BOULEVARD—66 FEET WIDE.

Shall be constructed of such dimensions and according to such plans as may be agreed upon between the West Chicago park commissioners and the said C. & N. W. Railway Company and the P., C., C. & St. L. Railway Company.

The level of the floor of the subway, as agreed upon with said West Chicago park commissioners, shall be continued on the west to the west line of the alley west of and parallel to the right of way of the Chicago & Northwestern Railway Company, and on the east to the east curb line of Rockwell street. From this level the approaches shall extend on a grade of 4 feet in 100 feet in Rockwell street, and 4 feet in 100 feet in said alley.

The width of street and sidewalks shall be the same as now exist.

Width between walls of approach on Rockwell street, 30 feet.

Width roadway, 24 feet.

Width sidewalk, 6 feet.

Width between walls of approach in alley, 13 feet.

The sidewalks in Rockwell street shall be depressed to same level as crown of street.

SUBWAY IN WEST ADAMS STREET—66 FEET WIDE.

The depression of street shall not exceed 3.4 feet below the present surfaces of tracks, making the elevation of floor of subway not less than 12.66 feet above city datum. This level shall extend on the west to the west line of alley west of and parallel to the right of way, and on the east to the east curb ine of Rockwell street. From this level the approaches shall extend on a grade of 3.5 feet in 100 fet in Adams street, and 4 feet per 100 feet in Rockwell street, to intersection with the present surface of strets, and on a grade of 4 feet in 100 feet in alley west of and parallel to the right of way.

The width of street and sidewalks shall be the same as now exists.

Width between walls of approach on Rockwell street, 30 feet.

Width roadway, 24 feet.

Width sidewalk, 6 feet.

Width between walls of approach in alley, 16 feet.

The depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN WILCOX AVENUE—66 FEET WIDE.

The depression of street shall not exceed 3.6 feet below the present surface of tracks, making the elevation of floor of subway not less than 13.11 feet above city datum.

This level shall extend on the west to the west line of alley, west of and parallel to the right of way, and on the east to the east curb line of Rockwell street.

From this level the approaches shall extend on a grade of 3.5 feet in 100 feet in Wilcox avenue and Rockwell street to intersection with present surface of streets, and on a grade of 4 feet in 100 feet in alley west of and parallel to right of way.

The width of street and sidewalks shall be the same as now exists.

Width between walls of each approach on Rockwell street, 30 feet.

Width of roadway, 24 feet.

Width of sidewalk, 6 feet.

Width of alley, west approach, 16 feet.

The depression of sidewalks shall be uniform and level with the center of roadway, except in Rockwell street, where they shall remain at the same level as they now are, with suitable approaches to main subway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN WEST MONROE STREET—66 FEET WIDE.

The depression of street shall not exceed 3.8 feet below the present surface of track, making the elevation of floor of subway not less than 13.57 feet above city datum. This level shall extend on the west ten feet beyond the portal of subway, and on the east to the east curb line of Rockwell street. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet in Monroe and Rockwell streets to intersection with present surfaces of streets. The approach in Depot street shall extend from intersection with each approach of Monroe street on a grade of 3.5 in 100 feet to intersection with present surface of Depot street.

The width of streets and sidewalks shall be the same as now exists.

The depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance, 12 feet above roadway.

SUBWAY IN WEST MADISON STREET—73 FEET WIDE.

The depression of street shall not exceed 3.6 feet below the present surface of tracks, making the elevation of floor of subway not less than 13.5 feet above city datum. This level shall extend on the west 10 feet beyond the west portal of subway, and on the east to the easts right-of-way line of the P., C., C. & St. L. Railway. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet in Madison street to intersection with present surface of street. The approach in Depot street shall extend from intersection with east approach of Madison street on a grade of 3.5 feet in 100 feet to intersection with present surface of Depot street.

The width of streets and sidewalks shall be the same as now exists, and a line of posts will be placed at each curb and inside thereof, in subway, to support girders.

The depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 12.5 feet.

SUBWAY IN WARREN AVENUE—66 FEET WIDE.

The depression of street shall not exceed 3.9 feet below the present surface of tracks, making the elevation of floor of subway not less than 14.48 feet above city datum. This level shall extend ten feet beyond the portal of subway at each end thereof. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet in Warren avenue to intersection with present surface of street.

The width of streets and sidewalks shall be the same as now exists.

The depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN WASHINGTON BOULEVARD—66 FEET WIDE.

This subway shall be constructed of such dimensions and according to such plan as may be agreed upon between the West Chicago Park Commissioners, the said Chicago and Northwestern Railway Company and the P., C., C. & St. L. Railway Company.

SUBWAY IN PARK AVENUE—60 FEET WIDE.

The depression of street shall not exceed 4.3 feet below the present surface of tracks, making the elevation of floor of subway not less than 14.9 feet above city datum.

This level shall extend ten feet beyond the portal of subway at each end thereof.

From this level the approaches shall extend on a grade of 3.5 feet in 100 feet in Park avenue to intersection with present surface of street.

The width of streets and sidewalks shall be the same as now exists.

The depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN WEST LAKE STREET—80 FEET WIDE.

The depression of street shall not exceed 5.1 feet below the present surface of tracks, making the elevation of floor of subway not less than 14.4 feet above city datum. This level shall extend 10 feet beyond portal of subway at each end thereof. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet in Lake street to intersection of present surface of

street. The approach in Fall street shall extend from intersection with present surface of street on a grade of 3.5 feet in 100 feet to intersection with west approach of Lake street.

The width of streets and sidewalks shall be the same as now exists, and a line of posts will be placed at each curb line and inside thereof in subway to support girders.

The depression of sidewalks shall be uniform and level with the center of roadway in Lake street, but the sidewalks in Fall street shall remain at the same level as they now exist.

Minimum clearance above roadway, 12.5 feet.

SUBWAY IN FULTON STREET—66 FEET WIDE.

The depression of street shall not exceed 6.7 feet below the present grade of tracks, making the elevation of floor of subway not less than 12.85 feet above city datum. This level shall extend ten feet beyond portal of subway at each end thereof. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet in Fulton street to intersection with present surface of street.

The width of streets and sidewalks shall be the same as now exists, and a line of posts will be placed at each curb line and inside thereof in subway to support girders.

The depression of sidewalks shall be uniform and level with the center of roadway.

Minimum clearance above roadway, 12 feet.

SUBWAY IN WASHTENAW AVENUE—66 FEET WIDE.

To be constructed by the receiver of the Chicago and Northern Pacific Railroad.

The depression of street shall not exceed 4.9 feet, making the elevation of floor of subway not less than 9.1 feet above city datum. This level shall extend 10 feet beyond the portal of subway at end thereof. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet in Washtenaw avenue to intersection with present surface of street.

The width of streets and sidewalks shall be the same as they now exist.

The depression of sidewalks shall be uniform and level with the center of roadway.

It is intended to permit said receiver of said railroad to construct temporary pile abutments, to support the girder spans over street so that in the future sufficient space be allowed to construct the required stone abutments to conform to the lines of the above named street.

The width of streets and sidewalks shall be the same as now exists.

Minimum clearance above roadway, 12 feet.

PITTSBURG, FORT WAYNE & CHICAGO RAILWAY COMPANY.

§ 386. Pittsburg, Fort Wayne & Chicago Railway company.

¶ 1. Fifty-fifth street to Sixty-third street—elevation required.

¶ 2. Embankments—retaining walls.

¶ 3. Streets to be crossed—bridges, spans and substructures—vacation of streets and alleys.

¶ 4. Side tracks—head-room under.
¶ 5. Subways—change of grade of streets.
¶ 6. Construction of subways—street railways to conform to grade, pave, etc.
¶ 7. Subway drainage.
¶ 8. Change of underground work—sewer gradients.
¶ 9. Location of abutments.
¶ 10. City to determine location of sidewalks, etc.
¶ 11. Temporary obstruction of street or alley.
¶ 12. Notice to city, with plans, etc., before commencing work.
¶ 13. Completion of work.
¶ 14. Work done as, by and for the city and under its superintendence.
¶ 15. Trespassing—penalty.
¶ 16. Speed, signals, etc., upon completion of elevation.
¶ 17. Schedule of subways.
¶ 18. Conveyance to city of strip of land.
¶ 19. Dedication by company of thirty-three-foot street—condemnation.
¶ 20. Deflection of Englewood avenue—dedication, etc.
¶ 21. When in force—acceptance—agreement.

An ordinance relating to the elevation of the tracks of the Pittsburg, Fort Wayne & Chicago Railway company and its lessee, the Pennsylvania company. (Passed July 27, 1896. Accepted September 9, 1896.)

¶ 1. 55th street to 63d street—elevation required.] Be it ordained by the city council of the city of Chicago: § 1. That the Pittsburg, Fort Wayne and Chicago Railway Company and its lessee, the Pennsylvania Company, be and the same are hereby ordered and required to elevate the plane of their roadbed and four main tracks within the limits, and in the form and manner, and upon the terms and conditions hereinafter specified, that is to say:

Paragraph 1. Beginning at a point about sixty (60) feet north of the north line of 53rd street, from which point the plane of the tracks of said railway company shall rise on a gradient of not less than .7 per centum southerly from said initial point for a distance of 1382 feet to a point about on the north line of 55th street boulevard, where an elevation of not less than 25.65 feet above Chicago city datum shall be attained. Thence said elevated roadbed and tracks shall continue in a southerly direction and shall continue to rise on a gradient of about .05 per centum for a distance of about 2700 feet from said last mentioned point on 55th street to a point about on the south line of 59th street, where an elevation of not less than 27.00 feet above Chicago city datum shall be attained. Thence said elevated roadbed and tracks shall continue southerly and shall continue to rise on a gradient of about .185 per centum for a distance of about 1350 feet to a point on the south line of 61st street, where an elevation of not less than 29.50 feet above Chicago city datum shall be attained. Thence said elevated roadbed and tracks shall continue in a southerly direction and shall continue to rise on a gradient of about .09 of one per centum for a distance of about 2160 feet to a point about on the south line of 63rd street, where an elevation of not less than 31.45 feet above Chicago city datum

shall be attained; and at this last mentioned point on 63rd they shall cross the proposed elevated roadbed and tracks of the Chicago, Rock Island and Pacific Raodway, as provided in ordinance dated and passed July 9th, 1894.

Paragraph 2. Thence said elevated roadbed and tracks shall continue in a southerly direction and shall descend on a gradient of .252 of one per centum for a distance of about 1060 feet to a point about on the east line of State street, where an elevation of not less than 28.77 feet above Chicago city datum shall be attained, and shall conform to the elevation provided in ordinance passed July 9th, 1894.

In the course of said elevated roadbed and tracks in paragraphs one and two above described they shall have elevations above city datum of not less than 25.65 feet at 55th street, 26.67 feet at 57th street, 26.75 feet at 58th street, 27.00 feet at 59th street, 28.20 feet at 60th street, 28.75 feet at Maple avenue, 29.50 feet at 61st street, 29.75 feet at Chestnut street, 30.00 feet at Princeton boulevard, 30.35 feet at 62nd street, 30.85 feet at Wentworth avenue, 31.45 feet at 63rd street, 28.77 feet at State street.

Paragraph 3. From he east line of State street, said elevated roadbed and tracks shall continue in a southerly direction, and shall descend on a gradient of about .5 of one per centum for a distance of 3450 feet, to a point about on the west line of South Park avenue, and attaining within the limits of said descending grade elevation above said existing roadbed of not less than 3.9 feet at Prairie avenue, 2.1 feet at 67th street, and conforming to the grade of the plane of the existing roadbed at west line of South Park avenue.

¶ 2. **Embankments—retaining walls.**] § 2. The embankment or embankments on which said elevated roadbed shall be constructed within the aforesaid limits shall be composed of sand, clay, gravel, loam, or broken stone, the surplus material excavated from the subways and approaches and from the foundation pits and trenches along the line of said work may also be used; the side slopes and lateral dimensions of said embankments will be fixed and determined by the natural angle of repose of the materials of which said embankments may be constructed, but whenever and wherever it may become necessary, for the purpose of keeping said embankments entirely within the lines of the right of way of said company, such portions of said embankments, at all such points, shall be kept within said right of way lines by, or they shall be confined between, retaining walls of stone or brick masonry; Provided, however that whenever said retaining walls are of insufficient height to properly protect said right of way, and to prevent trespassing thereon, then said retaining walls as aforesaid shall be surmounted with a suitable iron or steel picket fence or railing; but whenever said retaining walls are not used at all, the right of way of said company shall be fenced in, or otherwise properly enclosed, in compliance with the present ordinances of the city of Chicago relating to the fencing of railroad tracks.

¶ 3. Streets to be crossed—bridges, spans and substructures—vacation of streets and alleys.] § 3. The tracks of said railway company which will be supported and carried on said embankment or embankments, so to be constructed as aforesaid, shall cross the following streets and avenues, namely: 55th street boulevard, 57th street, 58th street, 59th street, 60th street, Maple avenue, Chestnut street, Princeton boulevard, 62nd street, Wentworth avenue, La Salle street, 63rd street, State street, on bridges of one, two or three spans, whose superstructure shall consist of iron or steel main girders, with iron or steel corrugated floor systems, or with ordinary floor beams and track stringers. In the event of the latter system being used, then some suitable device shall be provided to prevent dirt and storm water from falling on the sidewalks and roadways beneath. The substructures of all of said bridges shall consist of abutments of stone or brick masonry or columns, with or without intermediate supporting systems, braced together laterally, and erected on and anchored to masonry foundations, constructed in the curb line of the intersecting streets and avenues, within the subways, and parallel with and equidistant from the faces of the abutments, as aforesaid. All of said abutments shall be located and constructed entirely within the right of way lines of said company, and whenever said abutments, or any of them, shall be located on the lot lines of any of said streets and avenues, the facial alignment of said abutments shall be uniform with said lot lines, as aforesaid. If, in any case, it shall be found necessary to construct any retaining or side walls in connection with any approaches to the subways, then such walls may be constructed within the limits of the street, alley or way upon which such approach is situated, and the abutments or side walls of the subway itself, reached by such approach, may be correspondingly advanced into the street, so as to be in a continuous straight line with the approach wall; and in any such case the other details and dimensions of the subways given in the attached schedule of subways may be changed as far as necessary to accord with the location of retaining or side walls or abutments, as aforesaid. Any and all portions of any streets, alleys or avenues extending into or across either of said lines of railway, within the limits hereinabove provided for the elevation of said roadbeds, or either of them, except the streets and avenues in this section above enumerated, shall be and the same are hereby discontinued and vacated within the limits of said company's right of way, and the city of Chicago shall at any time take any proceedings essential to perfect or effectuate such vacation.

¶ 4. Side tracks—head-room under.] § 4. Permission and authority are hereby granted to the Pittsburg, Fort Wayne and Chicago Railway Company and its said lessee to construct branch, spur or side tracks from any point along the line to be elevated pursuant to the provisions of this ordinance, to reach any industrial or commercial establishments now or hereafter existing on any land adjoining or adjacent to said line, so to be elevated and to cross with such branch,

spur or side track any alley or other public way not more than thirty-three (33) feet in width intervening between said main line and said establishment, in such manner as shall be approved by the commissioner of public works, provided that in all cases such tracks shall leave a clear headroom for the public way of not less than twelve (12) feet; but in case it shall be necessary, in the judgment of the commissioner of public works, in order to obtain such headroom to depress any such alley or public way, it may be so depressed upon condition that said railway company shall do all the excavating necessary to make such depression with approaches thereto at proper gradients, and shall restore such alley or public way as near as may be to its former condition.

¶ 5. **Subways—change of grade of streets.**] § 5. At the points where the said railway company's right of way is intersected and crossed by the streets and avenues above named in section 3 of this ordinance, as being the streets and avenues which the tracks of said company herein required to be elevated shall cross, subways therein shall be constructed, passing through said embankments and beneath said tracks, so to be elevated as aforesaid, as follows, namely: 55th street boulevard, 57th street, 58th street, 59th street, Maple avenue, 60th street, 61st street, Chestnut street, Princeton boulevard, 62nd street, Wentworth avenue, 63rd street and State street, all of which subways shall conform to the descriptions, specifications, dimensions and other particulars contained in the schedule set forth and embodied in section 17 of this ordinance:

The grade of the several streets and avenues upon which subways shall be constructed as aforesaid, and the grade of the several streets and avenues in which approaches to any of said subways shall be constructed under the terms of this ordinance, shall be and the same is hereby changed so as to be as in a "Schedule of Subways," in section 17 of this ordinance as set forth.

¶ 6. **Construction of subways—street railways to conform to grade, pave, etc.**] § 6. Paragraph 1. The subways and the approaches thereto, so to be constructed by said company in said streets and avenues aforesaid, shall all conform to the following structural requirements, namely: The roadways shall be paved with a single course of vitrified brick of standard quality, laid at a right angle with the curb lines, and set in a solid foundation of hydraulic cement concrete, not less than six inches thick or deep when solidly tamped in place, and otherwise finished and properly crowned ready for the brick wearing surface, between which and the concrete there shall be interposed a layer of screened sand not less than half an inch thick. The curbs shall be of sound, hard limestone of standard dimensions and finish, and the sidewalks in subways shall be finished and paved with Portland cement concrete, of standard quality and workmanship, and, with the curbing and roadway paving, shall be made, finished and put in permanent place, in accordance with the requirements of the department of public

works of the city of Chicago. The approaches to subways shall be excavated to the grades established by this ordinance and shall be in all other respects restored as near as may be to their condition before being so excavated.

Paragraph 2. As to all streets in this section mentioned which are already paved or provided with sidewalks, such paving and sidewalks shall be restored with the present material, when the same is in good condition, by said railway company at its own expense in such portions of said streets as are required to be constructed by said company, except that said railway company is not required to restore any part of the paving of approaches or subways which it will be the duty of any street railway company or other corporation itself to restore, under existing laws or ordinances.

Paragraph 3. Said company shall pave the entire length and width of the roadway in such portions of the subways as are required to be constructed by said company, except that said company shall not be required to pave any parts of the subways to be occupied by or adjacent to street railway tracks, which, by reason of existing laws or ordinances, it will be the duty of any street railway or other corporation itself to pave. And wherever in this ordinance said company is required to pave any subway, there said company shall at its own expense keep such pavement in good repair to the satisfaction of the department of public works.

Paragraph 4. Any street railway company occupying any of the streets in the city of Chicago crossed by said elevated railway shall, when and as the grade of such street shall be changed, as in this ordinance provided, at its own expense, without claim for damages, conform the grade of its track or tracks to the said change of grade on such streets; and nothing in this ordinance shall operate or be held to relieve such street railway company from any liability now existing, however created, to pave or bear the expense of paving such streets between or on either side of the rails of its said track or tracks, in the manner and form as now required.

¶ 7. Subway drainage.] § 7. The subways provided for by this ordinance shall be thoroughly and properly drained by the construction of receiving basins, properly located in or immediately adjacent to said subways, which said receiving basins shall be connected with and shall discharge their contents into the adjacent sewerage system.

¶ 8. Change of underground work—sewer gradients.] § 8. Wherever, during the construction of said subways, it shall become necessary to change the location of water pipes, brick or pipe sewers, and electrical conduits owned by the city of Chicago, all such may be deflected laterally from the position in which they may be found, or may be depressed in their trenches to such depth as may be necessary for their proper protection, or, they may be carried through the

subways, beneath the sidewalks, wherever the latter are sufficiently elevated above the roadways, as may be determined by the commissioner of public works; but the gradients of the sewers shall not be reduced in any event; all of which said work shall be done by the said company and at its sole expense, and under the immediate supervision and to the satisfaction of the commissioner of public works.

¶ 9. **Location of abutments.**] § 9. Nothing in this ordinance contained and named shall be so construed as to prevent said company from locating and constructing the abutments which form the parallel walls of said subways at any distance back from the lot lines of said streets and avenues, so as to enable said company to construct, maintain, and use therein, station or other building, fronting on said streets and avenues, uniform with the said lot lines thereof, and entirely within the right of way lines of said company, for the accommodation and convenience of its traffic, or for any other purpose in connection with the efficient maintenance and operation of said company's railroads.

¶ 10. **City to determine location of sidewalks, etc.**] § 10. The location of the sidewalks in the subways, whose construction is herein authorized and required, the various devices for the drainage of said subways, and for the proper handling and protection of water pipes, sewers, and electrical systems of the city, except as in this ordinance otherwise defined, shall all be determined by the commissioner of public works; and all the work upon or in connection with any of the matters or things in this section specified, shall be done and performed under the superintendence and subject to the inspection and approval, and to the entire satisfaction of said commissioner of public works aforesaid, and all of the work of construction hereinbefore in this ordinance provided for shall be done at the expense of said railway company; not, however, including damages to abutting or adjacent property or business, caused by change of grade of streets, avenues, alleys or the railway, or by the vacation of any street, alley, avenue, or other public way, or by the performance by the railway company of the matters and things in this ordinance required of the railway, it being intended and understood that such damages, if any, are hereby assumed by the city of Chicago, and are to be adjusted and paid by the city of Chicago.

¶ 11. **Temporary obstruction of street or alley.**] § 11. Permission and authority are hereby given said railway company and its lessee, whenever the same shall become necessary in the prosecution of the work of raising its roadbed and tracks, as said company is herein authorized and required to do, to temporarily obstruct any alley, street, or avenue, to such extent and for such length of time as may be approved by the commissioner of public works; and said company is hereby authorized, whenever the same shall become necessary, as aforesaid, to erect and maintain temporary structures and false works in any

of said alleys, streets and avenues, during the construction of their said elevated structure or structures, subject, however, to the approval of the commissioner of public works, as aforesaid.

¶ 12. Notice to city, with plans, etc., before commencing work.] § 12. Said railway company, or its lessee, at least ten (10) days prior to the commencement of any part or parts of its said work, which is designed to be within the limits of or abutting on any street or avenue, submit to the commissioner of public works for his approval, complete plans and specifications of said part or parts of said proposed work for the purpose of ascertaining whether the same are in strict compliance with the provisions of this ordinance; and, after the approval of all of such plans and specifications by the commissioner of public works, all of said work shall be constructed in strict accordance therewith, and to the entire satisfaction of said commissioner of public works, and not otherwise, except as herein otherwise provided.

¶ 13. Completion of work.] § 13. Said railway company and its lessee are hereby required to complete the work of elevating its said tracks, as hereinbefore specified, on or before the thirty-first day of December, A. D. 1898, unless prevented by strike or strikes or restrained by injunction or other order or process of a court of competent jurisdiction. The time during which said railway company or its lessee shall be prevented by strike or strikes, or legal proceedings, as aforesaid, shall be added to the time hereby limited for the completion of said work; provided, said railway company give notice to the corporation counsel of the city of Chicago of the institution of such legal proceedings. The city of Chicago shall thereupon have the right to intervene in any suit or proceeding brought by any person or persons seeking to enjoin, restrain or in any manner interfere with the prosecution of said work, and move for a dissolution of such injunction or restraining order, and for any other proper order in such suit.

Nothing in this ordinance contained is intended to waive any right of the city of Chicago to compel said railway company and its lessee hereafter to elevate the plane of its railway tracks north of the point of commencement specified in the first section of this ordinance.

¶ 14. Work done as, by and for the city and under its superintendence.] § 14. All of said work shall be done as by and for the city of Chicago, under the superintendence of the department of public works of said city, but at the expense of said railway company and its lessee as hereinbefore provided.

¶ 15. Trespassing—penalty.] § 15. When and in case said railway shall be elevated in accordance with the provisions of this ordinance, or when and in case sections of said elevated railway, as herein provided, shall be completed, it shall be unlawful for any person or persons, save employes of either of said companies in discharge of duties to said company, to enter upon, be, or walk along or across said elevated structures or roadways at any point; any person violating

this section of this ordinance shall be liable to a fine of not more than one hundred dollars ($100), and not less than ten dollars ($10) for each and every such offense.

¶ 16. **Speed, signals, etc., upon completion of elevation.**] § 16. When said railway tracks shall be elevated in accordance with the provisions of this ordinance, or when any section thereof shall be so elevated and ready for use, then and thereupon all provisions of the ordinances of the city relating to speed of railway trains in said city, the giving of signals upon such trains, and the maintenance of gates, flagmen, watchmen, signals and signal towers, shall cease to be applicable to such railway company and its lessee so far as the lines of said railway shall have been elevated as herein required.

¶ 17. **Schedule of subways.**] § 17. The several passageways, openings and subways hereinbefore referred to in section 3 of this ordinance, and which shall be constructed under the elevation upon which such tracks are to be placed, shall, as to their size, dimensions, locations and other details, be in accordance with the following

SCHEDULE OF SUBWAYS.

SUBWAY IN 55TH STREET BOULEVARD—200 FEET WIDE.

The general dimensions and arrangement of this subway, the number of spans, the width and number of the sidewalks and roadways and the minimum clearances thereover, will all be fixed and determined by the Board of of South Park Commissioners.

SUBWAY IN 57TH STREET.

The depression of street shall not exceed 3.0 feet below the established grade of street, making the elevation of floor of subway not less than 12.00 feet above city datum.

This level shall extend on the west ten feet beyond the west portal of subway and on the east ten feet beyond the east portal of subway threof. From this level the approaches shall extend on a grade of 2.5 feet in 100 feet to intersection with present surface of 57th street. The north and south approaches in proposed street shall extend from intersection with west approach of 57th street on a grade of 3 feet in 100 to intersection with present surface of proposed street.

Width between walls, 66 feet.
Width roadway, 38 feet.
Width sidewalks, 14 feet.
Width proposed street, 33 feet.
Clear head room, 12 feet.

The sidewalks shall be depressed uniform with roadway and about one foot above level of same where practicable, and under the direction of the commissioner of public works.

PASSAGEWAY IN 58TH STREET.

The depression of street shall not exceed 2.5 feet below established grade of street, making the elevation of floor of passageway not less than 14.80 feet above city datum.

This level shall extend ten feet beyond each portal of passageway.

From the approaches, shall extend on a grade of 2.5 feet in 100 feet to intersection with present surface of 58th street.

The north and south approaches in proposed street shall extend from intersection with west approach of 58th street on a grade of 2.5 feet in 100 feet to intersection with present surface of proposed street.

Width between walls, 25 feet.
Width roadway, 17 feet.
Width sidewalk, 8 feet.
Width proposed street, 33 feet.
Clear headroom, 11 feet.

The sidewalks shall be depressed uniform with roadway and about one foot above level of same where practicable, and under the direction of the commissioner of public works.

SUBWAY IN 59TH STREET—66 FEET WIDE.

The depression of street shall not exceed 3.65 feet below established grade of street making elevation of floor of subway not less than 12.85 feet above city datum. This level shall extend on the west ten feet beyond the west portal of subway, and on the east ten feet beyond the east portal of subway thereof.

From this level the approaches shall extend on a grade of 3 feet in 100 feet to the intersection of present surface of 59th street.

The north and south approaches in proposed street shall extend from intersection with west approach of 59th street on a grade of 3 feet in 100 feet to intersection with present surface of proposed street.

Width between walls, 66 feet.
Width roadway, 38 feet.
Width sidewalks, 14 feet.
Width proposed street, 33 feet.
Clear head-room, 13½ feet.

The sidewalks shall be depressed uniform with roadway and about one foot above level of same where practicable, and under the direction of the commissioner of public works.

SUBWAY IN 60TH STREET—66 FEET WIDE.

The depression of street shall not exceed 1.6 feet below established city grade of street making elevation of floor of subway not less than 15.20 feet above city datum. This level shall extend on the west ten feet beyond the west portal of subway and on the east ten feet beyond the east portal of subway thereof.

From this level the approaches shall extend on a grade of 2 feet in 100 feet to intersection of present surface of 60th street. The north and south approaches in proposed street shall extend from intersection with west approach of 60th street on a grade of 3 feet in 100 feet to intersection with present surface of proposed street.

Width between walls, 66 feet.
Width roadway, 38 feet.
Width sidewalks, 14 feet.
Width proposed street, 33 feet.
Clear head-room, 12 feet.

The sidewalks shall be depressed uniform with roadway and about one foot above level of same where practicable, and under the direction of the commissioner of public works.

SUBWAY IN MAPLE STREET—66 FEET WIDE.

The depression of street shall not exceed 3.0 feet below established grade of street, making elevation of floor of subway not less than 15.55 feet above city datum.

This level shall extend ten feet beyond each portal of subway.

From this level each approach shall extend on a gradient of 3.0 feet in 100 feet to intersection with present surface of Maple street.

The north and south approaches in proposed street shall extend from intersection with west approach of Maple street on a grade of 3.0 feet in 100 feet to intersection with present surface of proposed street.

Width between walls, 66 feet.

Width roadway, 38 feet.

Width sidewalks, 14 feet.

Width proposed street, 33 feet.

Clear head-room, 12 feet.

The sidewalks shall be depressed uniform with roadway and about one foot above level of same where practicable, and under the direction of the commissioner of public works.

SUBWAY IN 61ST STREET—66 FEET WIDE.

The depression of street shall not extend 3.3 feet below established grade of street, making the elevation of floor of subway not less than 14.7 feet above city datum.

This level shal extend ten feet beyond each portal of subway. From this level each approach shall extend on a grade of 3.0 feet in 100 feet to intersection with present surface of 61st street.

The north and south lateral approaches in Stewart avenue shall extend from intersection with east approach of 61st street on a grade of 2.5 feet in 100 feet to intersection with present surface of Stewart avenue.

Width between walls, 66 feet.

Width roadway, 38 feet.

Width sidewalks, 14 feet.

Width Stewart avenue, 66 feet north of 61st street.

Width Stewart avenue, 80 feet south of 61st street.

Clear head-room, 13.5 feet.

The sidewalks shall be depressed uniform with roadway and about one foot above level of same, where practicable, and under the direction of the commissioner of public works.

SUBWAY IN CHESTNUT STREET—66 FEET WIDE.

The depression of street shall not exceed 3.25 feet below established grade of street, making the elevation of floor of subway not less than 16.55 feet above city datum.

This level shall extend ten feet beyond each portal of subway. From this level each approach shall extend on a grade of 3.0 feet in 100 feet to the intersection with present surface of Chestnut street.

Width between walls, 66 feet.

Width roadway, 38 feet.

Width sidewalks, 14 feet.

Clear head-room, 12 feet.

The sidewalks shall be depressed uniform with roadway, and about one foot above level of same where practicable, and under the direction of the commissioner of public works.

SUBWAY IN PRINCETON BOULEVARD—66 FEET WIDE.

The depression shall not exceed 2.5 feet below established grade of street,

making elevation of floor of subway not less than 16.8 feet above city datum. This level shall extend ten feet beyond each portal of subway. From this level the approaches shall extend on a gradient of 2.5 feet in 100 feet to intersection with present surface of Princeton boulevard.

Width between walls, 66 feet.
Width roadway, 38 feet.
Width sidewalks, 14 feet.
Clear head-room, 12 feet.

The sidewalks shall be depressed uniform with roadway and about one foot above level of same, where practicable, and under the direction of the commissioner of public works.

PASSAGEWAY IN 62ND STREET.

The depression of street shall not exceed 2.4 feet making the elevation of floor of subway not less than 18.2 feet above city datum.

This level shall extend ten feet beyond each portal of subway. From this level the approaches shall extend on a grade of 2.5 feet in 100 feet to intersection with present surface of 62nd street.

Width between walls, 25 feet.
Width roadway, 17 feet.
Width sidewalk, 4 feet.
Clear headroom, 11 feet.

The sidewalk shall be depressed uniformly with the roadway and about one foot above level of the same where practicable, and under direction of commissioner of public works.

SUBWAY IN WENTWORTH AVENUE—80 FT. WIDE.

The depression of street shall not exceed 3.85 feet below established grade of street, making elevation of floor of subway not less than 12.45 feet above city datum.

This level shall extend ten feet beyond each portal of subway. From this level the east approach shall extend on a grade of 3.5 feet in 100 feet to intersection with present surface of Wentworth avenue.

The approach from Englewood avenue into the south approach of Wentworth avenue shall be parallel with said railroad extending across lots one and two, in Nichol's subdivision, as specified in section eighteen of this ordinance, and shall extend on a grade of 3.5 feet in 100 feet from the preset surface of Englewood avenue to intersection with the proposed floor of subway in south approach of Wentworth avenue.

Width between walls, 80 feet.
Width roadway, 48 feet.
Width sidewalk, 16 feet.
Width Englewood avenue, 50 feet.
Width roadway, 38 feet.
Width sidewalk, 12 feet.
Clear headroom, 13½ feet.

The sidewalks shall be depressed uniform with roadway and about one foot above level of same, where practicable, and under the direction of the commissioner of public works.

JOINT SUBWAY IN 63RD STREET—66 FEET WIDE.

The depression of street shall not exceed 5.52 feet, as specified in ordinance of July 9, 1894, for the elevation of the Lake Shore and Michigan Southern Railway Company and the Chicago, Rock Island and Pacific Railway Company. In this ordinance, as above, the elevation of floor of subway shall not be less than 16.45 feet above city datum.

This level shall extend ten feet beyond west portal of subway.

From this level the west approach shall extend on a gradient of 2.8 feet in 100 feet to intersection with present surface of 63rd street.

The north lateral approach in La Salle street shall consist of a foot passageway 10 or 12 feet wide, and having 9 feet clear headroom and extending from the north sidewalk on 63rd street to west sidewalk on La Salle street.

The construction of the west approach to this subway will be the joint work of the C., R. I. & P. Ry. Co. and the P., Ft. W. & C. Ry. Co., and the construction of the east approach will be the exclusive work of the L. S. & M. S. Ry. Co.

The depression of sidewalks shall be uniform throughout between head of west approach and the intersection with State street, and they shall be five feet above the roadway at the curb lines, and shall have a suitable hand rail on outside to protect foot passengers from falling into roadway.

Width between walls, 63rd street, 66 feet.

Width of roadway, 38 feet.

Width of sidewalk, 14 feet.

Clear headroom, 13.5 feet, 63rd street.

If found necessary to support girders over this street, lines of posts must be placed in said subway at the curb lines and inside thereof to support said girders.

The sidewalks shall be depressed uniform with roadway and about one foot above level of same, where practicable, and under the direction of the commissioner of public works.

SUBWAY IN STATE STREET—100 FEET WIDE.

The depression of street at south end shall not exceed 6.979 feet, making elevation of floor of subway not less than 13.771 feet above city datum at south portal as provided in ordinance of July 9, 1894.

This level shall extend ten feet beyond portal of subway.

From this level the south approach shall extend on a gradient of 2.8 feet in 100 feet to intersection with present surface of State street.

Clear headroom, 13.5 feet.

For other specifications see ordinance provided for Lake Shore and Michigan Southern Railway Company, and Chicago, Rock Island & Pacific Railway Company, passed July 9, 1894, and same forming part of these specifications.

The sidewalks shall be depressed uniform with roadway and about one foot above level of same, where practicable, and under the direction of the commissioner of public works.

¶ 18. Conveyance to city of strip of land.] § 18. Said railway company and its lessee shall, as hereinbefore provided, over the intersection of Englewood avenue with Wentworth avenue, procure and convey to the city of Chicago, for street purposes, so much of lots one (1) and two (2) in block two (2) in Nicholes' subdivision of the east one half (E. ½) of lots fifteen (15) and sixteen (16) in school trustees' subdivision of section sixteen (16), township thirty-eight (38) north, range fourteen (14) east of the third principal meridian, situate in the city of Chicago, in the county of Cook and state of Illinois, as may be necessary to provide for a deflection of Englewood avenue southwardly at its junction with Wentworth avenue, and leave a free public street.

And said railway company and its lessee are hereby authorized to

sustain their superstructure and abutments upon the northerly portion of the present street east of the northerly line of said street as deflected, anything in this ordinance to the contrary notwithstanding. Said companies shall deflect said street as and for the city of Chicago, but wholly at their own expense and cost.

¶ 19. Dedication by company of 33-foot street—condemnation.] § 19. Paragraph 1. Said railway companies shall, within four months after the passage of this ordinance, procure and dedicate for purposes of a public street, a strip of ground thirty-three (33) feet in width and next west of and adjoining the west line of Stewart avenue, if extended north of the south line of Maple avenue, and extending from the south line of 55th street to the north line of Maple avenue; thence to continue south and southerly on a curve to the point where the same shall intersect the west line of Stewart avenue, and at such distance from the west face of the western retaining walls sustaining the tracks of said companies as that there shall be a thirty-three (33) foot street open northerly from the point of intersection of the westerly boundary of said thirty-three foot strip with the west line of said Stewart avenue if extended, as aforesaid. Said street shall be improved by said railway company and its lessee by properly curbing and grading the same, and by paving the same with cedar block pavement. All that portion of said thirty-three foot street lying south of 59th street shall be provided with a proper and sufficient sewer and with water supply pipes, to be laid and constructed in said street by said railway company and at its expense.

All of said work shall be of the same general grade and character as is usually used in making like improvements, the details in relation to which shall be determined and prescribed by the commissioner of public works.

Paragraph 2. All of such street improvements shall be done within nine months, weather permitting, after the passage of this ordinance. If any condemnation proceedings by the city of Chicago shall be necessary, such work shall be done within six months, weather permitting, after the right of possession of all the real estate within the limits of the said thirty-three foot street shall be delivered to said railway company, or its lessee, and said city of Chicago shall acquire said right of possession by proper condemnation proceedings at as early a date as possible after the passage of this ordinance and after notice from the railroad company of its inability to purchase the necessary real estate.

Paragraph three. In case said railway company shall be unable to purchase said property so required for the opening of said thirty-three foot street at a reasonable price, then the same shall be condemned by the city of Chicago for street purposes, and the compensation and damages awarded in such proceedings shall be paid by said railway company or its lessee. Said thirty-three-foot street shall be provided with proper inclined approaches as provided in the schedule

of subways at all those places where the same shall be necessary by reason of subways under the tracks of said companies. Said thirty-three-foot street shall be carried under the tracks of said railway company, which tracks extend westward from the main line of said company north of 59th street, by means of subways substantially the same as provided for in the case of subways under the main tracks of said companies except that the clear space or head room under such elevated structure shall be twelve (12) feet.

¶ 20. **Deflection of Englewood avenue—dedication, etc.**] § 20. Said railway company and its lessee shall procure and dedicate, for the purpose of deflecting Englewood avenue, as hereinbefore provided, so much of lots one (1) and two (2) in block two (2) in Nicholes' subdivision of the east one-half (E. ½) of lots fifteen (15) and sixteen (16) of school trustees' subdivision of section sixteen (16), township thirty-eight (38) north, range fourteen (14), east of the third principal meridian, situate in the city of Chicago, in the county of Cook and state of Illinois, as may be necessary for the purpose of said Englewood avenue over said lots one (1) and two (2) as deflected; and if they shall not, within six months after the passage of this ordinance, be able to procure for street purposes so much of said lots one (1) and two (2) as may be necessary for said street as deflected, then the city council shall pass the proper ordinance and by condemnation proceedings the city of Chicago shall acquire for street purposes so much of said lots one (1) and two (2) as may be necessary for the purposes of deflecting Englewood avenue, and said railway company and its lessee shall pay the just compensation and costs awarded to the owner or owners of said lots for the taking of said lots, or either of them, or any part thereof, for street purposes, as aforesaid.

¶ 21. **When in force—acceptance—agreement.**] § 21. This ordinance shall take effect from and after its passage, approval and publication; Provided, however, that this ordinance shall be null and void unless said Pittsburg, Fort Wayne and Chicago Railway Company, or its lessee, the Pennsylvania Company, shall, through authorized officers, of either of said companies, file with the mayor of the city of Chicago, within sixty (60) days from the passage of this ordinance, an agreement, duly executed, whereby said railway company, or its said lessee, shall undertake to do and perform all the matters and things required of it by this ordinance including also the giving and dedication to the public, for highway purposes, of so much of the right of way of said railway company as may be occupied by and necessary for the extension across such right of way, or of any streets or avenues that may not heretofore have been opened and legally established as streets or avenues, but which are by this ordinance herein before mentioned as streets or avenues, to be crossed by the tracks of said railway company on bridges and to be furnished with subways, which such agreement by said railway company, or its lessee, shall be made as a return for any liabilities which are in this ordinance incurred, and assumed by

the city of Chicago, or recoverable against it for any damages to abutting or adjacent property or business in consequence of change of grade of streets, avenues, alleys or the railway, or of the vacation of any street, alley, avenue, or other public way, or of the performance by the railway company, or its lessee, of the matters and things in this ordinance required of the railway and its lessee and which agreement shall be held to relieve and protect said companies from all liability to said city or others for such damages to abutting and adjacent property or business in consequence of change of grade of streets, avenues, alleys, or the railway, or of the vacation of any street, alley, avenue or other public way, or of the performance by the railway company and its lessee of the matters and things in this ordinance required of them; save that for any damages occasioned by the negligent manner of doing said work by said companies they shall be liable. After the filing of said agreement, as aforesaid, this ordinance shall not be materially modified or amended without the consent of said railway company and its said lessee; but nothing in this ordinance contained shall be deemed a waiver or surrender of the police power of the city, or to deprive the city of the right to properly exercise such power.

Note.—See following amendatory ordinances.

§ 387. Pittsburg, Fort Wayne & Chicago Railway company.

¶ 1. Amending ordinance of July 27, 1896.
¶ 1a. (Paragraph 3) State street to St. Lawrence avenue.
¶ 1b. Subways—grade crossings at Keefe and St. Lawrence avenues.
¶ 1c. Future subways at Keefe and St. Lawrence avenues.
¶ 1d. Future subways at Keefe and St. Lawrence avenues—failure to prosecute work—right of city.
¶ 1e. Ordinance of July 27, 1896, to apply, when.
¶ 1f. Time limit.
¶ 1g. Light in subways.
¶ 1h. Change of location of underground work.
¶ 1i. Extending Sixty-seventh street—future subways and bridges.
¶ 1j. When in force—agreement.

An ordinance to amend an ordinance relating to the elevation of the tracks of the Pittsburg, Fort Wayne & Chicago Railway company and its lessee, the Pennsylvania company. (Passed January 18, 1897.)

¶ 1. Amending ordinance of July 27, 1896.] Be it ordained by the city council of the city of Chicago: § 1. An ordinance requiring the Pittsburg, Fort Wayne and Chicago Railway Company and its lessee, the Pennsylvania Company, to elevate the plane of their tracks in the city of Chicago, passed by the city council of said city on July 27th, 1896, be and the same is hereby amended by amending section 1, paragraph 3, and by adding thereto other sections to be known as sections 1b, 1c, 1d, 1e, 1f, 1g, 1h, 1i, respectively, so that said paragraph 3, of section 1 as amended, and so that said additional sections as inserted in said ordinance shall be as follows:

¶ 1a. State street to St. Lawrence avenue.] § 1. Paragraph 3. From the east line of State street said elevated roadbed and

tracks shall continue in a southeasterly direction and shall descend on a gradient of about thirty (30) per centum for a distance of about two thousand seven hundred and sixty (2760) feet to a point about on the north line of 67th street, where the elevation of the base of rail of said elevated roadbed and tracks of said railway company shall not be less than eighteen and eight-tenths (18.8) feet above city datum. Thence said elevated roadbed and tracks shall continue in a southeasterly direction on a level plane for a distance of seven hundred (700) feet to a point on the east line of South Park avenue; from said last mentioned point on the east line of South Park avenue said elevated roadbed and tracks shall continue in a southeasterly direction, and they shall descend on a suitable gradient to a point about three hundred (300) feet east of the east line of St. Lawrence avenue, where the level of said elevated roadbed and tracks shall conform to the grade of said roadbed and tracks as they now exist.

¶ **1b. Subways—grade crossings at Keefe and St. Lawrence avenues.**] § 1a. The said Pittsburg, Fort Wayne and Chicago Railway Company, and its lessee, the Pennsylvania Company, shall build and construct under said elevated roadbed and tracks, subways at 67th street and South Park avenue, and grade crossings at Keefe avenue and at St. Lawrence avenue in conformity to the following details. And the grades of the several streets and avenues in this ordinance mentioned are hereby changed and established so as to conform in all respects to the said details.

DETAILS OF SUBWAY IN 67TH STREET.

Elevation of floor in subway shall not be less than five and three-tenths (5.3) feet above city datum.

Depression of street shall not exceed five and five-tenths (5.5) feet below established grade of street, or six and five-tenths (6.5) feet below the elevation of present base of rail.

The length of west approach shall not exceed one hundred and sixty (160) feet.

The gradient of same shall not exceed three and one-half (3½) per cent.

Width between walls, sixty-six (66) feet.

Width roadway, forty-two (42) feet.

Width sidewalks, twelve (12) feet.

Clear head-room, twelve and one-half (12½) feet above roadway, and not less than seven and one-half (7½) feet above sidewalk.

The depression of sidewalks shall be uniform with roadway and about one foot above level of same.

Two lines of posts may be placed at the curb line and inside thereof to support girders.

DETAILS OF SUBWAY IN SOUTH PARK AVENUE.

Elevation of floor of subway shall not be less than five and three-tenths (5.3) feet above city datum.

Depression of street shall not exceed five and seven-tenths (5.7) feet below the established grade of street or six and five-tenths (6.5) feet below the elevation of present base of rail.

The length of the south approach shall not exceed one hundred and sixty (160) feet.

The gradient of same shall not exceed three and one-half (3½) per cent.

The length of lateral approach to alley from southeast shall not exceed thirty-five (35) feet.

The gradient of same shall not exceed ten (10) per cent.

Width between walls sixty-six (66) feet, South Park avenue.

Width roadway, forty-two (42) feet.

Width sidewalks, twelve (12) feet.

Clear head-room, twelve and one-half (12½) feet above roadway, and not less than seven and one-half (7½) feet above sidewalk.

The depression of sidewalks shall be uniform with roadway and about one foot above level of same. Two lines of posts may be placed in said subway at the curb lines and inside thereof to support girders.

DETAILS OF GRADE CROSSING AT KEEFE AVENUE.

At the intersection of Keefe avenue with the elevated roadbed and tracks on the declining grade from South Park avenue to St. Lawrence avenue, there shall be constructed upon and across said roadbed and tracks a good and sufficient street crossing of said Keefe avenue in the following manner, to wit:

Said company shall construct approach from the southwest in Keefe avenue upon an incline from the present surface of said street at a grade not exceeding three and one-half (3½) per centum. Said crossing shall be well and sufficiently planked across said approach, and said planked crossing shall be of the full width of said Keefe avenue. Said company shall also construct a wooden sidewalk eight (8) feet in width on each side of said avenue within the limits of said company's right-of-way.

DETAILS OF GRADE CROSSING AT ST. LAWRENCE AVENUE.

At the intersection of St. Lawrence avenue with the elevated roadbed and tracks, on the descending grades from South Park avenue to the said point three hundred (300) feet east to St. Lawrence avenue, there shall be constructed upon and across said roadbed and tracks a good and sufficient street crossing of said St. Lawrence avenue, in the following manner, to wit: Said company shall construct approach from the south in said St. Lawrence avenue upon an incline from the present surface of said street at a grade not exceeding three (3) per centum. Said crossing shall be well and sufficiently planked across said approach, and said planked crossings shall be of the full width of said St. Lawrence avenue. Said company shall also construct a wooden sidewalk eight (8) feet in width on each side of said St. Lawrence avenue, within the limits of said company's right of way.

¶ 1c. **Future subways at Keefe and St. Lawrence avenues.**] § 1b. Whenever at any time hereafter the elevation of such roadbed and tracks shall be extended further southeasterly than is provided in this ordinance, it shall be the duty of said Pittsburg, Ft. Wayne and Chicago Railway Company, and its lessee, the Pennsylvania Company, to construct, at its own expense, its portion (being that part southwesterly of the northeasterly line of its right of way) of subways at Keefe avenue and at St. Lawrence avenue, which subways shall in the main be similar to the subways provided for in the ordinance of July 27, 1896, along the portion of said line of railway in said ordinance mentioned.

¶ 1d. **Future subways at Keefe and St. Lawrence avenues—failure to prosecute work—rights of city.**] § 1c. The city shall and will provide for and cause the extension and construction of said subways across and northeasterly of the right of way of the Lake Shore and Michigan Southern Railway Company and under its tracks and the approaches thereto from the east. Also for the necessary change of grade over said last named company's right of way and tracks at Keefe avenue and at St. Lawrence avenue, and the Pittsburg, Fort Wayne and Chicago Railway Company, and its lessee, the Pennsylvania Company, shall not do or be required to do, or pay any part of the cost or expense of the work and improvement herein provided for, which is to be done northeasterly of the line between its right of way and the right of way of the Lake Shore and Michigan Southern Railway Company. It shall be and is hereby made the duty respectively of the said Pittsburg, Fort Wayne and Chicago Railway Company, and its lessee, the Pennsylvania Company, and of the Lake Shore and Michigan Southern Railway Company, to prosecute simultaneously the work provided for in this ordinance, and the work provided for in a certain other ordinance of the city of Chicago in relation to the same subject matter requiring the elevation of the tracks and roadbed of said Lake Shore and Michigan Southern Railway Company, between the east line of State street and a point about three hundred (300) feet east of the east line of St. Lawrence avenue, so that the public use of the streets shall not be unnecessarily or unduly interfered with. Should either of said companies fail to prosecute such work after August 1st, 1899, at the same time the other company shall be proceeding with its portion of said work, and if through such default the public use of 67th street, or South Park avenue, or Keefe avenue, or St. Lawrence avenue, or either of said streets or avenues, should, in the opinion of the commissioner of public works of the city of Chicago, be unduly interfered with, then and in that case such commissioner shall be and is hereby authorized and empowered to take any and all such legal steps as may be necessary to prevent unreasonable obstruction to the use of said street by the public.

¶ 1e. **Ordinance of July 27, 1896, to apply, when.**] § 1d. All of the provisions of the ordinance of July 27th, 1896, hereby amended shall apply to all things provided for and embraced in this ordinance, unless herein otherwise specially provided; and the rights, obligations, powers and duties of the city and said Pittsburg, Ft. Wayne and Chicago Railway Company, and its lessee, the Pennsylvania Company, shall be the same in all respects as if said ordinance of July 27th, 1896, had originally contained all the matters and things contained in this ordinance, and said ordinance of July 27th, 1896, and this ordinance shall be construed together the same as if both had been contained in said ordinance hereby amended.

¶ 1f. **Time limit.**] § 1e. The additional work provided for

in this amendatory ordinance shall be commenced on or after August 1, 1899, and fully finished and completed in two years from and after the first day of August, 1899.

¶ **1g. Light in subways.**] § 1f. Said railway company shall construct the necessary appliances and perpetually provide, at its own expense, a good and sufficient light for each of the subways herein provided for. The light so to be furnished to be satisfactory to the commissioner of public works of the city of Chicago.

¶ **1h. Change of location of underground work.**] § 1g. If found necessary during the construction of said subways to change the location of the water pipes, sewers or electrical conduits owned by the city of Chicago, all such work shall be done by the said railway company at its own cost and expense, and according to the directions of the commissioner of public works, but the gradient of the sewers shall not be reduced in any event.

¶ **1i. Extending 67th street—future subways and bridges.**] § 1h. Said railway company shall and will and does hereby grant to the said city of Chicago the perpetual right of way, on or after August 1st, 1899, for the opening, extending and maintaining of 67th street as a public highway across its lands and right of way by means of a subway to be constructed as herein provided, and in consideration thereof, and of the acceptance of this ordinance by the said railway company, the city undertakes and agrees that it will not hereafter require or attempt to compel said railway company at its expense to build any additional or other subways than those in this ordinance provided for between State street and South Park avenue. But it is hereby agreed that if the city of Chicago shall at any time hereafter open and extend any street or streets, or avenue or alley between State street and South Park avenue, such extension shall be by means of subways only across the right of way and lands of said railway company; and in such case, no claim for compensation on account of land taken for right of way of such street, avenue or alley will be made by the railway company; and this waiver of compensation shall attach to and run with such land in the hands of any grantee or grantees of said railroad company or companies; but the sole cost and expense of the construction of such bridges as may be necessary to carry all the tracks on said company's land and right of way over said highways, shall be borne and paid by the city of Chicago without expense to the railway company; and in no case shall any such bridge over such subways so to be built be inferior in any regard to the bridges provided by this ordinance, or which shall be constructed over the subways at 67th street and at South Park avenue. The work of such construction shall be done by the railway company and the amount to be paid by the city for such work and construction shall not exceed the actual and reasonable cost thereof. Said bridges respectively shall support all the tracks of said company then existing and in use across

the lines of such proposed streets at the time of the construction of any such subway across such right of way of said railway company. But said railway company shall not be required to do any work toward the construction of any such subway until the cost thereof, as may be estimated by the city engineer and the chief engineer of said railway company, first shall have been paid over to said company or deposited in some responsible bank for its benefit and to be paid over to it at once upon the completion of said work. The grade of the roadbed and tracks of said company shall be and remain at the grade hereinbefore specified.

¶ 1j. **When in force—agreement.**] § 11. This ordinance shall take effect from and after its passage and approval; provided, however, that the same shall be null and void if the said railway company shall not, within sixty (60) days from the passage of this ordinance, file with the mayor of the city of Chicago an agreement, duly executed, whereby said railway company shall undertake to do and perform all the matters and things required of it by this ordinance. After the filing of said agreement, as aforesaid, this ordinance shall be binding upon the city and said railway company, and shall not be materially modified or amended without the consent of said railway company, but nothing in this ordinance contained shall be deemed a waiver or surrender of the police power of the city, or to deprive the city of the right to perpetually exercise such police power.

Note.—See following amendatory ordinance.

§ 387*. Pittsburg, Fort Wayne & Chicago Railway company.

¶ 1. Amending section 11 of foregoing ordinance.
¶ 2. Section 11 as amended.

An ordinance to amend an ordinance relating to the elevation of the tracks of the Pittsburg, Fort Wayne & Chicago Railway company and its lessee, the Pennsylvania company. (Passed March 1, 1897.)

¶ 1. **Amending section 11 of foregoing ordinance.**] Be it ordained by the city council of the city of Chicago: § 1. That section 11 of an ordinance relating to the elevation of the tracks of the Pittsburg, Ft. Wayne and Chicago Railway Company, and its lessee, the Pennsylvania Company, passed by the city council of said city of Chicago on January 18, 1897, be and the same is hereby amended by inserting after the words "railway company," in the fifth line of said section 11 the words "or its said lessee," and by inserting after the words "railway company," in the ninth line of said section 11, the words "or its said lessee," so that said section, as hereby amended, shall read as follows, to wit:

¶ 2. **Section 11 as amended.**] § 11. This ordinance shall take effect from and after its passage and approval; provided, however, that the same shall be null and void if the said railway company, or its said lessee, shall not within sixty (60) days from the passage of this ordinance file with the mayor of the city of Chicago an agreement

duly executed whereby said railway company, or its said lessee, shall undertake to do and perform all the matters and things required of it by this ordinance. After the filing of said agreement, as aforesaid, this ordinance shall be binding upon the city and said railway company, and shall not be materially modified or amended without the consent of said railway company; but nothing in this ordinance contained shall be deemed a waiver or surrender of the police power of the city, or to deprive the city of the right to perpetually exercise such police power.

UNION STOCK YARD & TRANSIT COMPANY.

§ 388. Union Stock Yard & Transit company.

¶ 1. Depression and elevation required—subways.
¶ 2. "Y" connections.
¶ 3. Drainage of subway.
¶ 4. Plans submitted to city.
¶ 5. Purpose of passage of ordinance.
¶ 6. When in force—acceptance.

An ordinance to enable the Lake Shore & Michigan Southern Railway company and the Chicago, Rock Island & Pacific Railway company to prosecute the work of elevating their tracks in accordance with the ordinance of July 9, 1894, by permitting the depression of the tracks of the Union Stock Yard & Transit company. (Passed February 15, 1897.)

¶ 1. Depression and elevation required—subway.] Be it ordained by the city council of the city of Chicago: § 1. The Union Stock Yard and Transit Company of Chicago is hereby ordered and required to depress the plane of its main tracks, beneath the roadbed and tracks of the Lake Shore and Michigan Southern Railway Company, and of the Chicago, Rock Island and Pacific Railway Company, when and as the same are elevated, as provided by an ordinance of the city council of the city of Chicago, passed July 9th, 1894, and also to elevate its "Y" connections with the said railroads, upon the same being elevated, all in the manner and upon the conditions hereinafter specified, that is to say:

Beginning at the west line of Dearborn street, the main tracks of the Union Stock Yard and Transit Company of Chicago shall be lowered at a grade of approximately two (2) per cent to a depression below the present grade of the base of the rails, of three and eleven hundrdths (3.11) feet at the east line of Armour avenue (or Butterfield street), and four and twenty-two hundredths (4.22) feet at the west line of Armour avenue, and a depression under the right of way of the Lake Shore and Michigan Southern Railway Company and the Chicago, Rock Island and Pacific Railway Company to eleven (11) feet

above city datum, or five and six tenths (5.6) feet below the present grade; thence ascending, at a grade of approximately one and six tenths (1.6) per cent, within its right of way, reaching the present grade of said tracks at the east line of Wentworth avenue. The two "Y" connections from the tracks of the Union Stock Yard and Transit Company of Chicago, running northeasterly and southeasterly from said tracks to the tracks of the Lake Shore and Michigan Southern Railway Company and the Chicago, Rock Island and Pacific Railway Company shall be elevated, when the tracks last mentioned are elevated, under said ordinance of July 9, 1894, commencing at the east line of Wentworth avenue, and within the right of way of the Union Stock Yard and Transit Company of Chicago.

¶ 2. **"Y" connections.**] § 2. The "Y" connection between the main tracks of the Union Stock Yard and Transit Company running northwesterly from said tracks to the tracks of the Lake Shore and Michigan Southern Railway Company and the Chicago, Rock Island and Pacific Railway Company shall be discontinued, and Armour avenue shall be lowered at a grade of approximately three and one-half per cent for such distance on either side of the center of the right of way of said Union Stock Yard and Transit Company as to permit of said Armour avenue crossing at grade the right of way of said Union Stock Yard and Transit Company at approximately the center of said right of way, as depressed, as herein ordered. And said Union Stock Yard and Transit Company shall restore Armour avenue, as depressed, and repave said street and replace curb walls, without expense to the city of Chicago.

In consideration of the foregoing, the said company shall be and is hereby indemnified by the city of Chicago of and from all liability for any land or business damages which may be incurred by or recoverable against said company or the city of Chicago, by the passage and enforcement of this ordinance, or by the changing of the grades of streets or alleys, in accordance with the provisions hereof, or by reason of the city of Chicago having required said company to do and perform the matters and things herein required of it, or by the performance, by said company, of the matters and things herein required of it; but nothing in this ordinance contained shall be deemed a waiver or surrender of the police power of the city, or to deprive the city of the right to properly exercise such power.

¶ 3. **Drainage of subway.**] § 3. The railroad subway herein provided for shall be drained by the construction of a receiving basin, at the lowest point therein, which shall be connected with and discharge its contents into the city sewer, in Armour avenue.

¶ 4. **Plans submitted to city.**] § 4. The said company shall, at least ten days prior to the commencement of the work herein provided for, submit to the commissioner of public works, for his approval, complete plans thereof, for the purpose of ascertaining whether

the same is in strict accordance with the provisions of this ordinance, and after the approval of such plans by the commissioner of public works, the said work shall be constructed in accordance therewith, and to the satisfaction of the commissioner of public works, and not otherwise except as herein provided. The work shall be carried on, as near as may be, simultaneously with the work of track elevation, by the Lake Shore and Michigan Southern Railway Company and the Chicago, Rock Island and Pacific Railway Company, under said ordinance of July 9, 1894.

¶ 5. **Purpose of passage of ordinance.**] § 5. The only purpose of the city of Chicago in the passage of this ordinance is that indicated in the title thereto, and neither the passage of this ordinance, the incurring of any expense, nor the doing of any work thereunder by the Union Stock Yard and Transit Company shall ever be construed or held to in any way whatever to estop or prevent the city of Chicago from hereafter at any time passing an ordinance or ordinances abolishing the subway crossing herein provided for, and requiring said Union Stock Yard and Transit Company to elevate the plane of its roadbed and tracks or any portion thereof within the limits of the city of Chicago.

¶ 6. **When in force—acceptance.**] § 6. This ordinance shall take effect from and after its passage and acceptance by said company, provided that such acceptance be filed with the mayor of the city of Chicago, within sixty days from the passage of the ordinance.

Note.—See following amendatory ordinance.

LAKE SHORE & MICHIGAN SOUTHERN AND CHICAGO, ROCK ISLAND & PACIFIC RAILWAY COMPANIES.

§ 389. Lake Shore & Michigan Southern and Chicago, Rock Island & Pacific Railway companies.

¶ 1. Amending section 2 of foregoing ordinance.
¶ 2. Section 2 as amended.

An ordinance amending an ordinance in relation to elevation of tracks of Lake Shore & Michigan Southern and Chicago, Rock Island & Pacific Railway companies, and depression of tracks of Union Stock Yard & Transit company's track. (Passed March 8, 1897.)

¶ 1. **Amending section 2 of foregoing ordinance.**] Be it ordained by the city council of the city of Chicago: § 1. That section 2 of a certain ordinance passed on the 15th day of February, 1897, entitled "An ordinance to enable the Lake Shore and Michigan Southern Railway Company, and the Chicago, Rock Island and Pacific Rail-

way Company to prosecute the work of elevating their tracks in accordance with the ordinance of July 9, 1894, by permitting the depression of the tracks of the Union Stock Yard and Transit Company," be and the same is hereby amended so that said section 2, as amended, shall read as follows:

¶ **2. Section 2 as amended.**] § 2. When the tracks of the Lake Shore and Michigan Southern Railway Company, and the Chicago, Rock Island and Pacific Railway Company, shall have been elevated at Fortieth street, pursuant to said ordinance of July 9, 1894, the "Y" connection between the main tracks of the Union Stock Yard and Transit Company, which runs northwesterly from the said main tracks to the tracks of the Lake Shore and Michigan Southern Railway Company and the Chicago, Rock Island and Pacific Railway Company shall be discontinued, and during the prosecution of the work of elevating said tracks said "Y" connection may be maintained and the grade thereof may from time to time be so changed and elevated as may be necessary for the safe passage of trains between the tracks so to be elevated, under said ordinance of July 9th, 1894, and the tracks of the Union Stock Yard and Transit Company. Armour avenue shall be lowered at a grade of approximately three and one-half per cent for such distance on either side of the center of the right of way of said Union Stock Yard and Transit Company as to prmit of said Armour avenue crossing at grade the right of way of said Union Stock Yard and Transit Company at approximately the center of said right of way, as depressed, as herein ordered. And said Union Stock Yard and Transit Company shall restore Armour avenue, as depressed, and repave said street and replace curb walls, without expense to the city of Chicago.

In consideration of the foregoing, the said company shall be and is hereby indemnified by the city of Chicago of and from all liability for any land or business damages which may be incurred by or recoverable against said company or the city of Chicago, by the passage and enforcement of this ordinance, or by the changing of the grades of streets or alleys, in accordance with the provisions hereof, or by reason of the city of Chicago having required said company to do and perform the matters and things herein required of it, or by the performance, by said company, of the matters and things herein required of it; but nothing in this ordinance contained shall be deemed a waiver or surrender of the police power of the city, or to deprive the city of the right to properly exercise such power.

CHAPTER XII.—RAILWAYS—ELEVATED.

§ 390. Chicago Elevated Terminal Railway company.
§ 391. Consolidated Rapid Transit & Elevated Railroad company.
§ 392. Equitable Transportation company.
§ 393. Lake Street Elevated Railway company. (Authority to construct.)
§ 394. Lake Street Elevated Railway company. (Granting right of way, Canal street to Crawford avenue.)
§ 395. Lake Street Elevated Railway company. (Granting right of way, Crawford avenue to limits.)
§ 396. Lake Street Elevated Railway company. (Refund of deposit.)
§ 397. Lake Street Elevated Railway company. (Consenting and confirming.)
§ 398. Lake Street Elevated Railway company. (Authority to connect branches.)
§ 399. Lake Street Elevated Railway company. (Amending sections 4 and 6.)
§ 400. Lake Street Elevated Railway company. (Amendment to 6th clause.)
§ 401. Lake Street Elevated Railway company. (Authority to construct road on Lake street, from Market street to Wabash avenue.)
§ 402. Metropolitan West Side Elevated Railroad company.
§ 403. Northwestern Elevated Railroad company.
§ 404. Northwestern Elevated Railroad company. (Amendment.)
§ 405. Northwestern Elevated Railroad company. (Extending time for completion of road.)
§ 406. Northwestern Elevated Railroad company. (Return of deposits.)
§ 407. South Side Elevated Railroad company (successor to the Chicago & South Side Rapid Transit Railroad company.)
§ 408. Chicago & South Side Rapid Transit Railroad company.
§ 409. Chicago & South Side Rapid Transit Railroad company. (Amendment.)
§ 410. Union Elevated Railroad company.
§ 411. Union Consolidated Elevated Railway company.
§ 412. Union Elevated Railroad company and Union Consolidated Elevated Railway company. (Agreement.)

CHICAGO ELEVATED TERMINAL RAILWAY COMPANY.

§ 390. Chicago Elevated Terminal Railway company.

¶ 1. Grant—route.
¶ 2. Branches—southeast.
¶ 3. Branches—southwest.
¶ 4. Construction—specifications.
¶ 5. Tracks to be elevated.
¶ 6. Fences—gates—bells—attendants.
¶ 7. Suspension—plans—permit.
¶ 8. Suspension—crossings—sidewalks.
¶ 9. Limitation—subject to ordinances.
¶ 10. Motive power equipment—protection from drippings.

¶ 11. Motive power—subject to ordinances.
¶ 12. Stations, platforms, etc.
¶ 13. Telegraph line—use of structure by city.
¶ 14. Conditions—time for completion.
¶ 15. Indemnity clause.
¶ 16. Indemnity bond—conditions.
¶ 17. In effect—acceptance—bond.

An ordinance authorizing the Chicago Elevated Terminal Railway company to construct, maintain and operate a railroad in Chicago. (Passed November 5, 1891. Accepted November 9, 1891.)

¶ 1. **Grant—route.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the agreements hereinafter contained, the right is hereby granted to the Chicago Elevated Terminal Railway Company, a corporation organized under the laws of the state of Illinois, its lessees, successors and assigns, to construct, maintain and operate a railroad, with two or more main tracks, with the necessary and convenient side tracks, turnouts, switches and appurtenances, over, upon and along such lands as it now has or may hereafter, in any manner, acquire the right to lay tracks upon or over, by lease, purchase, license, condemnation or otherwise, and across all intervening streets, alleys and public ground along and upon the following route, viz.: Beginning at a point on the southerly side of Twelfth street, between the westerly side of State street and the south branch of the Chicago river, running thence southerly to a point adjacent to Sixty-seventh and State street, thence in a southerly direction east of State street to the city limits.

¶ 2. **Branches—southeast.**] § 2. That, in consideration of the agreements hereinafter contained, the right is, also, hereby granted to the Chicago Elevated Terminal Railway Company, its lessees, successors and assigns, to construct and maintain a branch railroad, with two or more railroad tracks, with the necessary and convenient side tracks, turnouts, switches and appurtenances, over, upon and along such lands as it now has or may hereafter in any manner acquire the right to lay tracks upon or over by lease, purchase, license, condemnation or otherwise, and across all intervening streets, alleys or public ground along and upon the following route, beginning at some point on the main line of railroad described in section 1 hereof, between Sixty-third and Sixty-seventh streets, thence in a southeasterly direction to a point on the state line between Indiana and Illinois.

¶ 3. **Branches—southwest.**] § 3. That, in consideration of the agreements hereinafter contained, the right is also hereby granted to the Chicago Elevated Terminal Railway Company, its lessees, successors and assigns, to construct and maintain a branch railroad, with two or more railroad tracks, with the necessary and convenient side tracks, turnouts, switches and appurtenances, over, upon and along such lands as it now has or may hereafter in any manner acquire the right to lay tracks upon or over by lease, purchase, license, condemnation or otherwise, and across all intervening streets, alleys or public

ground along and upon the following route, beginning at a point on the main line described in section 1, between Twenty-second and Thirty-first streets, and thence in a southwesterly or westerly direction to the city limits, crossing the said limits at some point between Fifty-fifth street on the south and Thirty-fifth street on the north.

¶ **4. Construction—specifications.**] § 4. The main railroad tracks, by this ordinance authorized, between Twelfth street and the point adjacent to Sixty-seventh and State streets, and also that part of the branch line running in a southwesterly or westerly direction, as far as Thirty-first street and the Illinois and Michigan canal, shall be built as provided in this section, viz.:

(a) An elevated structure, with the track or tracks supported or upheld by cross girders, which cross girders shall be suspended or upheld by a row or rows of iron posts or iron columns, but outside of the street lines, upon the property of the company, may be upheld or supported by iron posts or brick or stone supports.

(b) The transverse diameter of each post or column placed within the street shall not exceed 24 inches at the base, and thence for at least ten feet above the surface of the roadway.

(c) The transverse diameter of the iron posts or columns does not include fenders, and adequate fenders shall be fitted around the base of each column or post within the street lines to prevent the hubs of the wheels of passing vehicles from striking the columns.

(d) The longitudinal distance between columns or posts, when the same are within the street lines, and the location of such columns or posts, shall be subject to the direction and approval of the commissioner of public works of said city.

(e) Guard rails shall be placed at the side of the structure to prevent the cars from leaving the track after derailment.

(f) The material used for that part of the structure above the ground shall be iron, steel, stone or brick, except the roadbed, which may be asphalt or broken stone, supported on buckle plates, and except the rails, which shall be of steel, and except the ties and guard rails, which shall be a suitable quality of selected lumber. All the material used in the construction of the work shall be of suitable quality for the purpose to which it is to be applied and the work shall be executed in a workmanlike manner.

(g) Except where the width of any street or avenue between the curbs thereof is fifty feet or more, or where the structure is one having a row of iron columns or posts upon or near the curb lines, every cross street or avenue shall be spanned by a single span only.

(h) No part of the girders of the superstructure shall be less than 16 feet above the established grade of streets, avenues or alleys, and whenever said elevated structure crosses or passes over the right of way of tracks of existing surface steam railroads a clear head room between the lower cord of all of said girders and of the surface rails

of all of said railroads, at the present existing grade, and from out to out of said right of way, shall not be less than 18 feet.

(i) The said elevated tracks hereby authorized may be brought to the surface at a gradient to be fixed by said Chicago Elevated Terminal Railway Company, at or in the vicinity of Sixty-seventh and State streets and also the branch line, at or in the vicinity of Thirty-first street and the canal.

(j) Whenever the said tracks hereby authorized, or any or either of them, shall cross streets now existing, or hereafter laid out, at a point or points southerly, southeasterly or southwesterly of the northerly point or points of such gradient or gradients, the said railway company shall raise, depress or bridge a roadway or crossing of such street or streets, so as to carry and maintain the same across or under or over such tracks, as the commissioner of public works of said city may require, and shall pay and indemnify and save harmless the city of Chicago from any and all damages, judgments, decrees, costs and expenses of the same, or for or by reason of, or growing out of, or resulting from, the same.

¶ 5. **Tracks to be elevated.**] § 5. The railroad tracks hereby authorized to be laid by this ordinance on the surface shall, after twenty years from the passage of this ordinance, be elevated and constructed in the manner provided in section 4 of this ordinance, if and when said company, after said time, shall be ordered so to do by the city council, or said company may, at its election at any time hereafter, elevate said tracks, or any part thereof, in like manner as required by section 4 hereof.

¶ 6. **Fences—gates—bells—attendants.**] § 6. The permission, authority and privileges hereby granted are given upon the express condition that the said railroad company will when, as it may be required by the city council, erect and forever maintain, at its own expense, suitable fences of wood or iron, and of a design, size and material to be determined by the department of public works, along the routes described in sections 2 and 3 of this ordinance, where said railroad tracks are not elevated, together with such suitable and necessary gates and bells for the protection of the public at the several street crossings along the routes authorized in sections 2 and 3 of this ordinance, where said railroad tracks are not elevated, with the necessary attendants in charge thereof, during the hours of each and every day, as may be required by the department of public works or the city council of the city of Chicago.

¶ 7. **Supervision—plans—permit.**] § 7. The said Chicago Elevated Terminal Railway Company, before the construction of any part of said road, shall submit plans and specifications thereof to the commissioner of public works for his approval, who shall determine whether or not said plans conform to the provisions of this ordinance, and, if found to conform to the provisions of this ordinance, he shall

issue a permit for the construction thereof, in accordance with the plans and specifications.

¶ 8. **Supervision—crossings—sidewalks.**] § 8. The said company shall be subject to the supervision of the department of public works of the city in the construction of all said tracks and the keeping in repair of said streets, alleys and crossings as may be occupied by any of said tracks when placed on the surface. At all crossings of streets and alleys the railroad tracks shall be made to conform to the established grade, and the spaces between the tracks shall be planked or paved, when laid on the surface, by said company, and when said tracks cross any sidewalk shall keep the same across all of its right of way in good repair. If new sidewalks shall be ordered by the city council where the tracks of said company are laid on the surface, then said company shall construct the same as ordered, and if the said company shall neglect to repair such sidewalks, or to construct a new sidewalk when so ordered as aforesaid, the city may cause such sidewalk to be built, and said company shall be liable to the city for the cost of the same, and it shall also be liable for any damages which may accrue to any person or persons by reason of its neglect to keep the said sidewalk as aforesaid in repair, or to construct the same, as herein provided, and said company shall also reimburse the city for all charges and expense of inspection during the construction of the work.

¶ 9. **Limitation—subject to ordinances.**] § 9. The privileges and rights herein granted shall be subject to all ordinances of the city of Chicago governing railroads now in force or which shall hereafter be passed, so far as the same may be applicable thereto.

¶ 10. **Motive power equipment—protection from drippings.**] § 10. The motive power shall be fully equipped with all modern devices calculated to render it practically noiseless and smokeless and to prevent the discharge of cinders and sparks, and suitable and practicable devices shall likewise be placed at all street crossings where the road is elevated, to intercept and carry off storm water and drippings from melting snow and other sources, by means of suitable instrumentalities to connect the same with the sewers of the city.

¶ 11. **Motive power—subject to ordinances.**] § 11. Cars may be run over and along the railroad tracks herein authorized to be built, with steam or such other motive power as the said Chicago Elevated Terminal Railway Company, its lessees, successors or assigns, may, from time to time, adopt, subject to all valid general laws and ordinances of the city of Chicago relating thereto now in force or which may hereafter be passed.

¶ 12. **Stations, platforms, etc.**] § 12. Said Chicago Elevated Terminal Railway Company may, for the purpose of ingress and egress to and from its passenger station, if located at Twelfth street, remove so much of the guard rail now on the Twelfth street viaduct as may be

necessary for such purpose, under the direction and supervision of the commissioner of public works.

That permission and authority are hereby also granted to said company to construct neat and commodious passenger stations of easy and convenient access, which stations, and the architectural details and general designs thereof, shall be of recognized excellence and approved by the commissioner of public works, shall be erected and maintained along the line at convenient and appropriate distances apart, generally about half a mile, and all such station buildings and appurtenances, shall be comfortably heated during the winter months and be appropriately lighted with gas, electricity or otherwise, and thoroughly ventilated at all seasons; and the system of illumination and the sanitary fixtures, and the appliances adopted and used, shall be such as are recognized as of the best for the purposes to which they are applied. The platforms of all of said passenger stations shall be free from obstructions or projections of any kind; and all of such platforms, and the line of stairs leading to and from the same, shall be equally protected by strong wrought iron or steel rails not less than three and one-half feet high. The permission and authority to locate, construct and maintain all such recognized platforms, landings and lines of stairs, leading to and from the sidewalks of the street and the said elevated stations, being hereby expressly granted said company, whenever and wherever such methods of reaching the stations may be found necessary. Nothing herein contained, however, shall prohibit said company from locating and maintaining its stations in buildings which it may purchase, lease or erect on ground purchased or acquired by condemnation, lease or otherwise, along its elevated lines, and where it may, for the convenience and comfort of its patrons, place its ticket offices, waiting rooms, sanitary accommodations, stairways, elevators and all requisite methods of ingress or egress, and the right to construct and maintain passageways or connections between the exterior platforms, is hereby granted to said company; Provided, nothing herein contained shall be construed as authorizing said railway company to encroach upon, occupy or obstruct any street or alley or sidewalk with such stations, or with the stairways or other parts thereof.

¶ **13. Telegraph line—use of structure by city.**] § 13. The said company shall have the right to construct and maintain telegraph, telephone and signal devices, for the sole use of said company and its lessees, successors or assigns, along and upon the said right of way; provided, that the city of Chicago shall have the right to use the elevated structure for the purpose of placing therein its police, fire alarm, electric light and telephone wires, without charge to the city, in such manner as not to interfere with the operation of said railway company in the use of its said tracks and structure and the maintenance and repair thereof.

¶ **14. Conditions—time for completion.**] § 14. The privi-

leges and authority hereby granted are granted upon the further express condition that two miles of tracks authorized by this ordinance shall be laid down and constructed within three years from the passage of this ordinance, and if not so constructed and in operation all the rights and privileges granted by this ordinance to such company shall cease and be null and void (as to the uncompleted portion thereof, at the election of the city council); provided, that the time during which any legal proceedings shall be pending, whereby the said company shall be prevented from or delayed in constructing its railroad or in any part thereof, shall not be taken or deemed to be any part of the said three years, and provided, that the city law department of the city of Chicago may intervene in any suit and move for its dismissal in case such suit shall be thought to be collusive or for the purpose of delay or extension of such time.

¶ **15. Indemnity clause.**] § 15. The permission and authority hereby granted are upon the further express condition that the said railway company, its successors, lessees and assigns, shall, and said railroad company by the acceptance of this ordinance agrees for itself, its successors, lessees and assigns, that it and they will forever indemnify and save harmless the city of Chicago against and from any and all damages, judgment, decrees, costs and expenses of the same, which it may suffer, or which may be recovered or obtained against said city, for or by reason of the granting of such privileges and authority, or for or by reason of, or growing out of, or resulting from, the passage of this ordinance, or any matter or thing connected therewith, or from the exercise by said company of the privileges hereby granted, or from any act or acts of said company, under or by virtue of the provisions of this ordinance.

¶ **16. Indemnity bond—conditions.**] § 16. Before exercising any of the rights hereby granted the Chicago Elevated Terminal Railway Company shall execute to the city of Chicago a bond in the penal sum of two hundred thousand dollars ($200,000), to be approved by the mayor and comptroller, conditioned that the said company shall and will observe and perform all of the provisions of this ordinance, and shall and will forever indemnify the city of Chicago against and from any and all damages, judgments and decrees and costs, and expenses of the same, which said city may suffer, or which may be recovered or obtained against said city, for or by reason of, or growing out of, or resulting from, the passage of this ordinance, and from any act or acts of the said company, under or by virtue of the privileges of this ordinance. But the giving of such bond, or the amount thereof, shall not be taken in any way to limit the liability of said company, its successors, lessees and assigns, under section 15 or other provisions of this ordinance. The permission and authority by this ordinance given and granted are so given and granted upon the further express condition that before exercising any of the rights hereby granted and within ninety (90) days from the passage of this ordinance, the Chicago Ele-

vated Terminal Railway Company aforesaid shall deposit with the city treasurer of the city of Chicago, the sum of one hundred thousand dollars ($100,000), as further security for the faithful observance and performance, by said company, of provisions and conditions of this ordinance on its part to be observed and performed; provided, however, that said sum of one hundred thousand dollars ($100,000) shall be returned and repaid to said company immediately upon the completion by it of two miles of its tracks herein authorized, if so completed within the period of three years from and after the passage of this ordinance, and if said company shall not complete said two miles of tracks within said three years, then said sum of one hundred thousand dollars ($100,000) shall belong to and be retained by said city of Chicago, as a consideration in part for the permission and authority hereby given; and, in accepting said ordinance, said company shall thereby specifically agree hereto. And further provided, that upon the recovery of any final judgment or judgments against said city as aforesaid, the said company shall immediately, and without prior payment of such judgment or judgments by said city, be liable to pay, and shall pay, the amount or amounts thereof to the said city, and the fact that said city may not have paid such judgment or judgments shall constitute no defense on the part of said company, but in any such suit the said company shall have the right to intervene and defend the same in the name of the city.

¶ 17. **In effect—acceptance—bond.**] § 17. This ordinance shall not take effect until accepted by the Chicago Elevated Terminal Railway Company and until said company shall file the bond, as provided by section 16 hereof, said acceptance to be filed within thirty (30) days from the passage of this ordinance, and said bond and deposit to be filed within ninety (90) days from the passage hereof; and unless said acceptance and bond are filed within the time required then this ordinance shall be null and void.

CONSOLIDATED RAPID TRANSIT & ELEVATED RAILROAD COMPANY.

§ 391. Consolidated Rapid Transit & Elevated Railroad company.

¶ 1. Preamble.
¶ 2. Grant—route.
¶ 3. Conditions of grant—specifications.
¶ 4. Conditions—user—trains.
¶ 5. Conditions—rate of fare.
¶ 6. Conditions—telegraph wires, etc
¶ 7. Time limit.
¶ 8. Acceptance—bond.

An ordinance authorizing the Consolidated Rapid Transit & Elevated Railroad company to construct, maintain and operate an elevated railroad in Hyde Park. (Passed and approved November 17, 1887. Bond filed November 18, 1887. Accepted November 21, 1887.)

¶ 1. **Preamble.**] Whereas, the owners of the lands representing more than one-half of the frontage of such parts of each of the streets, avenues, alleys and public places as are sought to be used by "The Consolidated Rapid Transit and Elevated Railroad Company of Chicago," for an elevated railroad over, through and along the various streets, alleys, avenues and public places hereinafter specifically named, have, as required by law, duly petitioned the president and board of trustees of the village of Hyde Park to grant unto the said "The Consolidated Rapid Transit and Elevated Railroad Company of Chicago," the right to use as much of said streets, alleys, avenues and public places as are necessary to construct, maintain and operate said elevated railroad thereon and thereover. Now, therefore, in compliance with said petition, and under and by virtue of the powers duly vested in said board of trustees by law:

¶ 2. **Grant—route.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That "The Consolidated Rapid Transit and Elevated Railroad Company of Chicago," a corporation duly organized under and in accordance with the laws of the state of Illinois, its successors and assigns, be and they are hereby licensed, permitted, authorized and fully empowered to locate, construct and to forever maintain and operate with steam power, a double track elevated railroad, together with sidings, switches, cross-overs, turn-outs, loop lines, branches and connections as may be necessary to the safe, successful and proper operation thereof, over, along, through and across the streets, alleys, avenues, public places and lands in the village and town of Hyde Park hereinafter specifically mentioned and defined, and beginning, continuing and terminating as follows, viz:

Commencing at a point on Forty-third street where said street intersects or forms a junction with State street, and from the center line of said State street; thence east from said point of intersection and from said center line of said State street over, through and along the roadway of said Forty-third street and over and across all intersecting streets, railroads, avenues, alleys, lands and places to the east line of the alley which is situated between Prairie and Calumet avenues; thence south from the north line of said Forty-third street, and from the said point of intersection over, through and along said alley, and over and across all intersecting streets, railroads, avenues, alleys, lands and places in the line and direction of said alley to the south line of Sixty-third street; thence east from the west line of said alley over, through and along the roadway of said Sixty-third street, and over and across all intersecting streets, railroads, avenues, alleys, lands and places to the east line of Charles avenue, or as it is sometimes called, St. Lawrence avenue or Foster street; thence south from the intersec-

tion or junction of Sixty-third street with Charles avenue, and from the north line of Sixty-third street over, through and along the roadway of Charles avenue, or St. Lawrence avenue, or Foster street, and likewise over and across all intersecting streets, railroads, avenues, alleys, lands and places in the line and direction of said Charles avenue or St. Lawrence avenue or Foster street to the south line of Eighty-third street; thence west from the intersection or junction of Charles avenue, or St. Lawrence avenue, or Foster street, with Eighty-third street, and from the east line of said Charles avenue, or St. Lawrence avenue, or Foster street, over, through and along the roadway of Eighty-third street, and likewise over and across all intersecting streets, railroads, avenues, alleys, lands and places in the line and direction of said Eighty-third street to the center line of State street; thence south from the intersection or junction of Eighty-third street with State street, and from the north line of Eighty-third street over, through and along the roadway of said State street, and likewise over and across all intersecting streets, railroads, avenues, alleys, lands and places in the line and direction of said State street to the south line of One Hundred and Twenty-fifth street, the terminus of the foregoing described line or location.

And, again, from the intersection or junction of Charles avenue, or St. Lawrence avenue, or Foster street, with Eighty-third street, and from the north line of said Eighty-third street thence south over, through and along the roadway of Charles avenue, or St. Lawrence avenue, or Foster street, and likewise over and across all intersecting streets, railroads, avenues, alleys, lands and places in the line and direction of said Charles avenue, or St. Lawrence avenue, or Foster street, to the south line of Eighty-seventh street; thence east from the intersection or junction of Charles avenue, or St. Lawrence avenue, or Foster street, with Eighty-seventh street, and from the west line of said Charles avenue, or St. Lawrence avenue, or Foster street, over, through and along the roadway of Eighty-seventh street, and likewise over and across all intersecting streets, railroads, avenues, alleys, lands and places in the line and direction of said Eighty-seventh street, to the east line of Commercial avenue.

¶ 3. **Conditions of grant—specifications.**] § 2. The authority hereby given, and the rights, powers and privileges hereby granted, are upon the express condition that the entire design or plan of the said railroad shall be that of an elevated structure, composed of a series of wrought iron or of steel columns, fixed in iron socket bases resting on and securely fastened or bolted to foundations composed of concrete or of stone and brick masonry, constructed entirely beneath the surface of the roadways and sidewalks and otherwise located and erected in the curb line of the streets and avenues, and in or within the side lines of the alleys, by which method of construction the roadways of the alleys and both sidewalks and the roadways of the streets and avenues shall be left practically free and unobstructed for public use.

Transversely, these said columns so located and erected as aforesaid shall be connected by and shall carry cross girders spanning the roadways from curb to curb, to which said cross girders shall be affixed the longitudinal girders or track stringers. The clear head room between the lower chords of all said girders and the finished or paved surface of the roadways beneath, shall at no point be less than sixteen (16) feet above grade, established by the village authorities, which grade shall be given upon request, without unreasonable delay, and whenever said elevated structure passes over the right of way and the tracks of existing surface steam railroads, the clear head room between the lower chords of all said girders and the surface of the rails in all of said railroads, and from out to out of their said right of way, shall not be less than twenty (20) feet.

No columns shall be located and erected in the roadways of intersecting streets, avenues or alleys, and the widths of all stairways leading up to passenger stations shall not exceed a length of five feet on the sidewalks, measured from the curb lines at a right angle thereto. The entire structure shall be designed, fabricated and constructed in an absolutely safe and reliable manner and both materials and workmanship shall be standard of their class and kind, and all parts of the structure shall be proportioned to carry,with absolute safety, a dynamic load equal to three thousand (3,000) pounds per lineal foot of each track, exclusive of the static weight of the structure itself. The tracks shall be located over the roadways—never over the curb lines—the center line of each track being fixed about six (6) feet on each side of the center line of the said elevated structures.

Passenger stations, of easy and convenient access, shall be erected and maintained along the line at convenient and practical distances apart, generally about half a mile, with the exception of that part of the line situated north of Sixty-third street, whereon the passenger stations shall be located, constructed and maintained at distances never exceeding one-half of one mile apart, and all such station buildings, and likewise all passenger cars, when in use, shall be comfortably heated during the winter months, or whenever necessary at any season, and they shall also be properly lighted with gas or electricity and thoroughly ventilated at all seasons, the sanitary fixtures and appliances used being exclusively such as are recognized as the best for the purpose to which they are applied. The motive power shall be fully equipped with all modern devices calculated to render it practically noiseless and smokeless, and to prevent the discharge of cinders and sparks; and suitable and practical devices shall likewise be placed beneath all station buildings and platforms and at all street crossings to intercept and carry off storm water and drippings from melting snow or other devices, and similar devices shall also be applied to both motive power and rolling stock, to intercept and hold all cinders, ashes, oil or anything else that may drop from passing trains to the surface of the streets beneath the structure.

¶ 4. **Conditions—user—trains.**] § 3. The rights, powers and privileges hereby granted are upon the further express condition that said elevated railroad shall be exclusively used for the transportation of passengers only; and that within a period of six months following the opening of that portion of its line north of Eighty-third street, it shall cause its trains to be regularly and systematically operated at intervals not exceeding fifteen minutes apart between the hours of six and nine o'clock a. m. and four and seven o'clock p. m., and during the remaining hours at intervals not exceeding thirty minutes apart, and the number of all such trains and the frequency with which they are operated shall be increased as rapidly as the demands of the public and the increase of traffic shall warrant.

¶ 5. **Conditions—rate of fare.**] § 4. The rights, powers and privileges hereby granted are upon the further express condition that the rates of fare to be charged by said elevated railroad from its northern terminus in the city of Chicago, to all points on its said line south of Thirty-ninth street, shall not exceed the present rates of fare charged at this time by existing surface steam railroads for equal distances in the same direction from their present northern terminus in said city of Chicago.

¶ 6. **Conditions—telegraph wires, etc.**] § 5. The rights, powers and privileges hereby granted are upon the further express condition that wherever the erection, maintenance and operation of said elevated railroad shall require the movement or elevation of the wires belonging to any telegraph, telephone, railroad or electric lighting company, or the fire alarm or police patrol wires belonging to the village government, all such changes shall be made and all work incidental thereto shall be executed and performed at the sole expense of "The Consolidated Rapid Transit and Elevated Railroad Company of Chicago."

¶ 7. **Time limit.**] § 6. The rights, powers and privileges hereby granted are upon the further express condition that the elevated railroad authorized by this ordinance shall be constructed, equipped and operated within three (3) years from the passage thereof, and that if not so constructed, all the rights, powers and privileges therein granted and contained shall cease and be null and void and of no effect. Provided, however, that if the construction of said elevated railroad, its appurtenances, buildings, passenger stations and various approaches thereto, shall be hindered or delayed by injunctions or other necessary or unavoidable legal proceedings, either as to the lines or locations herein specified, or as to the extension of said lines of elevated railroads northward to the terminus in the city of Chicago, the time lost or absorbed by all such delays shall be excluded from the said period of three years fixed herein, and the same, in addition to the said period of three years above specified, shall be allowed for construction of said lines of elevated railroad within the meaning and in-

tent of this said ordinance. But the village of Hyde Park shall have the right to intervene, at its option, in any such legal proceedings in any court and become a party thereto and move for the dissolution of any injunction, or the vacation of any order or decree therein.

¶ 8. **Acceptance—bond.**] § 7. The rights, powers and privileges hereby granted are upon the further express condition that the said "The Consolidated Rapid Transit and Elevated Railroad Company of Chicago" shall, within a period of thirty (30) days following the passage of this ordinance, file with the clerk of the village of Hyde Park its written acceptance of the same, and within a period of sixty (60) days following the passage of this said ordinance shall also file a bond with said clerk, with security to be approved by the president and board of trustees of the village of Hyde Park, in the penal sum of one hundred thousand (100,000) dollars, conditioned that it, the said railroad company, will faithfully observe and carry out all the provisions of this said ordinance, and that it will forever indemnify and save harmless the said village of Hyde Park against and from any and all damages, judgments, decrees, costs and expenses which it, the said village of Hyde Park, may suffer or which may be recovered against it, for or by reason of, or growing out of, or in any manner resulting from, the passage of this ordinance, or anything connected therewith, or with the exercise by said railroad company of the rights, powers and privileges hereby granted, or from any act or acts of the said railroad company under or by virtue of the provisions hereof.

EQUITABLE TRANSPORTATION COMPANY.

§ 392. Equitable Transportation company.

¶ 1. Grant—route.
¶ 2. Conditions of grant—specifications.
¶ 3. Conditions—user—rate of fare.
¶ 4. Telegraph wires, etc.—exemptions from fare.
¶ 5. Rights reserved—viaducts.
¶ 6. Grant subject to ordinances.
¶ 7. Time limit.
¶ 8. Acceptance—bond.

An ordinance authorizing and permitting the Equitable Transportation company to construct, maintain and operate an elevated railway in the town of Lake. (Passed July 1, 1889. Accepted July 1, 1889.)

¶ 1. **Grant—route.**] Be it ordained by the president and board of trustees of the town of Lake: § 1. That permission and authority are hereby granted to the Equitable Transportation Company, a corporation duly organized and existing under and by virtue of the laws

of the state of Illinois, its successors and assigns, to locate, construct, maintain and operate, with steam or other propelling power, an elevated railway with one or more tracks, together with all necessary sidings, switches, cross-overs, turn-outs, loop-lines, branches and connections, equipments and other appurtenances of a first-class elevated railway, together with such telegraph, telephone, electric, pneumatic and other devices and appliances as may be necessary for operating its road over, along through and across the streets, alleys, avenues, public places and lands in the town of Lake, Cook county, Illinois, hereinafter specifically mentioned and defined, and beginning, continuing and terminating as follows:

Commencing at the intersection of State and Thirty-ninth streets, thence west on Thirty-ninth street, over, through and along the roadway of said Thirty-ninth street, and over and across all intersecting streets, avenues, alleys, railroads, lands and public places, to the intersection of Thirty-ninth and Halsted streets; thence south from the intersection of Thirty-ninth and Halsted streets over, through and along the roadway of said Halsted street, and over and across all intersecting streets, avenues, alleys, railroads, lands and public places to the intersection of Halsted street and Vincennes or Summit avenue; thence southwesterly from the intersection of Halsted street and Vincennes or Summit avenue through and along the roadway of said Vincennes or Summit avenue, and over and across all intersecting streets, avenues, alleys, railroads, lands and public places to the intersection of Vincennes or Summit avenue and Eighty-seventh street; thence east from the intersection of Vincennes or Summit avenue and Eighty-seventh street over, through and along the roadway of said Eighty-seventh street, and over and across all intersecting streets, avenues, alleys, railroads, lands and public places to the intersection of Eighty-seventh and State street.

Commencing at the intersection of State and Thirty-ninth streets, thence south on State street, over and along the roadway of said State street, and over and across all intersecting streets, avenues, alleys, railroads, lands and public places to the intersection of State and Eighty-seventh street.

Commencing at the intersection of State street and Vincennes road, thence southwesterly in Vincennes road over, through and along the roadway of said Vincennes road, and over and across all intersecting streets, avenues, alleys, railroads, lands and public places to the intersection of Vincennes road and Vincennes or Summit avenue.

Commencing at the intersection of Forty-seventh street and Center avenue, thence south on Center avenue over, through and along the roadway of said Center avenue, and over and across all intersecting avenues, streets, alleys, railroads, lands and public places to the intersection of Center avenue and Eighty-seventh street.

Commencing at the intersection of Thirty-ninth street and Ashland avenue, thence south on Ashland avenue over, through and along

the roadway of said Ashland avenue, and over and across all intersecting avenues, streets, alleys, railroads, lands and public places to the intersection of Ashland avenue and Eighty-seventh street.

Commencing at the intersection of Thirty-ninth street and Western avenue, thence south on Western avenue over, through and along the roadway of said Western avenue, and over and across all intersecting avenues, streets, alleys, railroads, lands and public places to the intersection of Western avenue and Eighty-seventh street.

Commencing at the intersection of Thirty-ninth and Wallace streets, thence south on Wallace street over, through and along the roadway of said Wallace street, and over and across all intersecting avenues, streets, alleys, railroads, lands and public places to the intersection of Wallace and Forty-second streets; thence west from the intersection of Wallace and Forty-second streets on Forty-second street, over, through and along the roadway of said Forty-second street, and over and across all intersecting avenues, streets, alleys, railroads, lands and public places to the intersection of Forty-second and Halsted streets.

Commencing at the intersection of State and Seventy-ninth streets, thence west over, through and along the roadway of said Seventy-ninth street, and over and across all intersecting avenues, streets, alleys, railroads, lands and public places to the intersection of Seventy-ninth street and Johnson avenue.

Commencing at the intersection of State street and Forty-third street, thence west on Forty-third street over, through and along the roadway of said Forty-third street, and across all intersecting avenues, streets, alleys, railroads, lands and public places to the intersection of Forty-third street and Halsted street.

Commencing at the intersection of State street and Sixty-ninth street, thence west on Sixty-ninth street over, through and along the roadway of said Sixty-ninth street, and across all intersecting avenues, streets, alleys, railroads, lands and public places to the intersection of Sixty-ninth street and Johnson avenue.

Commencing at the intersection of State and Forty-seventh streets, thence west on Forty-seventh street over, through and along the roadway of said Forty-seventh street, and over and across all intersecting avenues, streets, alleys, railroads, lands and public places to the intersection of Forty-seventh street and Johnson avenue.

Commencing at the intersection of Thirty-ninth street and Johnson avenue, thence south on Johnson avenue over, through and along the roadway of said Johnson avenue, and over and across all intersecting avenues, streets, alleys, railroads, lands and public places to the intersection of Johnson avenue and Eighty-seventh street.

Commencing at the intersection of Ashland avenue and Thirty-ninth street, thence west on Thirty-ninth street over, through and along the roadway of said Thirty-ninth street, and over and across all

intersecting avenues, streets, alleys, railroads, lands and public places to the intersection of Thirty-ninth street and Johnson avenue.

¶ 2. **Conditions of grant—specifications.**] § 2. The authority hereby given and the rights, powers and privileges hereby granted are upon the express condition that the entire design or plan of said railroad shall be that of an elevated structure, composed of a series of wrought iron or steel columns fixed in iron socket bases, resting on and securely fastened or bolted to foundations composed of concrete or stone and brick masonry, constructed entirely beneath the surface of the roadways and sidewalks, and otherwise located and erected in the curb line of the streets and avenues, and in or within the side lines of the alleys, by which method of construction the roadways of the alleys, and both sidewalks and roadways of the streets and avenues, shall be left practically free and unobstructed for public use. Transversely, these columns so located and erected as aforesaid, shall be connected by and shall carry cross girders spanning the roadways from curb to curb, to which said cross girders shall be affixed longitudinal girders or track stringers. The clear head room between the lower chords of all said girders and the street grade beneath, established by the town authorities, shall at no point be less than sixteen feet, which grade shall be furnished upon request and without unnecessary delay. Provided, however, that said company shall have the privilege, authority and power to construct and operate over and upon all the streets, and alleys aforesaid, what is known as the single post and track system, that is to say, a track on each side of such streets, avenues and alleys, or within the limits thereof, without cross girders, the same below ground, as to foundations, to be constructed as hereinbefore provided. And wherever said elevated structure passes over the right of way and the tracks of existing steam surface railways, the clear head room between the lower chords of all said girders and the surface of the rails in all said railroads, and from out to out of their said right of way or tracks, shall not be less than twenty feet, whichever system shall be adopted. No column shall be located and erected in the roadways of intersecting streets, avenues or alleys, and the width of all stairways leading up to passenger stations shall not exceed a length of five (5) feet on the sidewalk, measured from the curb line, and at a right angle thereto. The entire structure shall be designed, fabricated and constructed in an absolutely safe and reliable manner, and both materials and workmanship shall be standard of their class and kind, and all parts of the structure shall be proportioned to carry, with absolute safety, a dynamic load equal to three thousand (3,000) pounds per lineal foot of each track, exclusive of the static weight of the structure itself. The tracks shall be located over the roadways—never over the curb lines, excepting on curves—the center line of each track being fixed about six feet on each side of the center line of the elevated structure. Neat and commodious passenger stations of easy and convenient access, and whose architectural details and general design shall be of

recognized excellence, shall be erected and maintained along the line at convenient and appropriate distances apart, generally about half a mile, and at all such station buildings and appurtenances, and likewise all passenger cars, when the latter are in use, shall be comfortably heated during the winter months, or whenever necessary at any season; and they shall be properly lighted with gas, electricity or otherwise, and thoroughly ventilated at all seasons; and the system of illumination, and the sanitary fixtures and appliances adopted and used, shall be such as are recognized as of the best for the purpose to which they are applied. The platforms of all passenger stations shall be free from obstructions and projections of any kind; and all of said platforms and the lines of stairs leading to and from the same shall be securely protected by strong wrought iron or steel railings not less than three and one-half feet high. The permission and authority to locate, construct and maintain all such requisite platforms, landings and lines of stairs, leading to and from the sidewalks of the streets and the said elevated stations, being herein expressly granted to said company whenever and wherever such methods of reaching said stations may be found necessary. Nothing herein contained, however, shall prohibit said company from locating and maintaining its stations in buildings which it may purchase, lease or erect on grounds purchased, acquired by condemnation or lease along its lines, and wherein it may, for the convenience and comfort of its passengers, place its ticket offices, waiting rooms, sanitary accommodations, stairways, elevators and all requisite methods of ingress and egress, and the right to construct and maintain covered passageways for connections between the interior of all such stations, buildings and the exterior platform, is hereby expressly granted to said company. All of said supporting columns, cross girders, longitudinal girders, platform connections and hand railings, shall be thoroughly and neatly painted in light-colored tints, and this general and sightly appearance shall be maintained at all times. The motive power shall be fully equipped with all modern devices best calculated to prevent noise, or the discharge of dust, ashes, sparks, cinders or smoke into the surrounding atmosphere. Neither wood nor bituminous coal shall be used for fuel in the locomotives of said company. Suitable and practicable devices shall be permanently placed and maintained beneath all station buildings and platforms, and also at all street crossings, arranged to intercept and promptly carry off storm water and drippings from melting snow, or from any other causes whatsoever; and similar devices shall also be applied to the motive power and rolling stock to intercept and hold all cinders, ashes, oil or anything else that may drop from moving trains to the surface of the streets beneath the structure.

¶ 3. **Conditions—user—rate of fare.**] § 3. The rights, powers and privileges hereby granted are upon the further express condition that the said elevated railroad shall be exclusively used for the transportation of passengers and mails only. Its trains shall be regu-

larly and systematically operated at intervals not exceeding fifteen minutes apart between the hours of six and nine o'clock a. m., and four and seven o'clock p. m., and during the remaining hours at intervals not exceeding thirty minutes apart, and the number of all such trains and the frequency with which they are operated shall be increased as rapidly as the demands of the public and the increase of traffic shall warrant. The rates of fare shall not exceed ten cents for each adult passenger for any continuous single trip from any station of said company in the town of Lake to any station of said company in the present city limits of Chicago.

¶ 4. **Telegraph wires, etc.—exemptions from fare.**] § 4. The rights, powers and privileges hereby granted are upon the further express condition that whenever the erection, maintenance and operation of said elevated railroad shall require the movement or elevation of the wires belonging to any telegraph, telephone, railroad or electric lighting company, or the fire alarm or police patrol wires belonging to the town of Lake, all such changes shall be made and all work incidental thereto shall be executed and performed at the sole expense of the said Equitable Transportation Company. The town of Lake shall have the right to use the structure or track authorized by this ordinance for placing thereunder its police, fire alarm, telephone and electric wires, and for so doing no charge shall be made to the said town of Lake. No fare shall be collected from any police officer or member of the fire department of the town of Lake, wearing his uniform, riding on any of the trains of said company.

¶ 5. **Rights reserved—viaducts.**] § 5. The town of Lake reserves the right, whenever it may deem necessary, to erect and construct a viaduct and approaches thereto upon any street over which the Equitable Transportation Company may cross, without incurring any liability on the part of said town to said company for any damages whatsoever, and the said company shall immediately and with reasonable dispatch change its structure over any street where such viaduct and approaches are ordered to be constructed, upon notice from the board of trustees, and the said company shall rebuild and construct said railway in such manner as to the distances and heights of the same over said viaduct, not exceeding sixteen feet, as may be required by an ordinance of said town, and said change of structure shall be without expense to the said town and at the expense of said company. If the said company, after being notified in writing to change its structure where any viaduct has been ordered to be built by said town of Lake, shall fail to do so within ninety days from the date of service of said notice, then the said town of Lake may remove the entire roadway, structure, tracks and railway system of said company from such street, within which such viaduct is to be erected, and shall not be liable to said company for any damage of any kind whatsoever for the aforesaid removal, but the said company shall pay to the said town the entire cost and expense of such removal.

¶ 6. **Grant subject to ordinances.**] § 6. The privileges hereby granted shall be enjoyed subject to all general ordinances that now are or hereafter may be in force applicable to elevated railroads in said town of Lake.

¶ 7. **Time limited.**] § 7. The foregoing privileges and franchise is granted upon the further express condition that said company, or its assigns, shall, within three years from the passage of this ordinance, construct, equip and operate so much of said road as shall constitute a line from Thirty-ninth and State streets to the Union Stock Yards, and also from said Thirty-ninth street to Eighty-seventh street. Provided, however, that if the construction of said elevated railroad, its appurtenances, buildings, passenger stations and various approaches thereto, shall be hindered or delayed by injunction or other necessary or unavoidable legal proceedings, either as to the lines or locations herein specified, or as to the extension of said lines of elevated railroad northward to the terminus in the city of Chicago, the time lost or absorbed by all such delays shall be excluded from the period of three years fixed herein, and the same, in addition to the period of three years above specified, shall be allowed for the construction of said lines of elevated railroad within the meaning and intent of this ordinance; but the town of Lake shall have the right to intervene at its option in any legal proceedings in any court, and become a party thereto, and move for the dissolution of any injunction, or the vacation of any order or decree therein.

¶ 8. **Acceptance—bond.**] § 8. The rights and privileges hereby granted are upon the further express condition that the said Equitable Transportation Company shall within a period of sixty days following the passage of this ordinance file with the clerk of said town of Lake its written acceptance of the same, and upon the commencement of the construction of said elevated railroad, file with said clerk a bond in the penal sum of one hundred thousand dollars, to be approved by the president and board of trustees, conditioned, fully observe and carry out all the provisions of this ordinance, and that it will forever indemnify and save harmless the said town of Lake against and from any and all damages, judgments, decrees, costs and expenses, which it, the said town of Lake, may suffer, or which may be recovered against it, for or by reason of, or growing out of, or in any manner resulting from the passage of this ordinance, or anything connected therewith, or with the exercise by said railroad company of the rights, powers and privileges hereby granted, or from any act or acts of the said railroad company under or by virtue of the provisions hereof.

LAKE STREET ELEVATED RAILWAY COMPANY.

§ 393. Lake Street Elevated Railway company.

¶ 1. Grant—route.
¶ 2. Conditions of grant—specifications.
¶ 3. Two tracks—telegraph, etc.—motive power
¶ 4. Specifications—materials.
¶ 5. Specifications—Meigs' system.
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¶ 12. Fares—commutation tickets—police, etc., free.
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¶ 14. Smoke, noise, etc.—drippings—fuel—wires.
¶ 15. Rights reserved—speed—heating, etc.
¶ 16. Limited to passenger service and mail service.
¶ 17. Rights reserved—grades—pavements.
¶ 18. Rights reserved—viaducts.
¶ 19. Indemnity clause—penalty for violation.
¶ 20. Compensation—annual license fee.
¶ 21. Time for completion—cash deposit.
¶ 22. Use of structure by city.
¶ 23. Bond—conditions.
¶ 24. Term of grant—right of purchase.
¶ 25. Limitation of grant.
¶ 26. Suspension of work.
¶ 27. When in force.

An ordinance authorizing the Lake Street Elevated Railway company to construct, maintain and operate an elevated railroad on Lake street from Canal street to the city limits. (Passed December 28, 1888. Accepted February 25, 1889.)

¶ 1. Grant—route.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be, and the same is hereby, given to the Lake Street Elevated Railway Company, a corporation organized under the laws of the state of Illinois, to construct, maintain and operate an elevated railroad, with two tracks, and such curves, supports and columns, girders, telegraph, telephone and signal devices, for the sole use of said company, as may be necessary and proper, subject to the terms and conditions of this ordinance, along and upon the following route, in the city of Chicago, county of Cook and state of Illinois, to wit: The said Lake Street Elevated Railroad Company is hereby authorized to construct and operate, by steam power or electricity, an elevated railway on and along Lake street in said city of Chicago, commencing on the west side of Canal street and running thence west on said Lake street to the present city limits.

¶ 2. Conditions of grant—specifications.] § 2. The permission, authority and privileges hereby given are upon the express condition that the elevated structure, which shall consist of cross girders, suspended or upheld upon or by rows of iron posts or iron columns, located upon the curb line on each side of said Lake street, which cross

girders shall support the two tracks along and over the center line of said street, and that all switches, sidings or turnouts shall be located on said street: Provided, that the said company shall have the privilege of constructing the track girders of its structure upon pivots, so that in the event of an emergency it may connect its main tracks, upon permission being given by the commissioner of public works, which permit shall definitely state the time during which said pivotal girder may be used. The said railroad company shall cross at an elevation, as hereinafter specified, any and all intersecting streets, avenues, alleys and railroad tracks, upon or along the line of the said route as designated in the first section, said company to be subject at all times to the direction of the department of public works, and plans and specifications shall be submitted to and filed with the commissioner of public works, who shall determine whether the said plans and specifications comply with the provisions of this ordinance, and the said company shall not commence to build and erect said elevated railroad system and structure until said plans and specifications are so approved by the commissioner of public works. The construction of said elevated railroad shall be under the supervision of the commissioner of public works of the city of Chicago. It shall be his duty to examine the materials used and the work done on said elevated road in all the details. If the materials used and the work done upon said structure do not comply with the provisions of this ordinance, then the said commissioner of public works is hereby vested with the authority to summarily stop the work upon said elevated railroad until the provisions of this ordinance are fully complied with.

¶ 3. **Two tracks—telegraph, etc.—motive power.**] § 3. The said company shall, and it is hereby authorized to, construct, maintain and operate two elevated railroad tracks, with such curves, supports, columns, girders, telegraph, telephone and signal devices, as above specified in the first section, as may be necessary or proper upon said Lake street, and across the streets and avenues and alleys intersecting said streets, and the said railroad company shall use and operate the railroad tracks hereby authorized to be constructed, with locomotive or other engines or motors and cars, subject to all ordinances of the city of Chicago applicable thereto.

¶ 4. **Specifications—materials.**] § 4. The permission, authority and privileges hereby granted are upon the express conditions that the entire design and plan of the said railroad, from its eastern to its western terminus, shall be that of an elevated structure, and all material used for that part of the structure above the ground shall be of wrought iron or steel, and except the rails, which shall be of steel, and except the longitudinal stringers supporting the rails, which shall be of the best quality and kind of selected lumber. All station platforms shall be protected by a substantial railing. All material used in the construction of the entire work shall be of the best quality for the

purposes to which they are to be applied, and the work shall be executed in a workmanlike manner.

¶ 5. **Specifications—Meigs' system.**] § 5. The general plan or plans of the structure shall be of an elevated railroad, with the track and longitudinal girders suspended or upheld upon cross girders, supported by rows of iron posts or iron columns, set upon the curb line, according to the plan of the Meigs' system of elevated railway, which consists of a compound lattice girder four feet in depth, twenty-two and one-half (22½) inches wide at the lower chord, and seventeen (17) inches wide at the top of the upper chord, and shall be made entirely of iron or steel, excepting the longitudinal stringers, upon which the rails are placed. Of these wooden stringers or cushions there shall be four; two (2) on the upper chord upon which the rails for the driving wheels are placed and two (2) on the lower chord of the girder, upon which the rails for sustaining the supporting and weight bearing wheels revolve. The posts are of iron, twelve and three-quarters (12¾) inches by eighteen (18) inches and twenty-six (26) feet long. Each post shall be set in the earth down six (6) feet below the surface of the street, on a firm foundation, and shall be solidly and firmly encased in a concrete filling, rammed solidly, so as to resist all lateral movements of any kind. The truck of each engine or motor and car shall be constructed with a heavy iron frame, and placed astride the upper chord and girder, extending down on each side four feet. The top of the iron truck frame being one and one-half (1½) inches above the top of the upper chord of the longitudinal girder, and all to be so constructed as to make derailment impossible. The cross girders shall be plate girders of iron or steel, and in cross sections not less than three (3) feet, subject, however, to the approval of the commissioner of public works.

¶ 6. **Span over cross streets.**] § 6. When the width of any cross street, avenue or alley, between the curbs thereof, is sixty (60) feet or less, every cross street, avenue or alley shall be spanned by a single span.

¶ 7. **Specifications—columns.**] § 7. The longitudinal diameter of each column or post shall not exceed eighteen (18) inches at the base, nor at any point above the ground. The transverse diameter of a column or post, when placed on the line of a curb, shall not exceed twelve and three-quarters (12¾) inches at the base, nor at any point above it.

¶ 8. **Column fenders.**] § 8. The transverse diameter of the columns or posts, above indicated, does not include fenders; and adequate fenders shall be fitted at the base of each column or post placed in the roadway of any street or avenue to prevent the hubs of the wheels of passing vehicles from striking said columns or posts.

¶ 9. **Columns—distance—location.**] § 9. The longitudinal distance between columns shall not be less than thirty-three (33) feet,

except on curves and as provided in section six (6) of this ordinance. At curves the longitudinal distance between columns shall be determined by the commissioner of public works. All posts shall be placed on lot lines, where practicable; the location of posts to be determined by the commissioner of public works.

¶ 10. **Girders—height—head-room.**] § 10. No part of the girders of the superstructure shall be less than fourteen (14) feet above the established grades of streets and alleys and sidewalks, and whenever said elevated structure crosses and passes over the right of way and tracks of existing surface steam railroads the clear head room between the lower chords of all of said girders and the surface of the rails in all of said railroads, and from out to out of their said right of way, shall not be less than twenty (20) feet.

The permission and authority hereby granted are upon the further express condition that nothing herein contained shall be construed to prevent the city council from granting to any other elevated railroad company or railroad company the right to cross the line hereby authorized, at an elevation above the tracks of this company so great that the clear head room between the lower chord of the girders of such elevated structure so crossing, and the surface of the rails of the structure of this company shall be at least fourteen (14) feet; Provided, that in any changes hereafter to be made in the grade of said streets, or the erection of viaducts across the same, said other railroad or elevated railroad company or companies shall be obliged, at its own cost and without cost to this company, to raise its elevated structure so as to conform to the height above the tracks of this company in this section prescribed.

¶ 11. **Proportioned to resist momentum—expense of supervision.**] § 11. The different parts of the structure and the connections shall be properly proportioned to resist all of the momentum of the train which can, by the application of brakes or in any other manner, be imparted to the structure. During the construction of this road said company shall pay to the city the sum of three thousand dollars per annum for services of engineers to supervise the construction of said road.

¶ 12. **Fares—commutation tickets—police, etc., free.**] § 12. The rates and fares to be charged and collected upon trains to be run upon the said railroad shall not exceed five cents per passenger for any continuous trip within the present and future city limits; and at the expiration of two years after the final completion of the said elevated railway, as hereby authorized, the said The Lake Street Elevated Railway Company, shall place on sale at all stations commutation tickets, at the rate of twenty-five tickets for one (1) dollar: Provided, no fare shall be collected of any police officer, wearing his uniform, or member of the fire department, wearing his uniform, riding on any of the trains of said company.

¶ **13. Landings—location—size—number, etc.**] § 13. The said company shall have permission and authority to construct necessary platforms and landing places from the line of their elevated railway system across the roadway and sidewalk to the passenger stations, which said passenger stations shall be located within the building line of said street and upon property purchased or controlled by said company. All landing places located in the streets of the city, along the line of the tracks of the said company, shall not exceed one hundred feet in length and six feet in width; and it is expressly agreed and provided that, in the location of stations along its line, the said company shall locate not less than four stations in each mile, save and except where parks intervene. Said platforms and landing places shall have a clear head room of eighteen (18) feet above the surface of the sidewalk, and no stairs, stairway, elevator, landing place or other construction or appliance, shall be located within the sidewalk space or in any portion of said Lake street. Before the construction of any such platform or landing places, as aforesaid, plans thereof shall first be submitted to the commissioner of public works for his approval, and none of the matters authorized by this section shall be constructed without the written approval of plans to be submitted to and filed with the commissioner of public works.

¶ **14. Smoke, noise, etc.—drippings—fuel—wires.**] § 14. The motive power shall be fully equiped with all modern devices calculated to render it practically noiseless and smokeless, and to prevent the discharge of cinders and sparks, and suitable and practical devices shall likewise be placed beneath all stations, buildings and platforms, and at all street crossings, to intercept and carry off storm water and drippings, from melting snow or other sources, and similar devices shall also be applied to both motive power and rolling stock to intercept and hold all cinders, ashes, oil or anything that may drop from passing trains to the surface of the street beneath the structure; Provided, that no wood or bituminous coal shall be used in the engine of any locomotive employed in conducting trains upon such elevated railroad; and provided further, that if said company shall operate its cars by electricity, then no wires shall be strung overhead, and all wires shall be confined in conduits, located along the girders at a distance of not less than fourteen (14) feet above the established grade of sidewalks, streets and alleys.

¶ **15. Rights reserved—speed—heating, etc.**] § 15. The privileges hereby given are subject to all general ordinances of the city of Chicago, now in force or hereafter to be passed, in reference to elevated railways, and the city of Chicago reserves to itself the right of regulating, by ordinance, the rate of speed and frequency at which the said trains shall run, and also the right to regulate the heating of cars and depots and also the right to impose such regulations as the council may deem necessary for the protection, convenience and safety of the public.

¶ 16. **Limited to passenger service and mail service.**] § 16. The rights and privileges hereby conferred are upon the further express condition that said elevated railroad shall be exclusively used for the transportation of passengers and mails.

¶ 17. **Rights reserved—grades—pavements.**] § 17. The city of Chicago reserves the right, at all times and whenever it may deem it necessary, to change the grade of any street or alley over which The Lake Street Elevated Railway Company may pass, without incurring any liability on the part of the city to said company, and, upon notice from the commissioner of public works, the said company shall immediately change its structure, over any street where the grade has been changed, to conform to the changed grade, in such a manner that the distances and heights provided in this ordinance shall be maintained, and such change of structure shall be without expense to the city.

The consent, permission and authority hereby given are upon the express agreement and condition that the said company shall do no permanent injury to the pavement, gutters, sidewalks, water pipes, sewer or gas pipes, telegraph or electric wires, cables or pipes, or sidewalk space occupied by adjacent owners, but said company shall restore the street pavement, gutter, sidewalks, water pipes, sewer or gas pipes, telegraph or electric wires, cables or pipes and sidewalk space occupied by adjacent owners, at its own expense, to a condition equally good as before the building of said elevated railroad, and if the said company shall fail or refuse so to do the same may be done by the city of Chicago, and the said company shall be liable to the city for the cost thereof. When any excavation shall be made by said company in any street, alley or public place paved with wooden blocks, the foundation boards or planks shall be removed without being cut, unless said cutting shall be specially permitted by the commissioner of public works of said city.

¶ 18. **Rights reserved—viaducts.**] § 18. The city of Chicago reserves the right, whenever it may deem necessary, to erect and construct a viaduct and approaches thereto upon any street over which The Lake Street Elevated Railroad Company of Chicago may cross, without incurring any liability on the part of the city to said company for any damages whatsoever, and the said company shall immediately change its structure over any street where such viaduct and approaches are ordered to be constructed, upon notice from the commissioner of public works, and the said company shall rebuild and construct the said railway in such a manner that the distances and heights provided in this ordinance shall be maintained over said viaduct, the same as herein provided over streets, and such change of structure shall be without expense to the city, and at the expense of said company. If the said company, after having been notified in writing by the commissioner of public works to change the structure over any street

where the grade has been changed, or after having been notified to change its structure where any viaduct has been ordered by the city of Chicago, shall fail so to do within sixty days from the date of said service of said notice, then the city of Chicago may remove the entire roadway, structure, tracks and railway system of said company from such street, and shall not be liable to said company for any damage of any kind whatsoever for the aforesaid removal, but the said company shall pay to the city of Chicago the entire cost and expense of such removal.

¶ 19. **Indemnity clause—penalty for violation.**] § 19. The permission and authority hereby given are upon the further express condition that the said railroad shall and will forever indemnify and save harmless the city of Chicago against and from any and all damages of every kind and character, including land and business damages and any and all damages to property of every kind and character, and from any and all damages, judgments, decrees, and costs and expenses of the same, which it may suffer, or which may be recovered or obtained against said city for or by reason of the granting or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted, or from any act or acts of the said company under or by virtue of the provisions of this ordinance; and, provided, that on the recovery of any final judgment against the said city of Chicago, as aforesaid, and a failure of said company to pay the same within sixty days after notice has been given to said company, all of the rights herein given under this ordinance shall cease and determine and the city of Chicago shall thereupon have the right, through its proper officers, to enter upon the right of way of said company and remove any and all of its tracks and elevated structures from any street or alley where the same may have been authorized by the provisions of this ordinance.

¶ 20. **Compensation—annual license fee.**] § 20. On the first day of May in each year said company shall pay to the city of Chicago, in advance, an annual license fee of fifty dollars ($50) for each and every car used by them in transporting passengers for hire, and at the time of said payment said company shall file with the city collector an affidavit subscribed and sworn to by its president, or other officer of said company, if required by the city collector, stating the number of cars so used by said company. Upon such payment being made the city clerk shall issue a license to said company for each of its cars so used, which license shall be issued as other licenses are issued, and each license shall contain the number of the car for which the same is paid and which license shall be posted by said company in some conspicuous place inside of each car so licensed.

¶ 21. **Time for completion—cash deposit.**] § 21. The privileges and authority hereby granted are so granted upon the further

express condition that at least two miles of the tracks authorized by this ordinance shall be laid down and constructed within one year from the passage of this ordinance, and if not so constructed and in operation all the rights and privileges granted by this ordinance to such company shall cease and be null and void, but the time during which any legal proceedings shall be pending, whereby the said company shall be prevented from or delayed in constructing its railroad or any part thereof, shall not be taken or deemed to be any part of the said two years; Provided, however, that the city law department may intervene in any suit and move for its dismissal, in case such suit may be deemed by said law department as collusive or for the purpose of delay or extension of such time. The privileges and authority hereby granted are upon the further express condition that said Lake Street Elevated Railway Company shall, within ninety days from the passage of this ordinance, deposit with the city treasurer the sum of one hundred thousand dollars ($100,000) as security for the faithful observance and performance of the provisions and conditions of this ordinance on its part to be observed and performed as aforesaid. The entire elevated system authorized by this ordinance shall be completed and in running order within two years from the passage of this ordinance. And provided, further, that if the said company shall complete two miles of its tracks within two years from the passage of this ordinance, then fifty thousand dollars ($50,000) shall be returned to said company upon the completion of the said two miles, and the remaining fifty thousand dollars ($50,000) shall not be returned to said company until its entire elevated system, authorized by this ordinance, shall be completed and in running order; and if the said company shall not complete the aforesaid two miles within two years, then the said one hundred thousand dollars ($100,000) shall be forfeited to, and become the property of, the city of Chicago; and if the said company shall not complete its entire system of elevated structure and tracks and have the same in complete running order within two years from the date of the passage of this ordinance, then all rights and privileges granted by this ordinance shall be null and void, and if the company shall build two miles of its tracks and shall not have completed its entire system within two years, then the said company shall forfeit fifty thousand dollars ($50,000) and the same shall become the property of the city of Chicago. If the said company shall comply with the provisions of this section in regard to the erection and completion of its system, then, upon a certificate of the commissioner of public works that the said company has complied with the provisions of this section, the mayor and the commissioner shall draw a warrant upon the city treasurer for such share of said one hundred thousand dollars ($100,000) as, under the provisions of this ordinance, the said company shall be entitled to.

¶ 22. **Use of structure by city.**] § 22. The city of Chicago shall have the right to use the structure or tracks authorized by this

ordinance for placing thereunder its police, fire alarm and telephone and electric wires, and for so doing no charge shall be made to the city of Chicago.

¶ 23. **Bond—conditions.**] § 23. The consent, permission and authority hereby given is upon the express agreement and understanding that the Lake Street Elevated Railroad Company, before exercising any of the rights hereby granted, shall execute to the city of Chicago a good and sufficient bond in the penal sum of five hundred thousand dollars ($500,000), with sureties to be approved by the mayor and comptroller of the city of Chicago, conditioned that it will observe, perform and carry out all the provisions of this ordinance, and will forever indemnify and save harmless the city of Chicago against and from any and all damages of every kind and character, including land and business damages, judgments, decrees, costs and expenses, which it may suffer, or which may be recovered or obtained against said city for, or by reason of, or growing out of, or resulting from, the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges, or any of them, herein granted, or from any act or acts of the said company under or by virtue of the provisions of this ordinance. The bond required by this section shall be filed with the city clerk within sixty days from the passage of this ordinance.

¶ 24. **Term of grant—right of purchase.**] § 24. The right to operate said railways shall extend to the full time of twenty-five years from the passage hereof, and at the expiration of said time the parties operating said railways shall be entitled to enjoy all of the privileges until the common council shall elect, by order for that purpose, to purchase said tracks of said railways, cars, carriages, station houses, station grounds, depot grounds, furniture and implements of every kind and description, used in the construction or operation of said railways, or any of the appurtenances in or about the same, exclusive of the value of the right of way or license herein granted, and pay for the same in the manner hereinafter mentioned.

Such order shall fix the time when said city of Chicago will take such railways and other property before mentioned, which shall not be less than six months after the passage of said order, and at the time of taking said railways and other property before mentioned the city of Chicago shall pay to the parties operating the same a sum of money to be ascertained by three commissioners, to be appointed for that purpose, as follows: One to be chosen from the disinterested free-holders of Cook county by the said common council; one in like manner by said parties, their associates or successors; and the two persons so chosen, to choose the third from said freeholders. Upon the payment by the city of Chicago to said Lake Street Elevated Railroad Company the said sum of money so found by said commissioner, as aforesaid, the license conferred upon the said Lake Street Elevated

Railroad Company, by the city of Chicago, to use said Lake street for a right of way shall at once cease.

¶ 25. **Limitation of grant.**] § 25. And it is further provided that the above consent shall never in any way or manner authorize any other railroad company or street, or horse, or dummy railroad company to use the franchise hereinabove granted to said Lake Street Elevated Railroad Company.

¶ 26. **Supervision of work.**] § 26. All work, material, plans and specifications for the construction of said elevated road, whether hereinbefore provided for or not, shall be approved by and under the supervision of the commissioner of public works.

¶ 27. **When in force.**] § 27. This ordinance shall take effect and be in force as soon as the said company shall file with the city clerk its formal acceptance of the same and its bond as herebefore provided; Provided, that if said acceptance and bond shall not be filed as aforesaid within sixty days from the passage thereof, this ordinance shall be void and of no effect.

§ 394. Lake Street Elevated Railway company.

¶ 1. Grant—route.
¶ 2. Conditions of grant—specifications—supervision.
¶ 3. Specifications—materials.
¶ 4. Girders and posts.
¶ 5. Spans over cross streets and alleys.
¶ 6. Columns—posts—fenders.
¶ 7. Columns—location and distance.
¶ 8. Girders—height—headroom—grades.
¶ 9. Fare—police, etc., to ride free.
¶ 10. Stations—heating and lighting—stairs, etc
¶ 11. Use of structure—limitation—motive power.
¶ 12. Smoke, noise, etc.—drippings—fuel—wires.
¶ 13. Rights reserved—speed—heating, etc.
¶ 14. Successors and assigns to accept ordinance.
¶ 15. Rights reserved—grades—pavements.
¶ 16. Rights reserved—viaducts—change of height.
¶ 17. Indemnity clause—penalty for violation.
¶ 18. Compensation—annual license fee.
¶ 19. Time of completion—cash deposit—forfeiture.
¶ 20. Location of structure—specifications.
¶ 21. Work and materials—approval of.
¶ 22. Term of grant—right of purchase—appraised.
¶ 23. Construction of ordinance.
¶ 24. When in force—acceptance—bond.

An ordinance granting to the Lake Street Elevated Railway company a right of way on Lake street from Canal street to Crawford avenue. (Passed November 24, 1890. Accepted by Lake Street Elevated Railway company December 24, 1890. Accepted by Lake Street Elevated Railway company October 10, 1892. Accepted by Lake Street Elevated Railroad company October 10, 1892.)

¶ 1. **Grant—route.**] Be it ordained by the city council of the city of Chicago: § 1. That, subject to the conditions, provisions and limitations hereinafter set forth, permission and authority be, and

the same are hereby, given to the Lake Street Elevated Railway Company, a corporation organized under the laws of the state of Illinois, its successors and assigns, to build, construct and maintain an elevated structure and place thereon a double railway track, as set forth and provided in this ordinance, along and upon the following route in the city of Chicago, in county of Cook and state of Illinois, to wit: On and along Lake street, commencing:

First mile—Beginning at the west line of Canal street, to the central line of lot 14 on the north side of Lake street, between Elizabeth and Ada streets.

Second mile—Thence, from said last named point, to a line between lots 61 and 62, block 44, on the north side of Lake street, between Robey street and Hoyne avenue.

Third mile—Thence, from said last named point, to a line thirty (30) feet east of the east line of Francisco street.

Fourth mile—Thence, from said last named point, to a line seven hundred and twelve (712) feet east of the east line of Hamlin avenue.

Fifth mile—Thence, from said last named point, to Crawford avenue.

Said company, its successors and assigns, shall have the right to connect the tracks and structure hereby authorized with any other structure and tracks of said company heretofore or hereafter authorized to be built and operated by said company in, along and over said Lake street.

¶ 2. **Conditions of grant—specifications—supervision.**] § 2. The permission, authority and privileges hereby given are upon the express condition that the elevated structure east of the west line of Rockwell street shall consist of cross girders suspended or upheld upon or by rows of iron posts or iron columns located at the curb line on each side of Lake street, which cross girders shall support longitudinal girders upon which shall be placed the double track along and over the center line of said street, and that all switches, sidings and turnouts shall be located on said elevated structure, except when it may be necessary to connect with other lines of road operated by said company, or its successors and assigns, or to connect with the shops or yards used for the storage of cars. The said company shall cross, at an elevation as hereinafter specified, any and all intersecting streets, avenues, alleys and railroad tracks upon or along the line of said route, as designated in the first section. Plans and specifications shall be submitted and be filed with the commissioner of public works, who shall determine whether the said plans and specifications comply with the provisions of this ordinance. And the said company shall not commence to build or erect any work on said elevated structure herein authorized until the plans and specifications are approved in writing by the commissioner of public works. The construction of said elevated road shall be under the supervision of the commissioner of public works of the city of Chicago. It shall be his duty to examine the materials

used and the work done upon said elevated railroad in all details; and if the materials used or the work done upon said structure do not comply with the provisions of this ordinance, then the commissioner of public works shall be vested with the authority to stop the work upon said elevated railroad until the provisions of this ordinance are fully complied with; Provided, however, said railway company shall pay to the city of Chicago all reasonable expense incurred by the commissioner of public works for a superintendent or engineer to carry out the provisions and requirements of this section.

¶ 3. **Specifications—materials.**] § 3. The permission, authority and privileges hereby granted are upon the express condition that the entire design and plan authorized shall be that of an elevated structure, and all materials used for that part of the structure above the ground shall be of wrought iron or steel, except the rails, which shall be of steel only; and except the cross ties supporting the rails and guard rails, which shall be of the best quality and kind of selected lumber. The station platforms shall be protected by a substantial railing. All materials used in the construction of the entire work shall be of the best quality for the purposes for which they are to be applied. All parts of the elevated structure, when in place, shall be proportioned to carry with absolute safety a dynamic load equal to one thousand (1,000) pounds per lineal foot of each track, with a factor of safety of not less than five, exclusive of the static weight of the structure itself.

¶ 4. **Girders and posts.**] § 4. The double track east of the west line of Rockwell street shall be supported upon longitudinal girders, suspended or upheld by cross girders, supported by rows of iron posts or iron columns set at the curb line. The cross and longitudinal girders east of the west line of Rockwell street shall be plate girders of wrought iron or steel, and in cross sections not less than three (3) feet, according to the most approved plan of modern structure, and similar to that part of the structure now built between Halsted and Ann streets on Lake street, in the city of Chicago. The structure already erected by said company from Canal street west on Lake street shall be taken and considered as though built under the terms, provisions and conditions of this ordinance, and shall be subject to all the conditions, terms and limitations of this ordinance.

¶ 5. **Spans over cross streets and alleys.**] § 5. When the width of any cross street, alley or avenue, between the curb lines thereof, is sixty (60) feet or less, every cross street, avenue or alley shall be spanned by a single span.

¶ 6. **Columns—posts—fenders.**] § 6. The longitudinal diameter of each column or post used in that part of the structure east of the west line of Rockwell street shall not exceed eighteen (18) inches at the base nor at any point above the ground. The transverse diameter of each column or post, when placed on a line with the curb, shall not

exceed fifteen (15) inches at the base nor at any point above it. Adequate fenders shall be fitted at the base of each column or post placed in the roadway of any street to prevent the hubs of the wheels of passing vehicles from striking said columns or posts.

¶ 7. **Columns—location and distance.**] § 7. The longitudinal distance between columns east of the west line of Rockwell street shall not be less than thirty-three (33) feet, except on curves, and except as provided in section 5 of this ordinance. At curves the longitudinal distance between columns and the location of all columns shall be determined by the commissioner of public works.

¶ 8. **Girders—height—headroom—grades.**] § 8. No part of the superstructure shall be less than fourteen (14) feet, in the clear, above the established grades of the streets and alleys, as fixed by ordinance, and whenever the said elevated structure crosses or passes over the right of way or tracks of existing surface steam railroads the clear headroom between the lowest portion of the surface of the structure and the surface of the rails of surface railroads shall not be less than twenty (20) feet above the fixed grade of said railroad right of way, and the lowest portion of the structure crossing any viaduct or swing bridge shall be not less than fourteen (14) feet from the floor or surface of said viaduct or bridge. Nothing in this ordinance contained shall be construed to prevent the city council from granting to any elevated railroad company the right to cross the elevated structure hereby authorized; Provided, that in case of any change hereafter made in the grade of any streets by ordinance or in case of the erection of a viaduct across the same, said other elevated railroad company or companies shall be obliged, at its own cost, and without cost to the company authorized to exercise rights under this ordinance, to raise its elevated structure so as to conform to the height of the double track of this company in this section prescribed.

¶ 9. **Fare—police, etc., to ride free.**] § 9. The rate of fare to be charged or collected upon trains to be run upon the said elevated structure shall not exceed five (5) cents per passenger for any continuous trip over the line of roadway hereby authorized to be built, including any of the connecting lines of said company, for any distance within the present or future city limits; Provided, no fare shall be collected from any policeman nor member of the fire department, in uniform, nor from United States letter carriers, in uniform.

¶ 10. **Stations—heating and lighting—stairs, etc.**] § 10. Permission and authority are hereby further granted to said company to construct neat and commodious passenger stations of easy and convenient access, and whose architectural details and general design shall be of recognized excellence, similar in style to the stations erected on the line of the Sixth avenue elevated railroad in the city of New York, and which shall be erected and maintained along said line at convenient and appropriate distances apart, generally about one quarter of a mile.

All such station buildings and appurtenances, and likewise all passenger cars, when the latter are in use, shall be comfortably heated during the winter months or whenever necessary at any season. They shall be properly lighted with gas, electricity or otherwise, and thoroughly ventilated at all seasons. The system of illumination and the sanitary fixtures and appliances adopted and used shall be such as are recognized as of the best kind for the purposes to which they are applied. The platforms of all said passenger stations shall be free from obstructions or projections of any kind, and all of such platforms and the line of stairs leading to and from the same shall be securely protected by strong wrought iron or steel railings, not less than three and one-half feet high. The entire elevated structure shall be neatly painted and be so maintained at all times. The permission and authority to locate, construct and maintain all such requisite platforms, landings and lines of stairs, leading to and from the sidewalk of the street, and the right to construct and maintain said elevated stations, are herein expressly granted said company; Provided, the width of such stairs and space occupied upon sidewalks be subject to approval of commissioner of public works. Nothing herein contained, however, shall prohibit said company from locating and maintaining its stations in buildings whch it may purchase, lease or erect on ground purchased or acquired by condemnation, lease or otherwise along its lines, and wherein it shall, for the convenience and comfort of its patrons, place its ticket offices, waiting rooms, sanitary accommodations, stairways, elevators and all requisite methods of ingress and egress. The right to construct and maintain passage ways or connections between the interior of all such station buildings and the exterior platforms is hereby granted to said company. But none of the matters authorized within the street lines by this section shall be constructed without the written approval of the plans by the commissioner of public works.

¶ 11. **Use of structure—limitation—motive power.**] § 11. The said company, its successors and assigns, are hereby authorized to construct, maintain and operate, on the structure hereby authorized to be built, two railroad tracks, with such side tracks, turnouts, switches, curves, telegraph, telephone and signal devices as may become necessary or proper, and to use and operate, upon the railroad tracks hereby authorized to be constructed, locomotives or other engines or motors and cars which may be propelled by steam, electric or other species of power; Provided, however, that the said tracks are not to be used for any other purpose except for the operation of cars for the transportation of passengers within the city of Chicago, and that said tracks shall not be used for transportation, over the same, of the cars or other rolling stock of any surface or other railroad. The city of Chicago shall have the right to use the structure authorized by this ordinance, without charge, for placing thereunder its police, fire alarm, telephone, electric light and power wires, not inconsistent with the rights and conveniences of said railway company;

Provided, however, that all electric light or power wires, whether owned by said company or the city, shall be properly enclosed and protected.

¶ 12. **Smoke, noise, etc.—drippings—fuel—wires.**] § 12. The motive power shall be fully equipped with all modern devices calculated to render it practically noiseless and smokeless and to prevent the discharge of cinders and sparks, and suitable and practical devices shall be placed beneath all station buildings and platforms, and at all street crossings to intercept and carry off storm water and drippings, from melting snow or other sources, and similar devices shall also be applied to both motive power and rolling stock to intercept and hold all cinders, ashes, oils, or any thing that may drop from passing trains to the surface of the street below the structure; Provided, that no wood or bituminous coal shall be used as fuel in the engine of any locomotive employed in conducting trains upon such elevated structure; And provided, further, that if said company shall operate its cars by electric power, all wires for such purpose shall be suitably protected and confined in conduits located along the girders, at a distance not less than fourteen (14) feet above the established grades of sidewalks, streets and alleys, and other public highways.

¶ 13. **Rights reserved—speed—heating, etc.**] § 13. The privileges hereby granted are subject to all general ordinances of the city of Chicago, now in force or hereafter to be passed, in reference to elevated railways. And the city of Chicago reserves to itself the right of regulating, by ordinance, the rate of speed at which the said trains shall run, and also the right to regulate the heating of cars and stations and also the right to impose such regulations as the council may deem necessary for the protection, convenience and safety of the public and public and private property.

¶ 14. **Successors and assigns to accept ordinance.**] § 14. The successors or assigns of said company shall be held, at all times and in all places, to have individually accepted and agreed to keep and perform all the terms, conditions and obligations of said company, arising under the provisions hereof, the same as if permission granted by the ordinance, upon the terms and conditions stated herein, had been granted to its successors or assigns by name and accepted by it or them. And unless its successors or assigns shall execute, in writing, an appropriate acceptance and ratification of this ordinance, and of all its terms and provisions, in manner and form so as to enable the city of Chicago to enforce and require the performance of each and every of said terms and provisions, by such successors or assigns, the city council of the city of Chicago may, at any time thereafter, by ordinance, cancel, annul and revoke such permission and authority, and prevent the exercise of the rights and privileges of the same.

¶ 15. **Rights reserved—grades—pavements.**] § 15. The city of Chicago reserves the right, at any time whenever it may deem

necessary, to change the grade of any street or alley over which the said structure may pass without incurring any liability on the part of the city to the said company owning or operating said line and, upon notice of the commissioner of public works, the said company shall change its structure over any street where the grade has been actually changed to conform to an ordinance in such manner that the distance and heights provided in this ordinance shall be maintained, and such change or structure shall be made in a reasonable time and without expense to the city of Chicago. And this permission and authority are given upon the further express condition that the said company shall do no permanent injury to the pavement, gutter, sidewalk, water pipes, sewer pipes, gas pipes, electric conduits or wires or sidewalk space, and said company shall restore the said pavement, gutters, sidewalks, water pipes, sewer or gas pipes, electric conduits or wires and the sidewalk space, at its own expense, to a condition equally as good as before the building of said elevated structure, and if the said company shall fail or refuse so to do the same, such restoration may be done by the city of Chicago, and the said company shall be liable for and pay to the city the cost thereof. When any excavation shall be made by said company in any street, alley or public place paved with wooden blocks, the foundation boards or planks shall be removed without being cut, unless such cutting shall be authorized by the commissioner of public works. No work shall be commenced on any street, avenue, alley or other public highway or ground without a permit for same first obtained from the commissioner of public works.

¶ 16. **Rights reserved—viaducts—change of height.**] § 16. The city of Chicago reserves the right, whenever it may deem it necessary, to erect and construct a viaduct, and approaches thereto, upon any street over which the said structure of the said company may cross, without incurring any liability on the part of the city to said company for any damages whatsoever, and the said company shall change its structure, hereby authorized to be constructed, upon notice from the commissioner of public works, so as to allow the free use of said viaduct, and if said railway and structure is maintained over the viaduct, then the distance in height provided in this ordinance shall be maintained over said viaduct and such change of structure shall be made without expense to the city of Chicago. And if said company, after having been notified in writing by the commissioner of public works to change the structure over any street where the grade has been changed in fact and by ordinance, or having been notified to change the structure to conform to the provisions of this section where a viaduct is to be built, shall fail to do so within a reasonable time, then the city of Chicago may make such change at the expense of said company, and remove so much of the structure as may be necessary to meet the demands, and said company shall be liable to and pay the city the cost thereof.

¶ 17. Indemnity clause—penalty for violation.] § 17. The permission and authority hereby granted (are) upon the further express conditions that the said railroad company shall and will, forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs and expenses of the same, which it may suffer or which may be recovered or obtained against said city, for or by reason of the granting of such privileges and authority, or for or by reason of, or growing out of, or resulting from, the passage of this ordinance or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted, or from any act or acts of said company under or by virtue of the provisions of this ordinance. And upon the recovery of any final judgment against the said city of Chicago, as aforesaid, and the failure of said company to pay the same within sixty days after notice has been given to said company, then all the rights herein given under this ordinance shall cease and determine; and the city of Chicago shall thereupon have the right, through its proper officer, to enter upon the right of way of said company and take possession thereof, and of all the appurtenances of said elevated railway, and possess the same, with full power to operate said road until said company has discharged all the obligations imposed upon it in this section.

¶ 18. Compensation—annual license fee.] § 18. On the first day of May in each year said company shall pay to the city of Chicago an annual license fee of fifty (50) dollars for each and every car used by said company in transporting passengers for hire, and at the time of said payment said company shall file with the city collector an affidavit subscribed and sworn to by its president or other officer of said company, stating the number of cars so used by said company. Upon such payment being made and certified to by said city collector, the city clerk shall issue a license to said company for each of its cars so used, which license shall be issued as other licenses are issued, and each license shall contain the number of the car for which the same is paid, which license shall be posted by said company in some conspicuous place inside of each car so licensed; Provided, the number of said car and the number of said license shall correspond.

¶ 19. Time for completion — cash deposit — forfeiture.] § 19. The permission and authority hereby granted are upon the further express condition that in addition to the structure already built by said company on Lake street, from Canal street west, it shall cause to be built and constructed at least one mile of its structure in addition thereto on or before the 1st day of July, A. D. 1891. And the time during which any legal proceedings shall be pending, whereby the said company, its successors and assigns, shall be prevented from or delayed in constructing its railroad or any part thereof, shall not be taken or deemed to be any part of the time specified; Provided, however, that the

city may intervene in any suit and move for its dismissal in the name of said company, in case such suit may be deemed by the city as collusive or for the purpose of delay or extension of time. The said company having heretofore deposited in the treasury of the city of Chicago the sum of one hundred thousand dollars ($100,000) as security for the faithful performance of the provisions and conditions of a certain ordinance passed December 28, 1888, by the city council of the city of Chicago on its part to be observed and performed: Now, therefore, it is understood and agreed, and made part of this ordinance, that said one hundred thousand dollars ($100,000) so deposited shall be deemed and taken to have been deposited under this ordinance as guarantee of the faithful performance by said company of all the terms and conditions herein contained, and said one hundred thousand dollars ($100,000) shall become the property of the city of Chicago unless the same is paid over and surrendered to said company under the conditions contained in this section. It is hereby provided that if said company shall complete two (2) miles of its structure on or before the first day of July, 1891, then fifty thousand dollars ($50,000) is to be returned to said company upon the completion of said two (2) miles. The remaining fifty thousand dollars ($50,000) shall be returned to said company when its elevated structure, authorized by this ordinance, shall be completed and trains operate upon the tracks hereby authorized; Provided, said structure shall be completed and trains operated within two (2) years of the passage of this ordinance. And if the said company shall not complete its entire structure and have the same in complete running order within two years from the date of the passage of this ordinance, then all the rights and privileges granted by this ordinance shall be null and void. And if the said company shall not complete its entire structure within said two years, then the said company shall forfeit said remaining $50,000, and the same shall become the property of the city of Chicago. If the said company shall comply with the provisions of this section in regard to the erection of its structure and the completion and operation of same, then, upon the certificate of the commissioner of public works that the said company has complied with the provisions of this section, the mayor and comptroller of the city of Chicago shall draw a warrant upon the city treasurer for such portion of said $100,000 as, under the provisions of this section, the said company shall be entitled to, and the treasurer shall pay the same; Provided, the time during which any legal proceedings shall be pending, whereby said company shall be prevented from or delayed in constructing the structure hereby authorized, or its railroad tracks of any portion of its railroad, or any part thereof, then such time shall be deducted from the time or times required by this section to complete the different parts of its structure.

¶ 20. **Location of structure—specifications.**] § 20. That portion of the structure beginning at the west line of Rockwell street shall be built and erected in conformity with the requirements of this

ordinance, except as in this section otherwise provided, viz.: All material used for that part of the structure west of the west line of Rockwell street above the ground shall be wrought iron or steel, except the rails, which shall be of steel only, and except the ties and guard rails supporting the rails, which shall be of the best quality and kind of selected lumber.

(a) The general plan or plans of structure shall be of an elevated structure, with the track or tracks supported or upheld upon or by a row or rows of iron posts or iron columns.

(b) The transverse diameter of each post or column placed in the roadway shall not exceed fifteen (15) inches at the base and thence for at least ten (10) feet above the surface of the roadway.

(c) The longitudinal distance between the columns shall not be less than thirty-five (35) feet, except on curves.

(d) No part of the girders on the superstructure shall be less than fourteen feet above the present established grade of streets and alleys, and wherever said elevated structure crosses and passes over the right of way and tracks of existing steam surface railroads, the clear-head room between the lower chords of all said girders and the surface of the rails of said surface railroad shall not be less than twenty (20) feet.

(e) And said structure shall, west of said Rockwell street, conform as near as practicable to that now in process of erection by the Chicago & South Side Rapid Transit Railroad Company, under the provisions of an ordinance passed March 26th, 1888, by the city council of the city of Chicago.

(f) And said structure west of Rockwell street shall occupy the center twenty-one feet and five inches of the established roadway of said West Lake street, and the columns to support the girders and rails of said structure shall be placed at the outer lines of said twenty-one feet and five inches hereby authorized to be so occupied.

(g) If an ordinance shall hereafter be passed narrowing the sidewalk space between the west line of Rockwell street and the east line of Crawford avenue or West Fortieth street, then said Lake Street Elevated Railway Company, its successors and assigns, shall pay the city of Chicago the expense of transferring and of resetting the curb stone on both sides of said street between said points, and also the expense of repaving the additional width given to the roadway by so narrowing the sidewalk space, similar to the pavement now laid between said points.

¶ 21. Work and materials—approval of.] § 21. All work, materials, plans and specifications for the construction of said elevated railroad, whether hereinabove provided for or not, and which may become necessary and proper, shall be subject to the approval of the commissioner of public works, who is hereby authorized to approve the same.

¶ 22. **Term of grant—right of purchase—appraisal.**] § 22. The permission and authority hereby granted shall continue for a period of forty (40) years; Provided, however, that at the end of twenty-five (25) years the city of Chicago shall have the right to purchase the elevated railway structure, and the property and equipments of said company pertaining to said elevated railway, at an appraised value, such value to be ascertained and determined by three competent appraisers, who shall have free access to all the books, papers and other data bearing upon the subject. Said appraised value shall not include the value of any rights, privileges, or franchises granted by the city of Chicago. One of said appraisers shall be appointed by the mayor of the city of Chicago, one by the said elevated railway company and one by the two so selected, and if they can not agree upon the third appraiser then any one of the chancellors of the circuit court of Cook county may appoint him. The said appraisers shall make report upon the value of said property within six (6) months after their appointment, to the mayor and city council, and said mayor and city council shall have the option, any time within six (6) months after the receipt of said report, to purchase said railway structure and said property at the appraised value.

¶ 23. **Construction of ordinance.**] § 23. This ordinance shall be taken and construed to include the elevated railway authorized to be constructed on Lake street, from Canal street west to Crawford avenue, and not as authorizing another elevated railway over the same route; Provided, however, said elevated railway heretofore authorized is and shall be subject to all the conditions, provisions and requirements of this ordinance.

¶ 24. **When in force—acceptance—bond.**] § 24. This ordinance shall take effect and be in force from and after its passage and after the said company shall file, with the city clerk, its formal acceptance of the same and shall also file with the city clerk a bond, running to the city of Chicago, with security, to be approved by the mayor of said city, in the penal sum of two hundred and fifty thousand (250,000) dollars, conditioned that if the Lake Street Elevated Railroad Company shall faithfully observe and properly carry out all of the provisions of this ordinance and forever indemnify and save harmless the said city of Chicago from any and all damages, judgments, decrees, costs and expenses which it, the city of Chicago, may suffer, or which may be recovered against it for, or by reason of, or resulting from, the passage of this ordinance, and by reason of the construction or operation of said railroad, including land and business damages of every kind and character. But this section shall not be construed as preventing the said city from recovering from said company any amount of damages which it may have sustained as aforesaid, in excess of the said sum of two hundred and fifty thousand (250,000) dollars; And, provided, its said acceptance and bond shall be filed, and

said bond approved, within thirty (30) days from the passage hereof, otherwise this ordinance shall be null and void.

§ 395. Lake Street Elevated Railway company.

¶ 1. Grant—route.
¶ 2. Conditions of grant—specifications—suspensions.
¶ 3. Specifications—materials.
¶ 4. Girders—posts.
¶ 5. Span over cross streets.
¶ 6. Columns—posts—fenders.
¶ 7. Columns—location and distance.
¶ 8. Girders—height—headroom—viaduct or bridge.
¶ 9. Compensation—annual payments.
¶ 10. Alterations of viaduct and river bridge.
¶ 11. Compensation for use of viaduct and bridge—advertisements prohibited.
¶ 12. Fare—police, etc., to ride free.
¶ 13. Stations—heating and lighting—stairs, etc.
¶ 14. Use of structure—limitation—motive power.
¶ 15. Smoke, noise, etc.—drippings—fuel—wires.
¶ 16. Rights reserved—speed—heating, etc.
¶ 17. Successors and assigns to accept ordinance.
¶ 18. Rights reserved—grades—pavements.
¶ 19. Rights reserved—viaducts—change of height.
¶ 20. Indemnity clause—penalty for violation.
¶ 21. Compensation—annual license fee.
¶ 22. Location of structure—specifications.
¶ 23. Grant of loop east of Market street—route.
¶ 24. Approval of plans—time for completion.
¶ 25. Term of grant—right of purchase—of appraisal.
¶ 26. Construction of ordinance.
¶ 27. When in force—acceptance—bond.

An ordinance granting to the Lake Street Elevated Railway company a right of way on Lake street from Crawford avenue west to the city limits and from Canal street to Market street, etc. (Passed November 24, 1890. Accepted by Lake Street Elevated Railway company December 24, 1890. Accepted by Lake Street Elevated Railway company October 10, 1892. Accepted by Lake Street Elevated Railroad company October 10, 1892.)

¶ 1. Grant—route.] Be it ordained by the city council of the city of Chicago: § 1. That, subject to the conditions, provisions and limitations hereinafter set forth, permission and authority be, and the same are hereby given to the Lake Street Elevated Railway Company, a corporation organized under the laws of the state of Illinois, its successors and assigns, to build, construct, operate and maintain an elevated structure and place thereon a double track, as set forth and provided in this ordinance, along and upon the following route in the city of Chicago, county of Cook and state of Illinois, to wit: Along, upon and over Lake street, commencing at the east line of Crawford avenue, and thence extending west to the city limits, subject to the stipulations of this ordinance, and also along, upon and over Lake street, commencing at the west line of Canal street, thence extending east to the east line of Market street, with the right and privilege to cross the viaduct and swing bridge on said line, subject, however, to the conditions, requirements and stipulations for

said viaduct and bridge, as provided in sections 8, 9, 10 and 11 of this ordinance, and said company may commence at the east line of Canal street, thence extend east along, over and upon any lands said company may acquire by purchase, lease, condemnation or otherwise, to a point or place on Lake street, 150 feet east of the east line of Canal street. Said company, its successors and assigns, shall have the right to connect the tracks and structure hereby authorized with any other structure and tracks of said company, heretofore or hereafter authorized to be built and operated by said company, in, along and over said Lake street.

¶ 2. **Conditions of grant—specifications—supervision.**] § 2. The permission, authority and privileges hereby given are upon the express condition that the elevated structure east of the west line of Canal street shall consist of cross girders, suspended or upheld upon or by rows of iron posts or iron columns located at the curb line on each side of Lake street, which cross girders shall support longitudinal girders, upon which shall be placed the double track along and over the center line of said street, and that all switches, sidings and turnouts shall be located on said structure. The said company shall cross at an elevation, as hereinafter specified, any and all intersecting streets, avenues, alleys and railroad tracks, viaducts and swing bridges upon or along the line of said route, as designated in the first section. Plans and specifications of said structure shall be submitted and be filed with the commissioner of public works, who shall determine whether the said plans and specifications comply with the provisions of this ordinance. And the said company shall not commence to build or erect said elevated structure herein authorized until the plans and specifications are approved, in writing, by the commissioner of public works. The construction of said elevated road shall be under the supervision of the commissioner of public works of the city of Chicago. It shall be his duty to examine the materials used and the work done upon said elevated railroad in all details; and if the material used or the work done upon said structure does not comply with the provisions of this ordinance, then the commissioner of public works shall be vested with the authority to stop the work upon said elevated railroad until the provisions of this ordinance are fully complied with; Provided, however, said company shall pay to the city all reasonable cost and expense of such supervision on the part of the commissioner of public works, or his agent.

¶ 3. **Specifications—materials.**] § 3. The permission, authority and privileges hereby granted are upon the express condition that the entire design and plan hereby authorized shall be that of an elevated structure, and all materials used for that part of the structure above the ground shall be of wrought iron or steel, except the rails, which shall be of steel only; and except the cross ties supporting the rails and guard rails, which shall be of the best quality and kind of selected lumber. All materials used in the construction of the entire

work shall be of the best quality for the purposes for which they are to be applied. All parts of the structure, when in place, shall be proportioned to carry with absolute safety a dynamic load equal to at least one thousand (1,000) pounds per lineal foot of each track, with a factor of safety of five, exclusive of the static weight of the structure itself.

¶ **4. Girders—posts.**] § 4. The double track east of the west line of Canal street shall be supported upon longitudinal girders suspended or upheld by cross girders, supported by rows of iron posts or iron columns set at the curb line. The cross and longitudinal girders east of the west line of Canal street shall be plate girders of wrought iron or steel and, in cross sections, not less than three (3) feet, according to the most approved plan of modern structure and similar to that part of the structure now built between Halsted and Ann streets, on Lake street, in the city of Chicago, by said company.

¶ **5. Spans over cross streets.**] § 5. When the width of any cross street, avenue or alley between the curb lines thereof is sixty (60) feet or less every cross street, avenue or alley shall be spanned by a single span.

¶ **6. Columns—posts—fenders.**] § 6. The longitudinal diameter of each column or post used in that part of the structure east of the west line of Canal street shall not exceed eighteen (18) inches at the base nor at any point above ground. The transverse diameter of each column or post when placed on a line with the curb shall not exceed fifteen (15) inches at the base nor at any point above it. Adequate fenders shall be fitted at the base of each column or post placed in the roadway of any street to prevent the hubs of the wheels of passing vehicles from striking said columns or posts.

¶ **7. Columns—location and distance.**] § 7. The longitudinal distance between columns east of the west line of Canal street shall not be less than thirty-three (33) feet, except on curves, and except as provided in section 5 of this ordinance. At curves, the longitudinal distance between columns and the location of all posts shall be determined by the commissioner of public works.

¶ **8. Girders—height—headroom—viaduct or bridge.**] § 8. No part of the girders of the superstructure shall be less than fourteen (14) feet above the established grades of the streets, alleys and floors of viaducts and swing bridges, as fixed by ordinance, and whenever the said elevated structure crosses or passes over the right of way and tracks of existing surface steam railroads the clear headroom between the lower chord of all of said girders and the surface of rails for surface railroads shall not be less than twenty (20) feet. Said Lake Street Elevated Railway Company in crossing Lake street bridge shall, at their own expense, make all necessary changes and alterations in said viaduct or river bridge, and there sub-structure, exclusive of any and all payments provided for in section 9 of this ordinance, upon plans

and specifications to be approved by the commissioner of public works. Nothing in this ordinance contained shall be construed to prevent the city council from granting to any elevated railway company the right to cross the elevated structure hereby authorized; Provided, that in case of any change hereafter made in the grade of any streets by ordinance, or in case of the erection of a viaduct across the same, said other elevated railway company or companies shall be obliged, at its own cost and without cost to the company authorized to exercise rights under this ordinance, to raise its elevated structure so as to conform to the height of the double track of this company in this section prescribed.

¶ 9. **Compensation—annual payments.**] § 9. The permission and authority herein granted are upon the further express condition that, on and after May 1st, 1894, said Lake Street Elevated Railway Company, its successors and assigns, shall pay into the city treasury of the city of Chicago, annually, the amounts herein provided, viz.: For each and every lineal mile of its structure, hereby authorized to be built from the east line of Crawford avenue to the city limits and a proportionate amount for each fractional mile, viz.: At the rate of nine hundred (900) dollars per mile. And on that part of the structure hereby authorized to be built, from the west line of Canal street to the east line of Market street, shall pay annually from and after the first day of May, 1894, four thousand (4,000) dollars per lineal mile and a proportionate amount thereof for any fraction of a mile, exclusive of the length of the viaduct on Lake street over West Water street and the swing bridge over the river; Provided, that for any extension of the elevated railway over, along or upon any street, avenue, alley or public place in addition to the route specified in this section, the rate per mile or fraction thereof shall be fixed by the mayor, commissioner of public works and president of said railway company. But nothing herein shall be held to release or discharge any other company or corporation from paying to the city of Chicago any amount or amounts which may now be required to be paid by such other company or corporation for the maintenance of said viaduct and bridge.

¶ 10. **Alterations of viaduct and river bridge.**] § 10. The permission and authority herein granted are upon the further express condition that the said Lake Street Elevated Railway Company shall, at its own cost and expense, make all changes and alterations necessary to render the viaduct and river bridge, and their respective foundations and sub-structures, adequate in strength and ample in form and proportions to meet the demands and requirements of said elevated railway structure and its equipment such changes and alterations to be made subject to the approval of the commissioner of public works.

¶ 11. **Compensation for use of viaduct and bridge—advertisements prohibited.**] § 11. The permission and authority herein granted are upon the further express condition that the said Lake

Street Elevated Railway Company shall, from and after May 1, 1893, for and in consideration of the use of the viaduct and bridge aforesaid, pay to the city of Chicago annually, exclusive of the mileage rate prescribed in section nine (9) and the requirements provided in section ten (10), the following sums, to wit: $488.00 annually, which is five per centum on one-fourth the original cost of said viaduct, also one-fourth the annual maintenance of said structure. Also, $2,361.00 annually, which is five per centum on one-third the original cost of said river bridge; also, one-third the annual maintenance and cost of operating said swing bridge; provided, however, in case a new viaduct or bridge shall be constructed and erected in place of the present structures named, or either of them, during the term of this ordinance, then the said elevated railway company, or its successors or assigns, shall pay to the city of Chicago their proportion of the cost thereof, which proportion shall be determined by the mayor, commissioner of public works and president of said railway company. No part of the railway structure constituting the roadway shall be used for any kind of public advertisements.

¶ **12. Fare—police, etc., to ride free.**] § 12. The rate of fare to be charged or collected upon trains to be run upon the said elevated structure shall not exceed five (5) cents per passenger for any continuous trip over the line of road hereby authorized to be built and over any other line of said company operated on said Lake street, or for any distance on any of the connecting lines of said company within the present or future city limits, by said company or its successors and assigns; Provided, no fare shall be collected from any policeman nor member of the fire department in uniform, nor from United States letter carriers when in uniform.

¶ **13. Stations—heating and lighting—stairs—connections with streets, etc.**] § 13. Permission and authority are hereby granted to said company to construct neat and commodious passenger stations of easy and convenient access and whose architectural details and general design shall be of recognized excellence, similar in style to the stations erected on the line of the Sixth avenue elevated railroad in the city of New York, and which shall be erected and maintained along said line at convenient and appropriate distances apart, generally about one-quarter of a mile. All such station buildings and appurtenances and likewise all passenger cars, when the latter are in use, shall be comfortably heated during the winter months, or whenever necessary at any season. They shall be properly lighted with gas, electricity or otherwise, and thoroughly ventilated at all seasons. The system of illumination and the sanitary fixtures and appliances adopted and used shall be such as are recognized of the best kind for the purposes to which they are applied. The platforms of all of said passenger stations shall be free from obstructions or projections of any kind, and all of such platforms and the line of stairs leading to and from the same shall be securely protected

by strong wrought iron or steel railings, not less than three and one-half feet high. The entire structure shall be neatly painted and so maintained at all times. The permission and authority to locate, construct and maintain all such requisite platforms, landings and lines of stairs leading to and from the sidewalk of the street and the right to construct and maintain said elevated stations are herein expressly granted said company. All the plans and dimensions of requisite platforms, landings and stairs leading to and from the sidewalk of the street to be subject to the approval of the commissioner of public works. Nothing herein contained, however, shall prohibit said company from locating and maintaining its stations in buildings which it may purchase, lease or erect on ground purchased or acquired, by condemnation, lease or otherwise, along its lines and wherever it may, for the convenience and comfort of its patrons, place its ticket offices, waiting rooms, sanitary accommodations, stairways, elevators and all requisite methods of ingress and egress. The right to construct and maintain passage ways or connections between the interior of all such station buildings and the exterior platforms is hereby granted to said company. But none of the matters authorized within the street lines by this section shall be constructed without the written approval of the plans by the commissioner of public works.

¶ 14. **Use of structure—limitation—motive power.**] § 14. The said company, its successors and assigns, are hereby authorized to construct, maintain and operate, on the structure hereby authorized, two railroad tracks, with such side tracks, turnouts, switches, curves, telegraph, telephone and signal devices as may become necessary or proper, and to use and operate upon the railroad tracks hereby authorized, locomotives or other engines or motors and cars, which may be propelled by steam, electric or other species of power; Provided, however, that the said tracks are not to be used for any other purpose except for the transportation of passengers within the city of Chicago and that said tracks shall not be used for transportation over the same of the cars, or other rolling stock, of any surface or other railroad. The city of Chicago shall have the right to use, without charge, the structure authorized by this ordinance for placing thereunder its police, fire alarm, telephone, electric light and power wires; Provided, however, that all the electric light or power wires, whether owned by said company or the city, shall be properly enclosed and protected.

¶ 15. **Smoke—noise, etc.—drippings—fuel—wires.**] § 15. The motive power shall be fully equipped with all modern devices calculated to render it practically noiseless and smokeless and to prevent the discharge of cinders and sparks, and suitable and practicable devices shall be, likewise, placed beneath all station buildings and platforms, and at all street crossings, to intercept and carry off storm water and drippings, from melting snow or other sources, and similar devices shall also be applied to both motive and rolling stock to intercept and hold all cinders, ashes, oils or anything that may drop from

passing trains to the surface of the street beneath the structure; Provided, that no wood or bituminous coal shall be used as fuel in the engine of any locomotive employed in conducting trains upon such elevated structure; And, provided, further, that if said company shall operate its cars by electricity, all wires for such purpose shall be confined in conduits located along the girders at a distance of not less than fourteen (14) feet above the established grades of sidewalks, streets and alleys.

¶ 16. **Rights reserved—speed—heating, etc.**] § 16. The privileges hereby granted are subject to all general ordinances of the city of Chicago, now in force or hereafter to be passed, in reference to elevated railways. And the city of Chicago reserves to itself the right of regulating, by ordinance, the rate of speed at which said trains shall run, and also the right to regulate the heating of cars and stations, and also the right to impose such regulations as the council may deem necessary for the protection, convenience and safety of the public.

¶ 17. **Successors and assigns to accept ordinance.**] § 17. The successors or assigns of said company shall be held, at all times and in all places, to have jointly and severally accepted and agreed to keep and perform all the terms, conditions and obligations of said company, arising under the provisions imposed by this ordinance, the same as if the rights and authority granted by the ordinance, and the terms and conditions stated herein, had been granted to its successors or assigns by name and accepted by it or them. And unless its successors or assigns shall execute, in writing, an appropriate acceptance and ratification of this ordinance, and of all its terms and provisions, in manner and form so to enable the city of Chicago to enforce and require the performance of each and every of said terms and provisions by such successors or assigns, the city council of the city of Chicago may, at any time thereafter, by ordinance, cancel, annul and revoke such permission and authority and prevent the exercise of the same.

¶ 18. **Rights reserved—grades—pavements.**] § 18. The city of Chicago reserves the right, at any time whenever it may deem it necessary, to change the grade of any street or alley over which the said structure may pass, without incurring any liability on the part of the city to the said company, its successors or assigns, owning or operating said line, and upon notice of the commissioner of public works, the said company, its successors or assigns, shall change its structure over any street where the grade has been actually changed to conform to an ordinance in such manner that the distance and heights provided in this ordinance shall be maintained, and such change or structure shall be without expense to the city.

Permission and authority are given upon the further express condition that the said company shall do no permanent injury to the pavement, gutter, sidewalk, water pipes, sewer pipes, gas pipes, electric

conduits or wires, or sidewalk space, and said company shall restore the said pavement, gutters, sidewalks, water pipes, sewer or gas pipes, electric conduits or wires and the sidewalk space, at its own expense, to a condition equally as good as before the building of said elevated structure, and, if the said company shall fail or refuse so to do, the same may be done by the city of Chicago, and the said company shall be liable to and pay to the city the cost thereof. When any excavation shall be made by said company in any street, alley or public place paved with wooden blocks, the foundation boards or planks shall be removed without being cut, unless such cutting shall be authorized by the commissioner of public works. No work shall be commenced on or in any public street, avenue, alley or public place until a permit therefor shall be issued by the commissioner of public works.

¶ 19. **Rights reserved—viaducts—change of height.**] § 19. The city of Chicago reserves the right, whenever it may deem it necessary, to erect and construct a viaduct and approaches thereto upon any street over which the said structure of the said company may cross, without incurring any liability on the part of the city to said company, its successors or assigns, for any damages whatsoever, and the said company shall change its structure, hereby authorized to be constructed, upon notice from the commissioner of public works, so as to allow of the construction and the free use of said viaduct, and if said railway and structure is maintained over the viaduct, then the distance in height provided in this ordinance shall be maintained over said viaduct, and such change of structure shall be made without expense to the city of Chicago. And if said company, after having been notified, in writing, by the commissioner of public works, to change the structure over any street where the grade has been changed in fact and by ordinance, or after having been notified to change the structure to conform to the provisions of this section, where a viaduct is to be built, shall fail so to do, within a reasonable time, then the city of Chicago may make such change, at the expense of said company, and remove so much of the structure as may be necessary to meet the demand, and said company shall be liable to and pay the city the cost thereof.

¶ 20. **Indemnity clause—penalty for violation.**] § 20. The permission and authority hereby granted are upon the further express condition that the said railroad shall and will forever indemnify and save harmless the city of Chicago against and from any and all legal damages, judgments, decrees and costs and expenses of the same, which it may suffer or which may be recovered or obtained against said city, for or by reason of the granting of such privileges and authority, or for or by reason of, or growing out of, or resulting from, the passage of this ordinance or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted, or from any act or acts of said company under or by virtue

of the provisions of this ordinance. And, upon the recovery of any final judgment against the said city of Chicago, as aforesaid, and the failure of said company to pay the same within sixty days after notice has been given to said company, all the rights herein given under this ordinance shall cease and determine and the city of Chicago shall, thereupon, have the right, through its proper officer, to enter upon the right of way of said company and take possession thereof, and of all the appurtenances of said elevated railway, and possess the same with full power to operate said road until said company has discharged all the obligations imposed upon it in this section.

¶ 21. **Compensation—annual license fee.**] § 21. On the first day of May in each year said company shall pay to the city of Chicago an annual license fee of fifty (50) dollars for each and every car used by said company in transporting passengers for hire, and at the time of said payment, said company shall file with the city collector an affidavit, subscribed and sworn to by its president or other officer of said company, stating the number of cars so used by said company. Upon such payment being made, the city clerk shall issue a license to said company for each of its cars so used, which license shall be issued as other licenses are issued, and each license shall contain the number of the car for which the same is paid, and which license shall be posted by said company in some conspicuous place inside of each car so licensed and shall correspond in number to that of the said car; Provided, however, that such cars shall not already be liable for the payment of a license fee by virtue of any other ordinance granted to said company, its successors or assigns.

¶ 22. **Location of structure—specifications.**] § 22. That portion of the structure beginning at the east line of Crawford avenue, thence west to city limits, shall be built and erected in conformity with the requirements of this ordinance, as far as practicable, except as in this section otherwise provided, viz.: All material used for that part of the structure west of the west line of Rockwell street above the ground shall be wrought iron or steel, except the rails, which shall be of steel only, except upon ties supporting the rails, and guard rails, which shall be of the best quality and kind of selected lumber.

(a) The general plan or plans of structure shall be of an elevated railroad, with the track or tracks supported or upheld upon or by a row or rows of iron posts or iron columns.

(b) The transverse diameter of each post or column placed in the roadway shall not exceed fifteen (15) inches at the base, and thence for at least ten (10) feet above the surface of the roadway.

(c) The longitudinal distance between the columns shall not be less than thirty-five (35) feet, except on curves.

(d) No part of the girders on the superstructure shall be less than fourteen feet above the present established grade of streets and alleys, and wherever said elevated railroad crosses and passes over the right

of way and tracks of existing steam surface railroads, the clear headroom between the lower chords of all said girders and the surface of the rails of said surface railroad shall not be less than twenty (20) feet.

(e) And said structure shall, west of said Crawford avenue, conform as near as practicable to that now in process of erection by the Chicago & South Side Rapid Transit Railroad Company, under the provisions of an ordinance passed March 26th, 1888, by the city council of Chicago.

(f) And said structure west of Rockwell street shall occupy the center twenty-one feet and five inches of the established roadway of said West Lake street, and the columns to support the girders and rails of said structure shall be placed at the outer lines of said twenty-one feet and five inches hereby authorized to be so occupied.

¶ 23. **Grant of loop east of Market street—route.**] § 23. That permission and authority be and the same are hereby given to the said Lake Street Elevated Railway Company, a corporation organized under the laws of the state of Illinois, its successors and assigns, to build, construct and maintain an elevated structure and place thereon a double railway track and operate thereon railroad cars, with the necessary switches, side tracks and turnouts, over such land or lands as it may acquire, by purchase, lease, condemnation or otherwise, and subject to the rights, terms, permissions, conditions, requirements and limitations as in this ordinance required, so far as the same may be applicable for that part of the elevated structure and railroad hereby authorized to be built from the west line of Canal street to the east line of Market street, along, upon and over the following route, viz: Commencing at some point on said structure and road between the east and west line of Market street and thence, upon a single railway track, in a southeasterly direction, on grounds to be acquired by said company by purchase, lease, condemnation or otherwise, thence southeasterly along Market street, and keeping within twenty-two (22) feet of the easterly line thereof, until it shall reach the line of Couch place, between Randolph and Lake streets, thence easterly along either line of Couch place, keeping within twenty-two (22) feet of said line, until it shall reach the line of Benton place, thence continuing in an easterly direction along either line of Benton place, keeping within twenty-two (22) feet of the same, until it shall reach the line of Dearborn place, between Wabash and Michigan avenues, thence northerly along either line of Dearborn place, keeping within twenty-two (22) feet of said line, until it shall reach the line of Haddock place, between South Water and Lake streets, thence westerly along either line of Haddock place, keeping within twenty-two (22) feet of such line until it shall reach the west line of Franklin street, and thence, in a southwesterly direction, over lands to be acquired by purchase, lease, condemnation or otherwise, to the place of beginning at Market street, and there connect with the structure and railroad authorized to be

built by this ordinance; but said company shall not take, for the purpose of constructing a loop line hereby authorized, more than twenty-two (22) feet following the line of streets, alleys or places heretofore described as near as practicable.

¶ 24. **Approval of plans—time for completion.**] § 24. All work, materials, plans and specifications for the construction of said elevated railroad, whether hereinabove provided for or not, and which may become necessary and proper, shall be subject to the approval of the commissioner of public works, who is hereby authorized to approve the same. And the said structure authorized by this ordinance shall be fully completed and trains operated thereon within three (3) years from and after the passage of this ordinance, otherwise it shall be null and void; Provided that the time during which any legal proceedings shall be pending, whereby the said company, its successors and assigns, shall be prevented from or delayed in constructing its railroad to any part thereof, shall not be taken or deemed to be any part of the time specified; Provided, however, that the city may intervene in any suit and move for its dismissal in the name of said company, in case such suit may be deemed by the city as collusion or for the purpose of delay or extension of time.

¶ 25. **Term of grant—right of purchase—appraisal.**] § 25. The permission and authority hereby granted shall continue for a period of forty (40) years; Provided, however, at the end of twenty-five (25) years the city of Chicago shall have the right to purchase the elevated railway structure, and the property and equipments of said company pertaining to said elevated railway, at an appraised value, such value to be ascertained and determined by three competent appraisers, who shall have free access to all the books, papers and other data bearing upon the subject. Said appraised value shall not include the value of any rights, privileges or franchises granted by the city of Chicago. One of said appraisers shall be appointed by the mayor of the city of Chicago, one by the said elevated railway company and one by the two so selected, and if they can not agree upon the third appraiser, then any one of the chancellors of the circuit court of Cook county may appoint him. The said appraisers shall make report upon the value of said property, within six (6) months after their appointment, to the mayor and city council, and said mayor and city council shall have the option, any time within six (6) months after receipt of said report, to purchase said railway structure and all its property, appurtenances and equipments at the appraised value.

¶ 26. **Construction of ordinance.**] § 26. This ordinance shall be taken and construed to include the elevated railway authorized to be constructed on Lake street, from Canal street to Crawford avenue, and not as authorizing another elevated railway over the same route; Provided, however, the said elevated railway heretofore au-

thorized is and shall be subject to all the conditions, provisions and requirements of this ordinance.

¶ 27. **When in force—acceptance—bond.**] § 27. This ordinance shall take effect and be in force from and after its passage and as soon as the said company shall file with the city clerk its formal acceptance of the same and a bond conditioned for the faithful observance of the conditions of the ordinance, in the penal sum of fifty thousand dollars, to be approved by the mayor; Provided, said acceptance and bond shall be filed, and said bond approved, within thirty (30) days from the passage thereof. But said bond, nor the amount thereof, shall not be construed as preventing the city from recovering from said company any amount of damage which it may have sustained as aforesaid in excess of the said sum mentioned in said bond.

§ 396. Lake Street Elevated Railway company

¶ 1. Preamble.
¶ 2. Refund of deposit—bond—conditions.
¶ 3. Conditions complied within release.

An ordinance authorizing the city treasurer to refund to the Lake Street Elevated Railway company the deposit required under the ordinances passed December 28, 1888 and November 24, 1890. (Passed November 30, 1891.)

¶ 1. **Preamble.**] Whereas, under an ordinance passed December 28th, 1888, by the city council of the city of Chicago, granting certain rights to the Lake Street Elevated Railway Company, $100,000 was deposited with the city of Chicago for the performance of the terms and conditions of said ordinance; and, whereas, on November 24th, 1890, a certain other ordinance was passed concerning said Lake Street Elevated Railway Company and granting to it certain rights therein named, and providing for certain matters relating to said $100,000, as set forth in section 19 of said last mentioned ordinance; and, whereas, the public convenience and interest requires that said road should be constructed and put in operation as soon as possible; and, whereas, said company, having shown its good faith in the performance of the conditions and requirements in said two ordinances mentioned and having expended in the construction of its said railway, along and over Lake street in the city of Chicago, nearly $1,000,000, thereby showing its good intentions in the performance of the conditions and requirements of said ordinances; and, whereas, it is represented to the city council of the city of Chicago that, in case said $100,000 is returned to said railroad company, it will complete the structure and put trains thereon and operate the same, and build a bridge across the river, as required in said ordinance of November 24th, 1890, and will comply with the conditions of certain other ordinances passed on said date, November 24th, 1890, concerning said railroad company; therefore,

¶ 2. **Refund of deposit—bond—conditions.**] Be it ordained by the city council of the city of Chicago: § 1. That the city treas-

urer of the city of Chicago be, and he is hereby, authorized and directed to refund to said Lake Street Elevated Railway Company the $100,000 deposited by it under the terms and conditions of the ordinances passed December 28th, 1888, and November 24th, 1890, upon said Lake Street Elevated Railway Company filing with the comptroller a good and sufficient bond, in the penal sum of $200,000, conditioned that said company will faithfully carry out and perform all the conditions and requirements required in section 19 of said ordinance of Nov. 24th, 1890, to the same effect and purpose that said $100,000 was deposited to secure; and,

¶ 3. **Conditions complied with—release.**] § 2. That, whereas, said company has substantially complied with the first condition of section 19, as to the payment of $50,000, that said bond should not be conditioned to require any further performance as to the said first $50,000 authorized to be paid in section 19.

§ 397. Lake Street Elevated Railway company.

¶ 1. Preamble.
¶ 2. Assignment of ordinances—confirmed by city.
¶ 3. Bond—conditions.
¶ 4. When in force.

An ordinance consenting to and confirming the assignment and transfer by the Lake Street Elevated Railway company to the Lake Street Elevated Railroad company of two ordinances passed November 24, 1890. (Passed December 19, 1892.)

¶ 1. **Preamble.**] Whereas, the Lake Street Elevated Railway Company has assigned to the Lake Street Elevated Railroad Company all rights, under the ordinances passed by the city council of the city of Chicago, authorizing said railway company to construct, operate and maintain an elevated railroad within the city of Chicago, and more particularly the ordinances passed by the city council November 24th, 1890, granting to said Lake Street Elevated Railway Company the right to construct, operate and maintain an elevated railroad as therein set forth; and, whereas, said, the Lake Street Elevated Railroad Company has filed with the city council the following acceptance of the said ordinances, viz.:

Whereas, on the 30th day of August, 1892, The Lake Street Elevated Railway Company did assign, transfer, set over and deliver to the undersigned, The Lake Street Elevated Railroad Company, all right, title, interest, benefit and advantage said Lake Street Elevated Railway Company had in and to a certain ordinance passed by the city council of the city of Chicago, Illinois, on the 24th day of November, 1890, authorizing the said Lake Street Elevated Railway Company to construct, maintain and operate an elevated railroad from the west line of Canal street to Crawford avenue, along, over and upon Lake street in said city. Now, therefore, for and in consideration of the assignment and transfer of all right, title, interest, benefit and advantage said Lake Street Elevated Railway Company had in and to said ordinance and certain other good and valuable considerations, the said The Lake Street Elevated Railroad Company does, for itself, its successors and assigns, hereby accept and agree to do, keep, perform and fulfill all the

terms, conditions and obligations of said ordinance and all obligations of said Lake Street Elevated Railway Company, arising under the provisions of said ordinance, the same as if all the rights, benefits and advantages granted by said ordinance, upon the terms and conditions and obligations stated therein, had been in the first instance granted to the said The Lake Street Elevated Railway Company, its successors and assigns, and accepted by it or them and said The Lake Street Elevated Railroad Company does hereby accept and ratify all the terms, conditions, provisions and obligations of said ordinance so passed, as aforesaid, November 24, 1890, therein set forth and required of said Lake Street Elevated Railway Company. In witness whereof, the said The Lake Street Elevated Railroad Company has caused its name to be herewith subscribed by its president and attested by its secretary, and its corporate seal to be hereto attached, this 30th day of August, A. D. 1892.

The Lake Street Elevated Railroad Company,
By Patrick H. Rice, President.

Attest:
[Seal.] Otis W. Bruner, Secretary.

Whereas, on the 30th day of August, 1892, the Lake Street Elevated Railway Company did assign, transfer, set over and deliver to the undersigned, The Lake Street Elevated Railroad Company, all right, title, interest, benefit and advantage said Lake Street Elevated Railway Company had in and to a certain ordinance passed by the city council of the city of Chicago, Illinois, on the 24th day of November, 1890, authorizing the said Lake Street Elevated Railway Company to construct, maintain and operate an elevated railroad along, over and upon Lake street, commencing at the west line of Crawford avenue, thence extending west to the city limits, and commencing at the west line of Canal street, thence extending east to the east line of Market street, and from the east line of Market street over the route as described in section 23 of said ordinance. Now, therefore, for and in consideration of the assignment and transfer of all right, title, benefit and advantage said Lake Street Elevated Railway Company had in and to said ordinance and certain other good and valuable considerations, the said Lake Street Elevated Railroad Company does for itself, its successors and assigns, hereby accept and agree to do, keep, perform and fulfill all the terms, conditions and obligations of said ordinance and all obligations of said Lake Street Elevated Railway Company arising under the provisions of said ordinance, the same as if all the rights, benefits and advantages granted by said ordinance, upon the terms and conditions and obligations stated therein, had been, in the first instance, granted to the said, The Lake Street Elevated Railroad Company, its successors and assigns, and accepted by it or them, and said The Lake Street Elevated Railroad Company does hereby accept and ratify all the terms, conditions, provisions and obligations of said ordinance so passed, as aforesaid, November 24, 1890, therein set forth and required of said Lake Street Elevated Railway Company. In witness whereof, The Lake Street Elevated Railroad Company has caused its name to be hereunto subscribed by its president and attested by its secretary, and its corporate seal to be hereto attached, this 30th day of August, A. D. 1892.

The Lake Street Elevated Railroad Company,
By P. H. Rice, President.

Attest:
[Seal.] Otis W. Bruner, Secretary.

¶ 2. **Assignment of ordinances confirmed by city.**] Be it ordained by the city council of the city of Chicago: § 1. That the assignment and transfer by the Lake Street Elevated Railway Company to the Lake Street Elevated Railroad Company of two certain

ordinances passed by the city council November 24th, 1890, granting the right to said first named company to construct, operate and maintain an elevated railroad within the city of Chicago and over the route described in said ordinance be, and the same is hereby, consented to and confirmed by the city council and that said the Lake Street Elevated Railroad Company is hereby authorized to build, construct, maintain and operate an elevated railroad along, upon and over the route described in said two ordinances of November 24th, 1890, running to the Lake Street Elevated Railway Company, with as full power and authority and subject to all the terms, conditions, obligations and requirements in said two ordinances contained, and with as full power, right and authority as though the Lake Street Elevated Railroad Company had been named in said ordinance, instead of the Lake Street Elevated Railway Company; Provided, said railroad company, as such assignee, shall have the said road from Canal street to Crawford avenue completed and in operation within the time limited under section 24 of the ordinance of November 24th, 1890, for the extension of said road from Crawford avenue to the city limits and from Canal street eastward, viz.: on or before November 24th, 1893.

¶ 3. **Bond—conditions.**] § 2. Before the said company shall be entitled to enjoy the privileges conferred by this ordinance it shall execute a good and sufficient bond to the city of Chicago, with approved sureties in the sum of $200,000, conditioned for the faithful performance by the said company of all the terms, requirements and conditions imposed upon and undertaken by it in and by the said several ordinances under which its rights in the public streets are derived; said bond shall be approved by the commissioner of public works.

¶ 4. **When in force.**] § 3. This ordinance shall be in force from and after its passage.

§ 398. Lake Street Elevated Railway company.

¶ 1. Grant of routes.
¶ 2. Right to cross river—bridges—supervision.
¶ 3. Plans and specifications.
¶ 4. Powers granted—construction—motive power.
¶ 5. Conditions of grant—use of structure—penalty for violation.
¶ 6. Specifications—speed—fare.
¶ 7. Stations—stairs—cars—lighting and heating—fuel—drippings.
¶ 8. Rights reserved—grades—viaducts, etc.
¶ 9. Rights reserved—crossing of other roads—track elevation.
¶ 10. Conditions—time for completion.
¶ 11. Indemnity clause.
¶ 12. Compensation.
¶ 13. Procuring right of way.
¶ 14. Use of structure by city—police, etc., to ride free.
¶ 15. Restoration of streets—space under railroad
¶ 16. Bond—condition.
¶ 17. When in force.

An ordinance granting permission and authority to the Lake Street Elevated Railroad company to construct, maintain and operate an elevated railroad and branches in the city of Chicago. (Passed May 15, 1893. Accepted July 13, 1893.)

¶ 1. **Grant—routes.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be, and the same are hereby, given and granted to the Lake Street Elevated Railroad Company, a corporation under the laws of the state of Illinois, to construct, maintain and operate, for the period of fifty (50) years, from and after the passage hereof, an elevated railroad and branches, with two or more adjoining, not exceeding four, tracks, as the company may, from time to time, determine it will be necessary, and such curves, spurs, side tracks, switches, sidings, turnouts, connections, supports, columns, girders, telegraphs, telephones and signal and other devices as the company may, in like manner, deem necessary for operating its road along and upon the following routes in the city of Chicago, county of Cook and state of Illinois, to wit:

First—Beginning at a point upon Lake street, between the east line of La Salle street and Jefferson street, and running from said place in a northeasterly or northerly direction to a point on Fullerton avenue, between Sheffield avenue and Larrabee street, thence from said last mentioned point in a northwesterly and northerly direction to the city limits.

Second—Also a branch line, beginning on the main line of road at Market and Lake streets, running thence in a southerly direction, along Market street to the south line of Madison street; Provided, said line of road upon Market street shall not occupy, with its posts, more than twenty-two (22) feet of said street on such part of said street as may be designated by the mayor and commissioner of public works and accepted by said railroad company, and no more than two main tracks shall be laid upon said Market street; and provided, in leaving its main line of road upon Lake street, it may make the necessary curves to build the line of road hereby authorized upon Market street.

Third—Also a line of road connecting at the west line of Canal street with the line of road heretofore authorized to be built from the west line of Canal street to the city limits, thence extending east from said west line of Canal street to the east line of Market street, extended north, with the right and privilege to cross the viaduct and bridge on said line between Canal and Market streets. Subject, however, to the conditions, requirements and stipulations for a viaduct and bridge along said line between Canal and Market streets, as prescribed in sections 8, 9, 10 and 11 of an ordinance passed by the city council on November 24th, 1890, and now owned by said company, the same as though said sections were specifically incorporated herein, and to the same effect as though said company had been named therein, except so far as the provisions in said sections have been heretofore complied with by said company. The rights and privileges, so far as said ordinance relates to the line of road authorized to be built between the west line of Canal

street and the east line of Market street, is hereby re-adopted, passed and confirmed, and the said line of road between the west line of Canal street and the east line of Market street, extended north, shall be built in all respects, as to the structure and foundations, as required by said ordinance of November 24th, 1890.

Fourth—Also beginning at a point on the main line of said road on Lake street, within a distance of 750 feet either way from Halsted street, and running thence from said last named point in a southerly direction to the city limits.

Fifth—Also a branch commencing at some point on the main line of said road on Lake street, between Hamlin avenue on the east and West Forty-first street on the west, and thence in a southerly direction to south line of Madison street.

Sixth—Also a branch commencing at some point on the main line of said road on Lake street, between Rockwell street on the east and California avenue on the west, and thence in a northerly direction to Diversey street, and thence, in a northwesterly direction, to the city limits.

Seventh—Said lines of road hereby authorized in the 1, 4, 5 and 6 clauses shall be surveyed and a copy of said survey, certified to by the chief engineer of said company, shall be filed with the commissioner of public works on or before January 1st, 1894.

¶ 2. **Right to cross river—bridges—supervision.**] § 2. The said company may cross the Chicago river, or either of its branches, by means of a bridge or bridges hereby authorized to be constructed by it upon such plan and in such manner as shall be approved by the commissioner of public works, but such bridge or bridges to be so constructed as not to unnecessarily obstruct navigation or drainage.

¶ 3. **Plans and specifications.**] § 3. The said railroad company may cross at an elevation, as hereinafter specified, any and all streets, avenues, alleys, public places and railroad tracks, upon or along the lines of said roads, as designated in the first section hereof. The said railroad company shall prepare, and submit to the commissioner of public works of the city of Chicago, plans and specifications of a standard section of said railroad structure to be adopted by the said company; and the said commissioner shall forthwith examine said plans and specifications so submitted and, in case said plans and specifications conform to the requirements of this ordinance, said commissioner shall approve the same; whereupon the said company may commence to build and erect said railroad and branches, as herein authorized, in accordance with said plans and specifications so approved. The said railroad and branches in this ordinance authorized shall be constructed under and subject to the inspection and supervision of the commissioner of public works and his assistants, who shall see that the same is constructed in accordance with said plans and specifications, so approved, and the cost and expense of such inspection shall be paid by the said railroad company.

¶ 4. **Powers granted—construction—motive power.**] § 4. The said company may, and it is hereby, authorized to construct, maintain and operate the said elevated railroad and branches, with one or more tracks aforesaid and with such switches, curves, sidings, turnouts, connections, supports, columns, girders, telegraphs, telephones and signals and other devices, as above specified in the first section hereof, over, upon, along and across the streets, avenues, alleys and public places and railroad tracks and bridges aforesaid, and over, along, upon and across any lands which it may acquire on the said routes by lease, purchase, condemnation or otherwise; and the said railroad company may use and operate the railroad track or tracks hereby authorized to be constructed, with locomotive or other engines or motors and cars, subject to all ordinances of said city of Chicago now in force or that may hereafter be passed applicable thereto. And said commissioner of public works shall issue no permit except upon route as shall be designated as provided for in paragraph 7, section one (1).

¶ 5. **Conditions of grant—use of structure—penalty for violation.**] § 5. The rights, powers and privileges hereby granted are upon the express condition that all freight trains and other rolling stock of surface steam railroads shall be absolutely excluded from said elevated railroad, its tracks and right of way, and that it shall be used for moving its general passenger trains only, and for accommodating and handling passenger traffic and the mails exclusively, to which end the said company shall cause its trains to be regularly and systematically moved at such intervals as shall be necessary to accommodate the public, and the number of all such trains and the frequency with which they are moved shall be increased as rapidly as the demands of the public shall render necessary and the increase of traffic warrant. And the consent and authority hereby given are upon the express agreement and condition that if any portion of the elevated system of said company, authorized by this ordinance, shall, at any time, be used by the freight or passenger trains or by the rolling stock of any surface railroad company, then all the rights and privileges herein granted shall wholly cease and determine and be null and void, and the city council of the city of Chicago may order all that portion of said elevated system located in the streets and alleys of said city to be summarily removed and torn down, and the said company, in its acceptance of this ordinance, shall agree that said company shall not be entitled to recover any damages from said city for such summary removal.

¶ 6. **Specifications—speed—fare.**] § 6. The permission, authority and privileges herein granted are upon the express condition that the entire design and plan of the said railroad and all its branches shall be that of an elevated structure, and all material used for that part of the structure above the ground shall be wrought iron or steel, except that the post connections may be of cast iron, and except the rails, which shall be of steel, and except the ties or longitudinal stringers supporting the rails and the safety guards, which shall be of the best

quality and kind of selected timber, and except the track walks, which shall be of wood, and except that the supports may be of masonry, when not erected in any street, avenue or alley or other public place. The stairs and all parts of the stations, except the platforms, doors and windows, and inside sheeting, and except the treads of the stairs, shall be of iron or masonry. All stations, platforms and stairs shall be protected by a substantial iron railing. All of the material used in the construction of the work shall be of the best quality for the purposes to which they are to be applied, and the work shall be executed in workmanlike manner.

Clause 1. The general plan or plans of the structure shall be that of an elevated railroad, with the track or tracks supported or upheld upon or by a row or rows of iron posts or iron columns or by masonry as above stated.

Clause 2. Except where the width of any cross street, avenue or alley, between the curbs thereof, is seventy (70) feet or more, every cross street, avenue or alley shall be spanned by a single span when and where the plan of construction is one having a row of columns upon or within the curb line.

Clause 3. The transverse diameter of each post or column placed in the roadway of any street or avenue shall not exceed fifteen (15) inches at the base and thence for, at least, ten (10) feet above the surface of the roadway. The transverse diameter of a column when placed in or within the line of a curb, shall not exceed twenty-six (26) inches at the base and thence for, at least, ten (10) feet above the surface of the roadway.

Clause 4. The transverse diameter of the columns above indicated does not include fenders, and adequate fenders shall be fitted around the base of each column placed in the roadway of a street or avenue, to prevent the hubs of the wheels of passing vehicles from striking the columns.

Clause 5. The longitudinal distance between columns, when the rows of a column are in the roadway of a street or avenue, shall not be less than thirty-five (35) feet except on curves.

Clause 6. The longitudinal distance between columns on or within the curb shall be at least twenty-five (25) feet.

Clause 7. No part of the girders of the superstructure shall be less than fourteen (14) feet above the then established grade of streets and alleys and, whenever said elevated structure crosses or passes over the right of way and tracks of existing steam railroads, the clear headroom between the lower chords of all of said girders and the surface of the rails on all of said railroads and from out to out of their said right of way shall not be less than twenty (20) feet.

Clause 8. The different parts of the structure and the connections shall be properly proportioned to resist all the momentum of the train which can, by the application of brakes, be imparted to the structure.

Clause 9. The most approved safety guards shall be provided to prevent the cars from leaving the structure in case of accident.

Clause 10. All of the material used in the construction of the work shall be of the best quality for the purpose for which it is to be applied, and the work shall be executed in the best style of the art and in a workmanlike manner.

Clause 11. The rates of fare to be charged and collected upon trains to be run upon the said railroad shall not exceed five cents per passenger for any one continuous trip within the city limits. And, the city council expressly reserves the power to regulate, control and fix the rates of fare that shall be charged upon any extension of the elevated system of said company when such extension is constructed within the present or future city limits by authority of any ordinance hereafter passed.

¶ 7. Stations—stairs—cars—lighting and heating—fuel—drippings.] § 7. The said company shall have permission and authority, and the same are hereby given and grated to it, to construct and maintain over the streets, avenues and alleys, or portions thereof, over, upon, along and across which its said elevated railroad is to be permitted to be constructed, as aforesaid, all necessary or proper stations, platforms and depot stations, and connect the same with said streets, avenues and alleys by means of all necessary stairs, stairways, elevators, landing places and other construction and appliances for ingress, egress and the accommodation of passengers; but, such platforms, stations, stairs, stairways, elevators, landing places, etc., shall be so constructed and maintained as not to unnecessarily impair the usefulness of such streets, avenues or alleys or any portions thereof. Neat and commodious passenger stations of easy and convenient access, and whose architectural details and general designs shall be of recognized excellence, shall be provided, and all such station buildings and appurtenances, and likewise all passenger cars, when the latter are in use, shall be comfortably heated during the winter months, or whenever necessary at any season, and they shall be properly lighted with gas, electricity or otherwise, and thoroughly ventilated at all seasons; and the system of illumination and the sanitary fixtures and appliances adopted and used shall be such as are recognized as of the best for the purpose to which they are applied. The platforms of all of said passenger stations shall be free from obstructions or projections of any kind; and all of said platforms and the line of stairs leading to and from the same shall be securely protected by strong wrought iron or steel railings, not less than three and one-half feet high. The permission and authority to locate, construct and maintain all such requisite platforms, landings and lines of stairs leading to and from the sidewalks of the streets, avenues and alleys and the said elevated stations being herein, expressly granted said company whenever and wherever such methods of reaching said stations may be found necessary. Nothing herein contained, however, shall prohibit said company from locating and maintaining its stations in buildings which it may purchase, lease or erect on grounds purchased or acquired by condemnation or lease wherein it may, for the

convenience and comfort of its patrons, place its ticket offices, waiting rooms, sanitary accommodations, stairways, elevators and all requisite methods of ingress or egress; and, a right to construct and maintain covered passageways or connections between the interior of all such station buildings and the exterior platforms, is hereby expressly granted to said company. All of said supporting columns, cross girders, longitudinal girders, platform connections and hand railings shall be thoroughly and neatly painted, in light colored tints, and this general condition and sightly appearance shall be maintained at all times.

The motive power to be used shall be fully equipped with all modern devices best calculated to prevent noise and the discharge of ashes, sparks, cinders, dust, steam or smoke into the surrounding atmosphere. Neither wood nor bituminous coal shall be used for fuel in the locomotive engines of said company. Suitable and practical devices shall be permanently placed and maintained beneath all station buildings and platforms when the same are erected over any street, avenue or alley and, also, at all street crossings arranged to intercept and promptly carry off storm water and drippings from melting snow or from any other causes whatever, and similar devices shall also be applied to motive power and rolling stock, to intercept and hold all cinders, ashes, oil or anything else that may drop from moving trains to the surface of the street beneath the structure. The plans and specifications of such depots, platforms and stairs shall be submitted to and approved by the commissioner of public works before the work of construction thereof shall be commenced.

¶ 8. **Rights reserved—grades—viaducts, etc.**] § 8. The city of Chicago reserves the right, at all times and whenever it may deem necessary, to change the grade of any street or alley across which the Lake Street Elevated Railroad Company may cross, without incurring any liability on the part of the city to said company, and, upon notice from the commissioner of public works acting under the authority of the ordinance of the city of Chicago, directing such change of grade, the said company, in case such grade shall be raised more than eighteen (18) inches, shall immediately proceed to change its structure across any street where the grade has been so raised, to conform to the changed grade, in such manner that the distance and heights provided in this ordinance shall not be reduced more than eighteen (18) inches, and such change of structure shall be without expense to the city. The city of Chicago reserves the right, whenever it may deem necessary, to erect and construct a viaduct or sub-way and approaches thereto upon any street over which the Lake Street Elevated Railroad Company may cross, without incurring any liability on the part of the city to said company for any damages whatsoever, and the said company shall immediately and with reasonable dispatch change its structure over any street where such viaduct and approaches are ordered to be constructed upon notice from the commissioner of public works, acting on the authority of an ordinance of the city of Chicago directing the

erection of such viaduct, and the said company shall rebuild and reconstruct the said railroad, in such manner as to the distances and heights of the same over said viaduct, not exceeding fourteen (14) feet, as may be required by an ordinance of said city, and such change of structure shall be without expense to the city and at the expense of said company. If the said company, after having been notified in writing by the commissioner of public works, acting under the authority aforesaid, to change the structure over any street where the grade has been changed, or after having been notified to change its structure where any viaduct has been ordered to be built by the city of Chicago, shall fail to proceed to do so, as above provided, within ninety days from the date of service of said notice, then the city of Chicago may remove the entire roadway structure, tracks and railway system of said company from such street within which said viaduct is to be erected or grade is changed, and shall not be liable to said company for any damages of any kind whatsoever for the aforesaid removal, but the said company shall pay to the city of Chicago the entire cost and expense of such removal.

¶ 9. **Rights reserved—crossing of other roads—track elevation.**] § 9. The permission and authority hereby granted are upon the further express condition that nothing herein contained shall be construed to prevent the city council from granting to any other railroad Company the right to cross the line hereby authorized, at an elevation above the tracks of this company so great that the clear headroom between the lower chord of the girders of such elevated structure so crossing and the surface of the rails of the structure of this company shall be at least sixteen (16) feet. Provided, that in any changes hereafter to be made in the grade of said streets, or the erection of viaducts across the same, provided, that whenever the present surface steam railways elevate their tracks the said Lake Street Elevated Railroad Company shall be compelled to raise its structure wherever its line crosses said present surface steam railways so as to leave a clear headroom of 16 feet between the top of the rails of said surface steam railways when elevated and the lower chord of the girders of said Lake Street Elevated Railroad structure.

¶ 10. **Conditions—time for completion.**] § 10. The privileges and authority hereby granted are so granted upon the further express condition that the first branch line hereby authorized to the north shall be laid down and constructed within three years from the acceptance of this ordinance by said company, and the remainder of said railroad and branches within five years from the acceptance of this ordinance, and, if the said first branch be not so constructed within the said three years, then said rights and privileges granted to said company to build said northerly branch shall cease and be null and void; and, if said southerly branch be not built within said five years, then the right to build the same shall cease and be null and void; and, if said branch between Rockwell street and California avenue shall not be built within three

years from the passage hereof, the right to build the same shall cease and become null and void, and if said branch between Hamlin avenue and south line of Madison street shall be not built within two years from the passage hereof, the right to build the same shall cease and become null and void; and if said line of road from Canal street to Market street and south upon Market street shall not be built within one year from the passage hereof, the right to build the same shall cease and become null and void; but, the rights and privileges as to the portion constructed shall remain valid and in full force; but, the time during which any legal proceedings shall be pending, whereby the said company shall be prevented or delayed in constructing its railroad or branches, or any part of said railroad or branches, shall be excluded from the time herein prescribed for the completion of said elevated railroad and branches, and shall be allowed the said company in addition to the time above prescribed for the completion thereof. The city of Chicago, however, shall have, and it hereby expressly reserves, the right to intervene in any suit or proceeding brought by any person or persons seeking to enjoin, restrain or in any manner interfere with the prosecution of said work of construction, and move for a dissolution of such injunction or restraining order and for any other proper order in such suit, in case it shall deem such suit collusive or for the purpose of delay, or to extend the time herein prescribed for the completion of the said elevated railroad.

¶ 11. **Indemnity clause.**] § 11. The consent, permission and authority hereby given are upon the further express condition that the said company shall and will, forever, indemnify and save harmless the city of Chicago against and from any and all damages of every kind and character, including land and business damages, and any and all damages to property of every kind and character, and from any and all damages, judgments, decrees and costs and expenses of the same, which it may suffer, or which may be recovered or obtained against said city for or by reason of the granting of or resulting from the passage of this ordinance or any matter or thing connected therewith, or with the exercise by said company of any of the privileges hereby granted or from any act or acts of the said company under or by virtue of the provisions of this ordinance.

¶ 12. **Compensation.**] § 12. On the first day of May in each year said company shall pay to the city of Chicago, in advance, an annual license fee of $50 for each and every car used by it in transporting passengers for hire, and, at the time of said payment, said company shall file with the city collector an affidavit subscribed and sworn to by its treasurer or other officer of said company, if required by the city collector, stating the number of cars so used by said company. Upon such payment being made the city clerk shall issue a license to said company for each of its cars so used, which license shall be issued as other licenses are issued, and each license shall contain the number of the car for which the same is paid, and which license shall be posted

by said company in some conspicuous place inside of each car so licensed.

¶ **13. Procuring right of way.**] § 13. The permission and authority hereby given and granted are so given and granted upon the further express condition that said company shall proceed within ninety days from the date of the acceptance of said ordinance to procure land for right of way, as herein authorized, by condemnation or otherwise, and shall prosecute such acquisition of said right of way with due diligence thereafter until the whole right of way is obtained.

¶ **14. Use of structure by city—police, etc., to ride free.**] § 14. The city of Chicago shall have the right to use the structure authorized by this ordinance for placing thereunder its police, fire alarm and telephone wires, electric light wires and other wires and conduits for the use of the city without charge, and policemen, firemen and United States letter carriers in uniform shall be entitled to ride free of charge.

¶ **15. Restoration of streets—space under railroad.**] § 15. The consent, permission and authority hereby given are upon the express agreement and condition that the said company shall do no permanent injury to the pavement, gutters, sidewalks, water pipes, sewer or gas pipes, telegraph or electric wires, cables or pipes or sidewalk space occupied by adjacent owners, but said company shall restore the street, pavement, gutters, sidewalks, water pipes, sewer or gas pipes, telegraph or electric wires, cables or pipes and sidewalk space occupied by adjacent owners, at its own expense, to a condition equally as good as before the building of said elevated railroad so far as consistent with the occupancy by said company of said streets, alleys and sidewalk spaces authorized by this ordinance, and if the said company shall fail or refuse so to do, the same may be done by the city of Chicago, and the said company shall be liable to the city for the cost thereof. When any excavation shall be made by said company in any street, alley or public place, paved with wooden blocks, the foundation boards or planks shall be removed without being cut, unless said cutting shall be specially permitted by the commissioner of public works of said city. The space and the surface of the ground under said railroad beneath girders and between columns, so far as the same is not occupied by said railroad company, shall by said company be kept at all times free from all obstructions and in a clean and wholesome condition, to the approval and satisfaction of the department of health or health officers of said city; and the same may be, at the option of the city of Chicago, paved by the city of Chicago, for the purpose of public travel, and so used, provided, that such use shall not interfere with the use thereof by said company for the purposes of said railroad.

¶ **16. Bond—conditions.**] § 16. The consent, permission and authority hereby given is upon the express agreement and understanding that the Lake Street Elevated Railroad Company, before exercising any of the rights hereby granted, shall execute to the city of Chicago a good and sufficient bond in the penal sum of one hundred thousand

dollars, with sureties to be approved by the mayor of the city of Chicago, conditioned that it will observe, perform and carry out all the provisions of this ordinance, and will forever indemnify and save harmless the city of Chicago against and from any and all damages, including land and business damages, judgments, decrees, costs and expenses which it may suffer, or which may be recovered or obtained against said city for or by reason of or growing out of or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges, or any of them, herein granted, or from any act or acts of the said company under or by virtue of the provisions of this ordinance: Provided, however, that the giving of said bonds or the recovery of a judgment or judgments thereon by the city of Chicago shall not be construed as measuring or limiting the liability of said company to said city under any provisions of this ordinance, except to the extent of such recovery or recoveries. The bond required by this section shall be filed with the city clerk within sixty days from the passage of this ordinance.

¶ 17. **When in force.**] § 17. This ordinance shall take effect and be in force from and after its acceptance by said corporation, under its corporate seal; provided, that if the said company shall not file with the city clerk the bond at the time and in the manner required in this ordinance and shall not file with the city clerk its formal acceptance of the terms, conditions and provisions of this ordinance within ninety days from the passage hereof, then all rights and privileges hereby granted shall be wholly null and void and of no effect.

Note.—See following amendatory ordinances.

§ 399. Lake Street Elevated Railway company.

¶ 1. Amending section 4 of above ordinance.
¶ 2. Amending section 12.
¶ 3. When in force.

An ordinance amending sections 4 and 6 of an ordinance passed May 15, 1893, granting certain rights and privileges to the Lake Street Elevated Railroad company. (Passed May 22, 1893.)

¶ 1. **Amending section four of above ordinance.**] Be it ordained by the city council of the city of Chicago: § 1. That section 4 of an ordinance passed May 15th, 1893, granting to the Lake Street Elevated Railroad Company certain rights and privileges therein specified, be and the same is hereby amended by adding at the end of section 4 thereof the following: "Provided, said company shall not by virtue of this ordinance construct, maintain or operate its line of road lengthwise in any street or avenue or part thereof, except upon Lake street, from the west line of Canal street to the east line extended north of Market street and upon Market street from the main line of its road upon Lake street to the south line of Madison street. Provided, further, that this shall not be construed to prohibit said company from crossing any street or avenue as in said section provided."

¶ 2. **Amending section twelve.**] § 2. That section 12 of said ordinance is also amended by adding at the end thereof the following: "Provided, that in case the license fee per car now required to be paid by the Chicago City Railway Company, the Chicago West Division Railway, the North Chicago City Railroad Company, or the Chicago and South Side Rapid Transit Railroad Company, or the Metropolitan West Side Elevated Railroad Company, or either of them, shall be increased, by ordinance, then and in that event the city reserves to itself the right to increase the license fee hereby required to an amount equal to that which shall be required to be paid by any of said street railroad companies or the Chicago and South Side Rapid Transit Railroad Company, or the Metropolitan West Side Elevated Railroad Company, or any one of them."

¶ 3. **When in force.**] § 3. This ordinance shall be in force from and after its passage.

§ 400. Lake Street Elevated Railway company.

¶ 1. Amending sixth clause of section 1 of above ordinance.
¶ 2. When in force.

An ordinance amending the sixth clause of section one of an ordinance passed May 15, 1893, granting permission to the Lake Street Elevated Railroad company to construct, maintain and operate an elevated railroad and branches in the city of Chicago. (Passed November 27, 1893.)

¶ 1. **Amending sixth clause of section 1 of above ordinance.**] Be it ordained by the city council of the city of Chicago: § 1. That the sixth clause of section one (1) of an ordinance passed May 15, 1893, granting permission to the Lake Street Elevated Railroad Company to construct, maintain and operate an elevated railroad, be and the same is hereby amended by striking out the said sixth clause and inserting in lieu and stead thereof the following as the sixth clause:

Sixth. Also, a branch commencing at some point on the main line of said road on Lake street between Western avenue on the east and California avenue on the west and thence, in a northerly direction, to some point or place between Chicago avenue on the south and Potomac avenue on the north, and thence, in a westerly direction, to some point or place between Rockwell street on the east and California avenue on the west, and thence, from said last named point, in a northerly direction to some point or place one thousand (1,000) feet north or south of Diversey street, and thence, from said last named point, in a northwesterly direction to the city limits.

The time for said company to build and equip its lines of road, as authorized by ordinances of November 24th, 1890, is hereby extended to July 1st, 1894.

¶ 2. **When in force.**] § 2. This ordinance shall be in force from and after its passage.

§ 401. Lake Street Elevated Railway company.

¶ 1. Preamble.
¶ 2. Grant—route.
¶ 3. Specifications—construction.
¶ 4. Plans, etc.—approval—inspection.
¶ 5. Tracks—telegraph, etc.—motive power—limitation of use.
¶ 6. Stations—stairs—heating and lighting cars, etc.
¶ 7. Noise, smoke, etc.—fuel—drippings, etc.
¶ 8. Fare.
¶ 9. Rights reserved—grades—viaducts—subways.
¶ 10. Rights reserved—crossing of other roads.
¶ 11. Conditions—time for completion.
¶ 12. Indemnity clause.
¶ 13. Use of structure by city—police, etc., to ride free.
¶ 14. Restoration of streets.
¶ 15. Bond.
¶ 16. Road from Market to Fifty-second street approved—time extended.
¶ 17. Acceptance—when in force.
¶ 18. Substitute for ordinance of July 30, 1894.

An ordinance authorizing the Lake Street Elevated Railroad Company to construct, maintain and operate an elevated railroad on Lake street from Market street to Wabash avenue. (Passed October 1, 1894. Accepted October 3, 1894.)

¶ 1. **Preamble.**] Whereas, there has been presented to, and is now on file with the city council, petitions of property owners fronting on Lake street, between Market street and Wabash avenue, representing out of a total frontage of 4,514 feet, 2,468.05 feet, consenting to the construction and operation of an elevated railroad upon said Lake street; and the city council does now find that the owners of a majority of the property fronting upon Lake street, between Market street and Wabash avenue, have consented to the construction and operation of an elevated railroad upon Lake street, between Market street and Wabash avenue; now, therefore,

¶ 2. **Grant—route.**] Be it ordained by the city council of the city of Chicago: § 1. That permission be and the same is hereby given and granted to the Lake Street Elevated Railroad Company, a corporation under the laws of the state of Illinois, to construct, maintain and operate, for the period of fifty years from and after the passage hereof, an elevated railroad with two (2) tracks, and such curves, side tracks, switches, sidings, turnouts, connections, supports, columns, girders, telegraph, telephone, signal and other devices as the said company may in like manner deem necessary for operating its road along and upon the following route in the city of Chicago, to wit: A line of road connecting at the east line of Market street, extended north with the line of road now constructed and operated by said company on Lake street, thence extending east upon Lake street to the east line of Wabash avenue, subject, however, to the provisions hereinafter contained.

¶ 3. **Specifications—construction.**] § 2. The permission, au-

thority and privileges herein granted are upon the express understanding that the entire design and plan of the said railroad shall be that of an elevated structure, and all material for that part of the structure above the ground shall be wrought iron or steel, except

(a) That the post connections be of cast iron;

(b) The rails, steel;

(c) The ties and longitudinal stringers supporting the rails and safety guards shall be of the best kind and quality of selected timber;

(d) The track walks may be of wood.

All the materials used in the construction of the work shall be of the best quality for the purposes for which they are to be applied, and the work shall be executed in a workmanlike manner; and

A. The general plan of the said structure shall be that of an elevated railroad with the tracks supported or upheld by a row or rows of iron posts or columns placed upon foundations of iron, masonry, cement or combination of the same, or such other foundations as may be approved by the city engineer, but no part of such foundations shall be above the surface of the street, except the post connections. Such columns to be placed, when practicable, at the outside of the street car tracks now on said street.

B. The transverse diameter of each post or column shall not exceed fifteen (15) inches at the base, and thence for at least ten (10) feet above the surface of the roadway.

C. The posts or columns, the cross and longitudinal girders, shall be of a design known as lattice work.

D. The transverse diameter of the columns above indicated does not include fenders, and adequate fenders shall be fitted around the base of each column to prevent the hubs of the wheels of passing vehicles from striking the columns.

E. The longitudinal distance between columns shall not be less than forty (40) feet, except on curves or at street intersections, and each cross street or avenue shall be spanned by a single span, except at Fifth avenue and State street; Provided, the transverse girders at Fifth avenue may run to the curb line.

F. No part of the girders of the superstructure shall be less than fourteen (14) feet above the established grade of said Lake street, and the lower chord of the longitudinal girders supporting the tracks shall be as nearly as possible the following heights at the cross streets intersecting said Lake street, viz.:

(a) At the west line of Franklin street nineteen and one-half (19½) feet;

(b) At the east line of Franklin street eighteen and one-half (18½) feet;

(c) At the west line of Fifth avenue fifteen (15) feet;

(d) At the east line of Fifth avenue fifteen (15) feet;

(e) At the west line of La Salle street, and the lines of all other intersecting streets, fourteen (14) feet.

G. Only two main tracks and necessary connecting tracks, cross-overs, switches and turnouts shall be permitted upon said structure, and the distance from center to center of said main tracks shall not exceed twelve (12) feet; and no cross-overs, switches or turnouts shall be established or constructed outside the outer rails of said main tracks. No connecting tracks shall be located or constructed upon said elevated structure except by special permission from the mayor and commissioner of public works, who shall have authority to prescribe the number of such connecting tracks, and the details of their location, the space which they shall occupy, and their relation to all other tracks on said structure. No curves shall be permitted between Franklin street and State street, except for connecting tracks, when permitted by the mayor and commissioner of public works as aforesaid.

H. Said elevated railroad shall occupy with its structure, or any part thereof, above the foundations of the columns, not exceeding twenty-three (23) feet and eleven (11) inches in width, from out to out of said line of railroad, except at stations and where necessary to make connection at Market street and at curves. At stations the supporting girders shall not exceed thirty-seven (37) feet in width from out to out, and the supporting columns shall not exceed twenty-three (23) feet and eleven (11) inches in width from out to out. The structure shall be erected over the street car tracks now running east and west on said Lake street.

I. The said structure shall be painted in a neat and workmanlike manner and in light colored tints.

J. The different parts of the structure shall be so proportioned as to resist all the momentum of the train which can by the application of brakes be imparted to the structure, and the most approved safety guards shall be provided to prevent the cars from leaving the structure in case of accident.

¶ 4. Plans, etc.—approval—inspection.] § 3. The said railroad company may cross at the elevation hereinbefore specified all streets, avenues and alleys upon or along the said line of railroad as designated in the first section hereof. The said company shall prepare and submit to the city engineer plans and specifications of a standard section of said railroad structure to be built over the route aforesaid, and if the same are in conformtiy to the requirements of this ordinance, he shall approve the same, and the commissioner of public works shall issue a permit for the said work of construction upon said company depositing with the city treasurer a sum sufficient to cover the cost of restoring all streets and sidewalks and of the contents of the space beneath the same to their normal condition, according to an estimate of such cost to be made by the commissioner of public works, upon the issuance of said permit, and said company may at once proceed to build and erect said elevated railroad in accordance with said plans and specifications. The said elevated railroad shall be

constructed subject to the inspection of the city engineer and his assistants, who shall see that the same is constructed in accordance with said plans and specifications, and the expense of such inspection shall be paid by the said railroad company.

¶ 5. Tracks—telegraph, etc.—motive power—limitation of use.] § 4. The said company is hereby authorized to construct, maintain and operate on the structure hereby authorized, two railroad tracks, with such cross-overs, turn-outs, switches, curves, telegraph, telephone and signal devices as may become necessary or proper, and to connect said telegraph or telephone lines with its general offices, and to use and operate upon the railroad tracks hereby authorized, locomotives or other engines or motors and cars which may be propelled by steam, electric or other species of power, and to use like power to propel its cars over the lines of railroad heretofore authorized by ordinance, and in like manner as used over the line of road by this ordinance authorized. Provided, however, that the said railroad shall only be used for moving its general passenger trains and for accommodating and handling passenger traffic and the mails exclusively, to which end the said company shall cause its trains to be regularly and systematically run at such intervals as shall be necessary to accommodate the public, and the number of all such trains and the frequency with which they are moved shall be increased as rapidly as the demands of the public shall render necessary, and the increase of traffic warrant.

And the consent and the authority are further given, subject to the condition that said company shall not permit nor allow said railroad nor any railroad heretofore authorized to be built by said company under this ordinance, to be used by the freight or passenger trains, or by rolling stock of any surface steam railroad company.

Provided, no switch shall be made, operated or maintained between Wabash avenue and State street.

All trains operated by said company over its line of road, passing over the Lake street bridge, eastwardly, shall at least alternately continue eastwardly over the line of road hereby authorized, and in case said company shall hereafter obtain the right to build or use a loop line for running its trains, then all its trains proceeding eastwardly over Lake street bridge shall continue to proceed eastwardly over the elevated railroad hereby authorized, and no trains of said company shall move westwardly over the elevated railroad hereby authorized, between Wabash avenue and Market street, except such trains as have first proceeded eastwardly over the elevated railroad hereby authorized.

And it is further provided, that in case said company shall build a line of road through the north division of the city of Chicago, then all trains running over such line of road southwardly and connecting with the road hereby authorized, shall run eastwardly over the line of road hereby authorized.

And provided, further, that in case said company shall operate its line of road as now built, by electricity as in this ordinance authorized, then it shall, at the same time, operate trains over the line of road hereby authorized by like power.

¶ 6. **Stations—stairs—heating and lighting cars, etc.**] § 5. The said company is further granted permission and authority to construct and maintain over the streets, avenues and alleys or portions thereof, over, upon, along and across which its said elevated railroad is to be permitted to be constructed as aforesaid, all necessary or proper stations and platforms and connect the same with said streets, avenues and alleys by means of all necessary stairs, stairways, elevators, landing places and other constructions and appliances for ingress, egress and the accommodation of passengers, but such platform stations, stairs, stairways, elevators and landing places shall be so constructed and maintained as not to unnecessarily impair the usefulness of such streets, avenues, alleys or any approaches thereof. Neat and commodious passenger stations of easy and convenient access, and whose architecural details and general design shall be of recognized excellence, shall be provided, and all such station buildings and appurtenances, and likewise all passenger cars, while the latter are in use, shall be comfortably heated during the winter months, or whenever necessary at any season, and they shall be properly lighted with gas, electricity or otherwise, and thoroughly ventilated at all seasons; and the system of illumination, and the materials, fixtures and appliances adopted and used, shall be such as are recognized as the best for the purposes to which they are applied. The platforms of all such stations shall be free from obstructions or projections of any kind, and all of said platforms and the lines of stairs leading to and from the same, shall be securely protected by steel or wrought iron railings not less than three and one-half (3½) feet high. The permission and authority to locate, construct and maintain all such requisite platforms, landings and lines of stairs leading to and from the sidewalks of the streets, avenues and alleys, and the said elevated stations, being hereby expressly granted to said company, whenever and wherever such methods of reaching said stations shall be found necessary. The stairs and all parts of the stations, excepting the platforms, doors and windows, and inside sheathing, and except the treads of the stairs, shall be of iron or masonry, or other incombustible material.

The plans and specifications of such depots, platforms and stairs shall be submitted to and approved by the commissioner of public works before the work of construction thereof shall be commenced.

Said company shall locate stations at the following streets along the line of said road, viz.: Fifth avenue, Clark street and State street. The platforms at such stations shall not exceed one hundred and eighty (180) feet in length, and shall not be enclosed, except so far as necessary to build on said platforms a ticket station, not exceeding one hundred and twenty (120) square feet. And if said platforms shall

be covered, then the same shall be roofed with glass or such other material that will not intercept the light any more than is necessary to fully protect from the heat and storms.

All stairways leading to said station platforms shall begin within the sidewalk space on Lake street, at the outer edge of such space, and shall ascend towards the intersecting or cross street, nearest said stairway, on a line parallel to the east and west line of Lake street, and shall not occupy more than six (6) feet in width of such sidewalk space; there shall be two stairways on the south side of Lake street at Clark street station, one east of east line and one west of the west line of Clark street, and if covered, then with like material as station platforms above provided. Said stairways shall not approach nearer the building line than the distance from the bottom of said stairways from said building line.

Provided, the stairway at the Fifth avenue station may be built as follows, viz.: One stairway may commence on Fifth avenue, north of the north line of Lake street, and thence ascend southwardly to the platform. A stairway may be built at the southwesterly corner of Lake street and Fifth avenue, commencing at a point not further east than forty (40) feet from the west line of Fifth avenue and ascend westerly. The said stairways to be built in other respects to conform to the requirements of this ordinance. Nothing herein contained, however, shall prohibit said company from locating and maintaining its stations in buildings which it may purchase, lease or erect on grounds purchased or acquired by condemnation or lease, wherein it may, for the convenience and comfort of its patrons, place its ticket offices, waiting rooms, sanitary accommodations, stairways, elevators, and all requisite methods of ingress or egress, and the right to construct and maintain covered passage-ways or connections between the interior of all such passenger stations and the platforms is herein expressly granted to said company. Provided, said passage-ways and platforms to be covered in like manner, as above provided. All of said supporting columns, cross-girders, longitudinal girders, platform connections and landings shall be thoroughly and neatly painted, and this general condition and sightly appearance shall be maintained at all times.

¶ 7. **Noise, smoke, etc.—fuel—drippings, etc.**] § 6. The motive power to be used shall be fully equipped with all modern devices best calculated to prevent noise, and the discharge of ashes, cinders, dust, steam or smoke into the surrounding atmosphere. Neither wood nor bituminous coal shall be used for fuel in the locomotive engines of said company. Suitable and practical devices shall be permanently placed and maintained beneath all station buildings and platforms where the same are erected over any street, avenue or alley, and also at all street crossings, arranged to intercept and promptly carry off storm water and drippings from melting snow or from any other causes whatever.

¶ 8. **Fare.**] § 7. The rates of fare to be charged and collected for each passenger carried over the line of road hereby authorized, and the line of railroad heretofore authorized, to be built by said company, shall be five (5) cents per passenger for any one continuous trip within the city limits.

¶ 9. **Rights reserved—grades—viaducts—subways.**] § 8. The city of Chicago reserves the right at all times, and whenever it may deem necessary, to change the grade of any street or alley across which the said company may cross without incurring any liability on the part of the city to said company, and upon notice from the commissioner of public works acting under the authority of an ordinance of the city of Chicago, directing said change to be made, the said company, in case said grade shall be raised more than eighteen inches, shall immediately proceed to change its structure across any street where the grade shall be so raised, to conform to the changed grade in such manner that the distance and heights provided in this ordinance shall not be changed more than eighteen (18) inches, and such change of structure shall be without expense to the city of Chicago.

The city of Chicago reserves the right, whenever it may deem it necessary, to erect and construct a viaduct or subway and approaches thereto, upon any street over which the Lake Street Elevated Railroad Company may cross, without incurring any liability on the part of the city to said company for any damages whatsoever, and the said company shall immediately and with reasonable dispatch change its structure over any street where such viaducts and approaches are ordered to be constructed, upon notice from the commissioner of public works, acting on the authority of an ordinance of the city of Chicago, directing the erection of such viaduct, and the said company shall rebuild and reconstruct the said railroad in such manner as to the distances and heights of the same over said viaduct, not exceeding fourteen (14) feet, as may be required by an ordinance of said city, and such change of structure shall be without expense to the city, and at the expense of said company. If the said company, after having been notified in writing by the commissioner of public works, acting under the authority aforesaid, to change the structure over any street where the grade has been changed, or after having been notified to change its structure where any viaduct has been ordered to be built by the city of Chicago, shall fail to proceed to do so as above provided within ninety days from the date of service of said notice, then the city of Chicago may remove the entire roadway structure, tracks and railway system of said company from such street within which said viaduct is to be erected or grade changed, and shall not be liable to said company for any damages of any kind whatsoever for the aforesaid removal, but the said company shall pay to the city of Chicago the entire cost and expense of such removal.

¶ 10. **Rights reserved—crossing of other roads.**] § 9. The permission and authority hereby granted are upon the further express

condition that nothing herein contained shall be construed to prevent the city council from granting to any other railroad company the right to cross the line hereby authorized, at an elevation above the tracks of this company so great that the clear head room between the lower chord of the girders of such elevated structure so crossing and the surface of the rails of the structure of this company shall be at least sixteen (16) feet, and no grant shall be made at a lower elevation.

¶ 11. **Conditions—time for completion.**] § 10. The privileges and authority hereby granted are so granted upon the further express condition that the said line of railroad hereby authorized between Market street and Wabash avenue on Lake street, shall be laid down and constructed within two (2) years from the passage of this ordinance by said company, and if the said line of road shall not be built within said two (2) years, then the right to build the same shall cease and become null and void, but the rights and privileges of the portion constructed shall remain valid and in full force, but the time during which any legal proceedings shall be pending whereby said company shall be hindered, prevented or delayed in constructing its said railroad, or any part thereof, shall be excluded from the time herein provided for the completion of the same, and shall be allowed the said company in addition to the time above specified for the completion thereof. The time to be excluded from the period hereinabove limited shall, however, be reckoned only from the date when said company shall have given notice to the corporation counsel of the city of Chicago of the institution of such proceedings. The city of Chicago, however, shall have, and it hereby expressly reserves the right to interfere in any suit or proceeding brought by any person or persons seeking to enjoin, restrain or in any manner interfere with the prosecution of said work of construction, and move for a dissolution of said injunction, if granted, or restraining order, and for any other proper order in such suit, in case it shall deem such suit collusive or for the purpose of delay, or to extend the time herein prescribed for the completion of said railroad.

¶ 12. **Indemnity clause.**] § 11. The consent, permission and authority hereby given are upon the further express condition that the said company shall and will forever indemnify and save harmless the city of Chicago against and from any and all damages of every kind and character, including land damages, and any and all damages to property of every kind and character, and from any and all damages, judgments, decrees and costs and expenses of the same which it may suffer, or which may be recovered, or obtained against said city for, or by reason of the granting of, or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of any of the privileges hereby granted, or from any act or acts of the said company under or by virtue of the provisions of this ordinance.

§ 12. On the first day of May, 1895, and on the first day of May

of each year thereafter, said company shall file with the city collector, or other proper officer whose duty it is to collect license fees, an affidavit stating the number of cars in regular use by said company, and thereupon said company shall pay an annual license fee of $50, in advance, for each and every car in regular use by it in transporting passengers for hire. Upon such payment being made, the city clerk shall issue a license to said company for each of its cars so used. The payment of which said license fee shall be in lieu of all other licenses to be imposed as regards the line of road hereby authorized by the city of Chicago.

¶ 13. **Use of structure by city—police, etc., to ride free.**] § 13. The city of Chicago shall have the right to use the structure authorized by this ordinance for placing thereunder its police, fire alarm and telephone wires, electric light wires and other wires and conduits, for the use of the city, without charge, so far as they do not interfere with the operation of said road, and policemen and firemen in uniform shall be entitled to ride free over the line of road hereby authorized.

¶ 14. **Restoration of streets.**] § 14. The said permission and authority hereby given are upon the express condition that said company shall do no permanent injury to the pavement, gutters, sidewalks, water pipes, sewer or gas pipes, telegraph or electric wires, cables or pipes, or sidewalk space occupied by adjacent owners, but said company shall restore the street, pavement, gutters, sidewalks, water pipes, sewer or gas pipes, telegraph or electric wires, cables or pipes, and sidewalk space occupied by adjacent owners, at its own expense, to a condition equally as good as before the building of said elevated railroad, so far as consistent with the occupancy by said company of said streets, alleys and sidewalk space authorized by this ordinance. Provided, said company shall have, and is hereby granted the right to take up and remove all such water pipes, sewer or gas pipes, telegraph, electric wires cables or pipes, that may be in the way or interfere with the construction or operation of said railroad, subject to restoration as aforesaid.

And if the said company shall fail or refuse so to do, the same may be done by the city of Chicago, and the said company shall be liable to the city for the cost thereof, and the city may reimburse itself for such expense out of any moneys deposited by the company with the city treasurer to insure the restoration hereinabove provided for. When any excavation shall be made by said company in any street, alley or public place paved with wooden blocks, the foundation boards or planks shall be removed without being cut, unless said cutting shall be by virtue of permission by the commissioner of public works of said city.

¶ 15. **Bonds.**] § 15. The consent, permission and authority hereby given is upon the express agreement and understanding that the Lake Street Elevated Railroad Company, before exercising any of the rights hereby granted, shall execute to the city of Chicago a good and

sufficient bond in the penal sum of one hundred thousand dollars, with sureties to be approved by the mayor of the city of Chicago, conditioned that it will observe, perform and carry out all the provisions of this ordinance, and will forever indemnify and save harmless the city of Chicago against and from any and all damages, including land damages, judgments, decrees, costs and expenses which it may suffer or which may be recovered or obtained against said city for or by reason of, or growing out of or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges or any of them herein granted, or from any act or acts of the said company under or by virtue of the provisions of this ordinance; provided, however, that the giving of said bond or the recovery of a judgment or judgments thereon, by the city of Chicago, shall not be construed as measuring or limiting the liability of said company to said city under the provisions of this ordinance, and such bond shall be a continuing liability, notwithstanding any such recovery or recoveries. The bond required by this section shall be filed with the city clerk within sixty days from the passage of this ordinance.

¶ 16. **Road from Market to 52nd street approved—time extended.**] § 16. That the line of road heretofore authorized to be built by said company under ordinance passed December 19, 1892, and under the ordinances of November 24, 1890, being the line of road from Market street to Fifty-second street upon Lake street, be and the same is hereby approved, as in compliance with said ordinances, and that the time for said company to complete the building and construction of the remaining portion of its line of road as heretofore authorized by the two ordinances of November 24, 1890, and the ordinance passed December 19, 1892, be and the same is hereby extended to July 1, 1897, and the other provisions of said ordinances are hereby re-enacted and extended.

¶ 17. **Acceptance—when in force.**] § 17. This ordinance shall take effect and be in force from and after its acceptance by said corporation under its corporate seal; Provided, that if the said company shall not file with the city clerk the bond at the time and in the manner required in this ordinance, and shall not file with the city clerk its formal acceptance of the terms, conditions and provisions of this ordinance, within sixty days from the passage hereof, then all rights and privileges hereby granted shall be wholly null and void and of no effect.

¶ 18. **Substitute for ordinance of July 30, 1894.**] § 18. This ordinance shall be considered as a substitute for and in lieu of the one passed July 30, 1894, relating to said railroad company.

METROPOLITAN WEST SIDE ELEVATED RAILROAD COMPANY.

§ 402. Metropolitan West Side Elevated Railroad company.

¶ 1. Grant—route—width of right of way.
¶ 2. Crossing river—bridge.
¶ 3. Plans—approval—inspection.
¶ 4. Tracks—telegraph, etc.—motive power.
¶ 5. Limitation of use.
¶ 6. Specifications—fare—rights reserved.
¶ 7. Stations—heating and lighting—motive power—fuel—drippings, etc.
¶ 8. Rights reserved—grades—viaducts—alterations.
¶ 9. Rights reserved—crossing of other roads.
¶ 10. Conditions—time of completion.
¶ 11. Indemnity clause.
¶ 12. Deposit of cash or bonds—conditions—damages.
¶ 13. Compensation.
¶ 14. Acquisition of right of way.
¶ 15. Use of structure by the city—police, etc., to ride free.
¶ 16. Restoration of streets.
¶ 17. Bond.
¶ 18. When in force.

An ordinance authorizing the Metropolitan West Side Elevated Railroad company to construct, maintain and operate an elevated railroad and branches in the city of Chicago. (Passed April 7, 1892. Accepted April 16, 1892.)

¶ 1. Grant — route — width of right of way.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same are hereby given and granted, to the Metropolitan West Side Elevated Railroad Company, to construct, maintain and operate, for a period of fifty (50) years from and after the passage hereof, an elevated railroad and branches with two or more, not exceeding four tracks, as the company may, from time to time, determine to be necessary, and such curves, spurs, side tracks, switches, sidings, turnouts, connections, supports, columns, girders, telegraphs, telephone and signal and other devices as the company may in like manner deem necessary for operating its road along and upon the following routes, in the city of Chicago, county of Cook, state of Illinois, to wit:

First. For the main line of said railroad, commencing on or near to the east line of Fifth avenue, in the city of Chicago, at some point between the south line of Jackson street on the north, and the north line of West Congress street, as it exists at the west line of Halsted street if produced east to Fifth avenue, on the south, and running thence between the said Jackson street on the north and said line of Congress street so produced, on the south, over, along, upon and across such lots, lands and property as the company now owns or hereafter may acquire, by lease, purchase, condemnation or otherwise, to the south branch of the Chicago river; thence across said river by means of a bridge as hereinafter provided; thence between the south

line of West Jackson street and the north line of West Congress street, as said lines are located at the west line of Halsted street, or between said streets as produced on said lines from the south branch of the Chicago river and west of Halsted street, between the south line of Van Buren street and the north line of Harrison street, to Sacramento avenue, over, along, upon and across such lots, lands and property as the company now owns or may hereafter acquire by lease, purchase, condemnation or otherwise, to Sacramento avenue, and from Sacramento avenue over, along, upon and across such lots, lands and property as the company now owns, or hereafter may acquire by lease, purchase, condemnation or otherwise, north of West Polk street and south of West Adams street, both produced west from Sacramento avenue to the western limits of the city of Chicago.

Second. And, for the first branch of said railroad, commencing at a point to be selected by said company on the said main line of its railroad between Ashland avenue on the east, and Wood street on the west; and running thence between the streets last aforesaid, over, along, upon and across such lots, lands and property as the said company now owns or hereafter may acquire by lease, purchase, condemnation or otherwise, to a point to be selected by said railroad company between Eighteenth street and Twenty-first street; and thence between the streets last aforesaid or the lines of said streets extended, over, along, upon and across such lots, lands and property as the company now owns or may hereafter acquire by lease, condemnation, purchase or otherwise, to a point to be selected by said company at or near to the western limits of said city of Chicago.

Third. And, for the second branch of said railroad, commencing at a point to be selected by said company upon its said main line, between Ashland avenue on the east and Wood street on the west, and running thence between the said streets or the lines thereof extended, over, along, upon and across such lots, lands and property as the company now owns or hereafter may acquire by lease, purchase, condemnation or otherwise, to a point to be selected by said company at or near Milwaukee avenue; thence within and between two lines parallel with Milwaukee avenue (one of said lines to be drawn 400 feet northeast of the center line of Milwaukee avenue, and the other line to be drawn 1,000 feet southwest of said center line of Milwaukee avenue), over, upon, along and across such lots, lands and property as the company now owns or may hereafter acquire by lease, purchase, condemnation or otherwise, to a point to be selected at or near the city limits.

Fourth. And, for the third branch of said railroad, commencing at a point to be selected by said company upon its said second branch between North avenue and Bloomingdale road to be selected by said company between said parallel lines; thence between said last mentioned streets or the lines thereof, extended, over, along, upon and across such lots, lands and property as the company now owns or may

hereafter acquire by lease, purchase, condemnation or otherwise, to a point, to be selected by said company, in or near the present western limits of the city of Chicago; Provided, that said company shall not use or acquire by purchase, condemnation or otherwise, a right of way upon and along the routes aforesaid, exceeding in width fifty feet, except at curves and at or approaching termini, stations or platforms, or for the location, construction and maintenance of termini, stations or platforms.

¶ 2. **Crossing river—bridge.**] § 2. The said company may cross the Chicago river, as provided in section 1, either by means of a new bridge hereby authorized to be constructed by it, upon such plans and in such manner as shall be approved by the commissioner of public works, or, at its option, by means of the existing bridge now erected at Van Buren street at the said place of crossing and, for that purpose, the said company may, at its own expense, rebuild and enlarge the said existing bridge, upon such plans and in such manner as shall be approved by the mayor and commissioner of public works; but the same, as so rebuilt and enlarged, shall not, nor shall such new bridge hereby authorized, be so constructed as to unnecessarily obstruct navigation or drainage.

¶ 3. **Plans — approval — inspection.**] § 3. The said railroad company may cross at an elevation, as hereinafter specified, any and all streets, avenues, alleys, public places and railroad tracks upon or along the line of said routes as designated in the first section hereof. The said railroad company shall prepare and submit to the commissioner of public works of the city of Chicago, plans and specifications of a standard section of said railroad structure proposed to be adopted by the said company, and the said commissioner shall forthwith examine the plans and specifications so submitted and, in case such plans and specifications conform to the requirements of this ordinance, said commissioner shall approve the same; whereupon the said company may commence to build and erect said railroad and branches, as herein authorized, in accordance with said plans and specifications so approved. The said railroad and branches in this ordinance authorized, shall be constructed under and subject to the inspection and supervision of the commissioner of public works and his assistants, who shall see that the same is constructed in accordance with said plans and specifications so approved, and the cost and expense of such inspection shall be paid by the said railroad company.

¶ 4. **Tracks—telegraph, etc.—motive power.**] § 4. The said company may, and it is hereby authorized, to construct, maintain and operate the said elevated railroad and branches with one or more tracks as aforesaid, and with such switches, curves, sidings, turnouts, connections, supports, columns, girders, telegraphs, telephones and signal and other devices, as above specified in the first section hereof, across the streets, avenues, alleys, public places, railroad tracks and

bridge aforesaid, and over, along, upon and across any lands which it may acquire on the said routes by lease, purchase, condemnation or otherwise; and the said railroad company may use and operate the railroad track or tracks, hereby authorized to be constructed, with locomotives or other engines or motors and cars, subject to all ordinances of said city of Chicago now in force or that may hereafter be passed applicable thereto.

¶ 5. **Limitation of use.**] § 5. The rights, powers and privileges hereby granted are upon the express condition that all freight trains and other rolling stock of surface steam railroads shall be absolutely excluded from said elevated railroad, its tracks and right of way, and that it shall be used for moving its general passenger trains only, and for accommodating and handling passenger traffic and the mails exclusively, to which end said company shall cause its trains to be regularly and systematically moved at such intervals as shall be necessary to accommodate the public, and the number of all such trains and the frequency with which they are moved shall be increased as rapidly as the demands of the public shall render necessary and the increase of the traffic warrant. And the consent and authority hereby given are upon the express agreement and condition that if any portion of the elevated system of said company, authorized by this ordinance, shall at any time be used by the freight or passenger trains, or by the rolling stock, of any surface railroad company, then all the rights and privileges herein granted shall wholly cease and determine and be null and void and the city council of the city of Chicago may order all that portion of said elevated system located in the streets and alleys of said city to be summarily removed and torn down, and the said company, in its acceptance of this ordinance, shall agree that said company shall not be entitled to recover any damages from said city for such summary removal.

¶ 6. **Specifications—fare—rights reserved.**] § 6. The permission, authority and privileges hereby granted are upon the express condition that the entire design and plan of the said railroad and all its branches shall be that of an elevated structure, and all material used for that part of the structure above the ground shall be wrought iron or steel, except that the post connections may be of cast iron, and except the rails, which shall be of steel, and except the ties or longitudinal stringers supporting the rails, and the safety guards, which shall be of the best quality and kind of selected timber, and except the track walks, which shall be of wood, and except that the supports may be of masonry, when not erected in any street, avenue, or alley or other public place. The stairs and all parts of the stations, except the platforms, doors and windows, and inside sheeting and except the treads of the stairs, shall be iron or masonry. All stations, platforms and stairs shall be protected by a substantial iron railing. All of the materials used in the construction of the works shall be of the best quality for the

purposes to which they are to be applied and the work shall be executed in workmanlike manner.

Clause 1. The general plan or plans of the structure shall be that of an elevated railroad, with the track or tracks supported or upheld upon or by a row or rows of iron posts or iron columns or by masonry as above stated.

Clause 2. Except where the width of any cross street, avenue or alley, between the curbs thereof, is seventy (70) feet or more, every cross street, avenue, or alley shall be spanned by a single span when and where the plan of construction is one having a row of columns upon or within the curb line.

Clause 3. The transverse diameter of each post or column placed in the roadway of any street or avenue shall not exceed fifteen (15) inches at the base and thence for, at least, ten (10) feet above the surface of the roadway. The transverse diameter of a column, when placed on or within the line of a curb, shall not exceed twenty-six (26) inches at the base and thence for, at least, ten (10) feet above the surface of the roadway.

Clause 4. The transverse diameter of the columns above indicated does not include fenders, and adequate fenders shall be fitted around the base of each column placed in the roadway of a street or avenue, to prevent the hubs of the wheels of passing vehicles from striking the columns.

Clause 5. The longitudinal distance between columns, when the rows of a column are in the roadway of a street or avenue, shall not be less than thirty-five (35) feet except on curves.

Clause 6. The longitudinal distance between columns on or within the curb shall be, at least, twenty-five (25) feet.

Clause 7. No part of the girders of the superstructure shall be less than fourteen feet above the then established grades of streets and alleys and, whenever said elevated structure crosses or passes over the right of way and tracks of existing steam railroads, the clear headroom between the lower chords of all of said girders and the surface of the rails on all of said railroads and from out to out of their said right of way shall not be less than twenty (20) feet.

Clause 8. The different parts of the structure and the connections shall be properly proportioned to resist all the momentum of the train which can, by the application of brakes, be imparted to the structure.

Clause 9. The most approved safety guards shall be provided to prevent the cars from leaving the structure in case of accident.

Clause 10. All of the material used in the construction of the work shall be of the best quality for the purpose to which it is to be applied, and the work shall be executed in the best style of the art and in a workmanlike manner.

Clause 11. The rates of fare to be charged and collected upon trains to be run upon the said railroad shall not exceed five cents per passenger for any one continuous trip within the city limits. And the

city council expressly reserves the power to regulate, control, and fix the rates of fare that shall be charged upon any extension of the elevated system of said company when such extension is constructed within the present or future city limits by authority of any ordinance hereafter passed.

¶ 7. Stations—heating and lighting—motive power—fuel—drippings, etc.] § 7. The said company shall have permission and authority, and the same are hereby given and granted to it, to construct and maintain over the streets, avenues and alleys, or portions thereof, across which its said elevated railroad is to be permitted to be constructed as aforesaid, all necessary or proper stations, platforms and depot stations, and to connect the same with said streets, avenues and alleys by means of all necessary stairs, stairways, elevators, landing places and other constructions and appliances for ingress, egress and the accommodation of passengers; but, such platforms, stations, stairs, stairways, elevators, landing places, etc., shall be so constructed and maintained as not to unnecessarily impair the usefulness of such streets, avenues or alleys or any portion thereof. Neat and commodious passenger stations, of easy and convenient access and whose architectural details and general designs shall be of recognized excellence, shall be provided, and all such station buildings and appurtenances and, likewise, all passenger cars, when the latter are in use, shall be comfortably heated during the winter months, or whenever necessary at any season, and they shall be properly lighted with gas, electricity or otherwise and thoroughly ventilated at all seasons; and the system of illumination and the sanitary fixtures and appliances adopted and used, shall be such as are recognized as of the best for the purpose to which they are applied. The platforms of all of said passenger stations shall be free from obstructions or projections of any kind; and, all of the said platforms and the lines of stairs leading to and from the same shall be securely protected by strong wrought iron or steel railings, not less than three and one-half feet high. The permission and authority to locate, construct and maintain all such requisite platforms, landing and lines of stairs leading to and from the sidewalks of the streets, avenues and alleys and the said elevated stations being, herein, expressly granted said company, whenever and wherever such methods of reaching such stations may be found necessary. Nothing herein contained, however, shall prohibit said company from locating and maintaining its stations in buildings which it may purchase, lease or erect on grounds purchased, or acquired by condemnation or lease, wherein it may, for the convenience and comfort of its patrons, place its ticket offices, waiting rooms, sanitary accommodations, stairways, elevators and all requisite methods of ingress and egress; and the right to construct and maintain covered passageways or connections between the interior of all such station buildings and the exterior platforms is hereby expressly granted to said company. All of said supporting columns, cross girders, longitudinal girders, platforms, connections and hand railings

shall be thoroughly and neatly painted, in light colored tints, and this general condition and sightly appearance shall be maintained at all times. The motive power to be used shall be fully equipped with all modern devices best calculated to prevent noise and the discharge of ashes, sparks, cinders, dust, steam or smoke into the surrounding atmosphere. Neither wood nor bituminous coal shall be used for fuel in the locomotive engines of said company. Suitable and practical devices shall be permanently placed and maintained beneath all stations, buildings and platforms when the same are erected over any street, avenue or alley and, also, at all street crossings, arranged to intercept and promptly carry off storm water and drippings from melting snow, or from any other causes whatever, and similar devices shall also be applied to motive power and rolling stock to intercept and hold all cinders, ashes, oil or any thing else, that may drop from moving trains to the surface of the street beneath the structure. The plans and specifications of such depots, platforms and stairs shall be submitted to and approved by the commissioner of public works before the work of construction thereof shall be commenced.

¶ 8. **Rights reserved — grades — viaducts — alterations.**] § 8. The city of Chicago reserves the right, at all times and whenever it may deem necessary, to change the grade of any street or alley across which the Metropolitan West Side Elevated Railroad Company may cross, without incurring any liability on the part of the city to said company, and, upon notice from the commissioner of public works, acting under the authority of the ordinance of the city of Chicago directing such change of grade, the said company, in case such grade shall be raised more than eighteen inches, shall immediately proceed to change its structure across any street where the grade has been so raised, to conform to the changed grade, in such manner that the distances and heights provided in this ordinance shall not be reduced more than eighteen inches, and such change of structure shall be without expense to the city. The city of Chicago reserves the right, whenever it may deem necessary, to erect and construct a viaduct and approaches thereto upon any street over which the Metropolitan West Side Elevated Railroad Company may cross, without incurring any liability on the part of the city to said company for any damages whatsoever, and the said company shall immediately and with reasonable dispatch change its structure over any street where such viaduct and approaches are ordered to be constructed upon notice from the commissioner of public works, acting on the authority of an ordinance of the city of Chicago directing the erection of such viaduct, and the said company shall rebuild and reconstruct the said railroad in such manner as to the distances and heights of the same over said viaduct, not exceeding fourteen (14) feet, as may be required by an ordinance of said city, and such change of structure shall be without expense to the city and at the expense of said company. If the said company, after having been notified in writing by the commissioner of public works, act-

ing under the authority aforesaid, to change the structure over any street where the grade has been changed, or after having been notified to change its structure where any viaduct has been ordered to be built by the city of Chicago, shall fail to proceed to do so, as above provided, within ninety days from the date of service of said notice, then the city of Chicago may remove the entire roadway structure, tracks and railway system of said company from such street within which said viaduct is to be erected, or grade is changed, and shall not be liable to said company for any damages of any kind whatsoever for the aforesaid removal, but the said company shall pay to the city of Chicago the entire cost and expense of such removal.

¶ 9. **Rights reserved—crossing of other roads.**] § 9. The permission and authority hereby granted are upon the further express condition that nothing herein contained shall be construed to prevent the city council from granting to any other railroad company the right to cross the line hereby authorized, at an elevation above the tracks of this company so great that the clear headroom between the lower chord of the girders of such elevated structure, so crossing, and the surface of the rails of the structure of this company shall be at least sixteen (16) feet. Provided, that in any changes hereafter to be made in the grade of said streets, or the erection of viaducts across the same, said other railroad company or companies shall be obliged, at its or their own cost and without cost to the said Metropolitan West Side Elevated Railroad Company, to raise its elevated structure so as to conform to the height above the tracks of the said Metropolitan West Side Elevated Railroad Company in this section prescribed.

¶ 10. **Conditions—time of completion.**] § 10. The privileges and authority hereby granted are so granted upon the further express condition that, at least, two tracks, authorized by this ordinance, shall be laid down and constructed for a distance of eight miles of said road within two years from the acceptance of this ordinance by the said company, and the remainder of said railroad and branches within three years from said acceptance of this ordinance, and if the said eight miles of said road be not so constructed within the said two years, then said right and privileges granted to said company shall cease and be null and void, but if the remainder of said railroad and branches be not constructed within the time specified then said rights and privileges granted to said company therein shall cease and be null and void as to the portion of such remainder not so constructed within the said time above specified, but the rights and privileges as to the portion constructed shall remain valid and in full force; but, the time during which any legal proceedings shall be pending, whereby the said company shall be prevented from or delayed in constructing its railroad or branches, or any part of said railroad or branches, shall be excluded from the time herein prescribed for the completion of said elevated railroad and branches and shall be allowed to said company in addition to

the time above prescribed, for the completion thereof. The city of Chicago, however, shall have, and it hereby expressly reserves, the right to intervene in any suit or proceeding brought by any person or persons seeking to enjoin, restrain or in any manner interfere with the prosecution of said work of construction, and move for a dissolution of such injunction or restraining order and for any other proper order in such suit, in case it shall deem such suit collusive or for the purpose of delay, or to extend the time herein prescribed for the completion of said elevated railroad.

¶ 11. **Indemnity clause.**] § 11. The consent, permission and authority hereby given are upon the further express condition that the said company shall and will forever indemnify and save harmless the city of Chicago against and from any and all damages of every kind and character, including land and business damages and any and all damages to property of every kind and character, and from any and all damages, judgments, decrees and costs and expenses of the same which it may suffer or which may be recovered or obtained against said city for or by reason of the granting of or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of any of the privileges hereby granted, or from any act or acts of the said company under or by virtue of the provisions of this ordinance.

¶ 12. **Deposit of cash or bonds—conditions—damages.**] § 12. The consent, permission and authority hereby given are upon the express agreement and understanding that in addition to the bond to be executed to the city of Chicago by the said company, as hereinafter specified, the said company shall, within sixty days from and after the filing of its formal acceptance of this ordinance as hereinafter required, deposit with the city treasurer of the city of Chicago the sum of one hundred thousand dollars in cash or, at the option of said company, in bonds of any of the authorized issues of Chicago city bonds at their par value, as security for the faithful performance and observance of the provisions and conditions of this ordinance; provided, that the said sum of one hundred thousand dollars in cash or bonds shall be returned and surrendered to the said company on the completion of five miles of its tracks within two years from the acceptance by the said company of this ordinance; and, if the said company shall not complete within two years of the said acceptance of this ordinance five miles of its tracks, then the said entire sum of one hundred thousand dollars, in cash or in bonds, shall thereupon be and become the property of the city of Chicago, as agreed and liquidated damages for and on account of the said failure of the said company to complete said five miles of its tracks within the period of two years aforesaid, but the time during which any legal proceeding shall be pending, whereby the said company shall be prevented from or delayed in constructing its railroad or branches shall be excluded from the time herein prescribed for the completion of said five miles of the tracks of

said company, and in accepting this ordinance the said company shall specifically agree in said acceptance to said appropriation by the city of Chicago of said sum of one hundred thousand dollars, in cash or bonds, as agreed and liquidated damages as aforesaid, in case of its failure as aforesaid. Upon the certificate of the commissioner of public works that five miles of track have been completed in accordance with the terms and conditions of this ordinance, then the mayor and comptroller shall issue a warrant or order to said company upon the city treasurer for the amount of one hundred thousand dollars so deposited in cash, or for said bonds so deposited, together with the coupons attached at the time of deposit thereof. Unless the said deposit of one hundred thousand dollars is made at the time and in the manner in this section prescribed this ordinance shall be void and of no effect.

¶ 13. **Compensation.**] § 13. On the first day of May in each year said company shall pay to the city of Chicago, in advance, an annual license fee of fifty dollars for each and every car used by it in transporting passengers for hire, and, at the time of said payment, said company shall file, with the city collector, an affidavit subscribed and sworn to by its treasurer, or other officer of said company, if required by the city collector, stating the number of cars so used by said company. Upon such payment being made the city clerk shall issue a license to said company for each of its cars so used, which license shall be issued as other licenses are issued, and each license shall contain the number of the car for which the same is paid, and which license shall be posted by said company in some conspicuous place inside of each car so licensed.

¶ 14. **Acquisition of right of way.**] § 14. The permission and authority hereby given and granted are so given and granted upon the further express condition that said company shall proceed, within sixty days from the date of the acceptance of said ordinance, to procure land for right of way, as hereinafter authorized, by condemnation or otherwise, and shall prosecute such acquisition of said right of way with due diligence thereafter until the whole right of way is obtained.

¶ 15. **Use of structure by city—police, etc., to ride free.**] § 15. The city of Chicago shall have the right to use the structure authorized by this ordinance for placing thereunder its police, fire alarm and telephone wires, without charge, and policemen and firemen in uniform shall be entitled to ride free of charge.

¶ 16. **Restoration of streets.**] § 16. The consent, permission and authority hereby given are upon the express agreement and condition that the said company shall do no permanent injury to the pavement, gutters, sidewalks, water pipes, sewer or gas pipes, telegraph or electric wires, cables or pipes, or sidewalk space occupied by adjacent owners, but said company shall restore the street, pavement, gutters, sidewalks, water pipes, sewer or gas pipes, telegraph or elec-

tric wires, cable and pipes and sidewalk space occupied by adjacent owners, at its own expense, to a condition equally as good as before the building of said elevated railroad, so far as consistent with the occupancy by said company of said streets, alleys and sidewalk spaces authorized by this ordinance, and if the said company shall fail or refuse so to do, the same may be done by the city of Chicago, and the said company shall be liable to the city for the cost thereof. When any excavation shall be made by said company in any street, alley or public place, paved with wooden blocks, the foundation boards or planks shall be removed without being cut, unless said cutting shall be specially permitted by the commissioner of public works of said city. The space and the surface of the ground under said railroad, beneath girders and between columns, so far as the same is not occupied by said railroad company, shall by said company be kept at all times free from all obstructions and in a clean and wholesome condition, to the approval and satisfaction of the department of health or health officers of said city; and that the same may be, at the option of the city of Chicago, paved by the city of Chicago for the purpose of public travel and so used. Provided, that such use shall not interfere with the use thereof by said company for the purpose of said railroad.

¶ 17. **Bond.**] § 17. The consent, permission and authority hereby given is upon the express agreement and understanding that the Metropolitan West Side Elevated Railroad Company, before exercising any of the rights hereby granted, shall execute to the city of Chicago a good and sufficient bond, in the penal sum of one hundred thousand dollars, with sureties to be approved by the mayor of the city of Chicago, conditioned that it will observe, perform and carry out all the provisions of this ordinance, and will forever indemnify and save harmless the city of Chicago against and from any and all damages, including land and business damages, judgments, decrees, costs and expenses which it may suffer or which may be recovered or obtained against said city for or by reason of, or growing out of, or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges or any of them herein granted, or from any act or acts of the said company under or by virtue of the provisions of this ordinance; provided, however, that the giving of said bond or the recovery of a judgment or judgments thereon by the city of Chicago shall not be construed as measuring or limiting the liability of said company to said city under any provisions of this ordinance, except to the extent of such recovery or recoveries. The bond required by this section shall be filed with the city clerk within sixty days from the passage of this ordinance.

¶ 18. **When in force.**] § 18. This ordinance shall take effect and be in force from and after its acceptance by said corporation, under its corporate seal; provided, that if the said company shall not

file with the city clerk the bond, at the time and in the manner required in this ordinance, and shall not deposit in the city treasury the amount of money or of the city bonds herein required, at the date and in the manner herein designated, and shall not file with the city clerk its formal acceptance of the terms and conditions of this ordinance, within sixty days from the passage hereof, then all rights and privileges hereby granted shall be wholly null and void and of no effect.

NORTHWESTERN ELEVATED RAILROAD COMPANY.

§ 403. Northwestern Elevated Railroad company.

¶ 1. Grant—route.
¶ 2. Crossing river by bridge or tunnel—cost, etc.
¶ 3. Plans and specifications—approval—supervision.
¶ 4. Tracks—telegraph, etc.—motive power.
¶ 5. Limitation of use.
¶ 6. Specifications—rate of fare.
¶ 7. Stations—lighting and heating—fuel—drippings, etc.
¶ 8. Rights reserved—grades—viaducts.
¶ 9. Rights reserved—crossing of other roads.
¶ 10. Conditions—time of completion.
¶ 11. Indemnity clause.
¶ 12 Deposit of cash or bonds—conditions.
¶ 13. Compensation.
¶ 14. Acquisition of right of way—location—approval.
¶ 15. Use of structure by city.
¶ 16. Restoration of streets—cleanliness—space under railroad.
¶ 17. Bond.
¶ 18. When in force.

An ordinance granting permission to the Northwestern Elevated Railroad Company to construct, maintain and operate an elevated railroad and branches in the city of Chicago. (Passed January 8, 1894. Accepted January 15, 1894.)

¶ 1. **Grant—route.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same are hereby given and granted to the Northwestern Elevated Railroad Company to construct, maintain and operate, for a period of fifty (50) years from and after the passage hereof, an elevated railroad and branches, with two or more tracks, not exceeding four, as the company may, from time to time, determine to be necessary; and such curves, spurs, side tracks, switches, sidings, turnouts, connections, supports, columns, girders, telegraphs, telephones and signal and other devices as the company may, in like manner, deem necessary for operating its road along and upon the routes hereafter named; provided, however, that the location and number of side tracks and switches shall

be subject to the approval of the commissioner of public works. The routes hereby authorized are as follows:

First. For the main line of said railroad, commencing at Monroe street, or at a street or point north of Monroe street, and between Wabash avenue on the east and Market street on the west and extending, in a northerly or northwesterly direction, to the Chicago river; thence across the Chicago river to a point between Cass street, extended to the Chicago river, and the north branch of the Chicago river; thence extending, in a northerly or northwesterly direction, to the city limits.

Second. The first branch of said railroad shall commence at the main line, at a point north of Monroe street and south of the Chicago river, and run westerly across the south branch of the Chicago river to a point not more than one thousand (1,000) feet west of Halsted street and continuing with two branches, one running northwesterly to the city limits and one running northwardly to the city limits.

Third. The second branch shall commence at the main line between North avenue and Chicago avenue and, extending in a westerly direction, to a point between Western avenue and Ashland avenue; thence in a northerly direction, to the city limits.

Fourth. The third branch shall commence at the main line between North avenue and Diversey street and extend, in a northerly or northeasterly direction, to the city limits.

Fifth. The fourth branch shall commence at the main line between North avenue and Belmont avenue and extend, westerly, to the city limits.

¶ 2. **Crossing river by bridge or tunnel—cost, etc.**] § 2. The said company may cross the main and south branches of the Chicago river, as provided in section 1, with its main line and first branch line, either by means of a new bridge for such main line and a new bridge for such first branch line, and which are hereby authorized to be constructed by it, or by means of a tunnel or tunnels under the main branch or south branch of the Chicago river, upon such plans and in such manner as shall be approved by the commissioner of public works, or, at said company's option, by means of any one of the existing bridges now erected across the main or south branch of said river, excepting Lake street bridge; and, for that purpose, the said company may, at its own expense, rebuild and enlarge any such existing bridge, or bridges, upon such plan and in such manner as shall be approved by the mayor and commissioner of public works; but the same as so rebuilt and enlarged shall not, nor shall such new bridge or bridges hereby authorized, be so constructed as to unnecessarily obstruct navigation or drainage; provided, that if any existing bridge is used it shall be so reconstructed as not to in any manner interfere with traffic as it now or may hereafter exist, and all expense of operating, repairing and maintaining such bridge or bridges shall be borne by said Northwestern Elevated Railroad Company, its successors or assigns, during the life of this ordinance.

¶ 3. Plans and specifications—approval—supervision.] § 3. The said railroad company may construct and operate its railroad, at an elevation as hereinafter specified, across any and all streets, avenues, alleys, public places and railroad tracks upon or along the line of said routes as designated in the first section hereof. The said railroad company shall prepare and submit to the commissioner of public works of the city of Chicago plans and specifications of a standard section of said railroad structure proposed to be adopted by the said company; and the said commissioner shall forthwith examine the plans and specifications so submitted, and in case such plans and specifications conform to the requirements of this ordinance, said commissioner shall approve the same; whereupon the said company may commence to build and erect said railroad and branches as herein authorized, in accordance with said plans and specifications so approved. The said railroad and branches in this ordinance authorized shall be constructed under and subject to the inspection and supervision of the commissioner of public works, who shall see that the same is constructed in accordance with said plans and specifications so approved.

¶ 4. Tracks, telegraph, etc.—motive power.] § 4. The said company may and is hereby authorized to construct, maintain and operate the said elevated railroad and branches with one or more tracks, as aforesaid, and with such switches, curves, sidings, turnouts, connections, supports, columns, girders, telegraphs, telephones and signal and other devices, as above specified in the first section hereof, across the streets, avenues, alleys, public places, railroad tracks and bridges aforesaid and over and across any alleys in the district, in which the route herein specified is located; and also over, upon, along and across any lands which it may acquire on the said routes by lease, purchase, condemnation or otherwise, and the said railroad company may use and operate the railroad track or tracks, hereby authorized to be constructed, with locomotive or other engines or motors, and railway cars, subject to all ordinances of said city of Chicago now in force, or that may hereafter be passed and be in operation.

¶ 5. Limitation of use.] § 5. The rights, powers and privileges hereby granted are upon the express condition that all freight trains and other rolling stock of surface steam railroads shall be absolutely excluded from said elevated railroad, its tracks or right of way, and that it shall be used for moving its general passenger trains only and for accommodating and handling passenger traffic and the mails exclusively; to which end the said company shall cause its trains to be regularly and systematically moved at such intervals as shall be necessary to accommodate the public, and the number of all such trains, and the frequency with which they are moved, shall be increased as rapidly as the demands of the public shall render necessary, and the increase of traffic warrant. And the consent and authority hereby given are upon the express agreement and condition that if any por-

tion of the elevated system of said company, authorized by this ordinance, shall at any time be used by the freight or passenger trains or by rolling stock of any surface steam railroad company, then all the rights and privileges herein granted shall wholly cease and determine and be null and void, and the city council of the city of Chicago may order all that portion of said elevated system located in or crossing the streets and alleys of said city to be summarily removed and torn down, and the said company, in its acceptance of this ordinance, shall agree that said company shall not be entitled to recover any damages from said city for such summary removal.

¶ 6. **Specifications—rate of fare.**] § 6. The permission, authority and privileges hereby granted are upon the express condition that the entire design and plan of the said railroad and all its branches shall be that of an elevated structure, and all material used for that part of its structure above the ground shall be wrought iron or steel, except that the post connections may be of cast iron, and except the rails, which shall be of steel, and except the ties, or longitudinal stringers supporting the rails, and the safety guards, which shall be of the best quality and kind of selected timber, and except the track walks, which shall be of wood, and except that the supports may be of masonry, when not erected in or crossing any street, avenue, alley or other public place. The stairs and all parts of the stations, except the platforms, doors and windows and inside sheeting, and except the treads of the stairs, shall be of iron or masonry. All stations, platforms and stairs shall be protected by a substantial iron railing. All of the materials used in the construction of the work shall be of the best quality for the purposes to which they are to be applied, and that the work shall be executed in workmanlike manner.

Clause 1. The general plan or plans of the structure shall be that of an elevated railroad, with the track or tracks supported or upheld upon or by a row or rows of iron posts or iron columns, or by masonry, as above stated.

Clause 2. Except where the width of any cross street, avenue or alley, between the curbs thereof, is seventy (70) feet or more, every cross street, avenue or alley shall be spanned by a single span, when and where the plan of construction is one having a row of columns upon or within the curb line.

Clause 3. The transverse diameter of each post or column placed in the roadway of any street or avenue shall not exceed eighteen (18) inches at the base and thence for at least ten (10) feet above the surface of the roadway. The transverse diameter of a column when placed on or within the line of a curb shall not exceed twenty-six (26) inches at the base and thence for at least ten (10) feet above the surface of the roadway.

Clause 4. The transverse diameter of the columns above indicated does not include fenders; and adequate fenders shall be fitted around the base of each column placed in the roadway of a street or

avenue to prevent the hubs of the wheels of passing vehicles from striking the columns.

Clause 5. The longitudinal distance between columns, when the rows of a column are in the roadway of a street or avenue, shall not be less than thirty-five (35) feet except on curves.

Clause 6. The longitudinal distance between columns on or within the curb shall be at least twenty-five (25) feet.

Clause 7. No part of the girders of the superstructure shall be less than fourteen (14) feet above the then established grade of streets and alleys, and whenever said elevated structure crosses or passes over the right of way and tracks of existing steam railroads, the clear head room between the lower chord of all of said girders and the surface of the rails on all of said railroads, and from out to out of their said right of way, shall not be less than twenty (20) feet.

Clause 8. The different parts of the structure and the connections shall be properly proportioned to resist all the momentum of the train which can, by the application of brakes, be imparted to the structure.

Clause 9. The most approved safety guards shall be provided to prevent the cars from leaving the structure in case of accident.

Clause 10. All of the material used in the construction of the work shall be of the best quality for the purpose to which it is to be applied, and the work shall be executed in the best style of the art and in a workmanlike manner.

Clause 11. It is understood that a five (5) cent rate of fare shall be established on the main line in conjunction with the branches of the said railroad, and no more than five (5) cents shall be charged and collected per passenger for any one continuous trip, within the city limits, upon said main line or any of said branches or upon any extension of same, or any connection thereof, operated, managed or controlled by said Northwestern Elevated Railroad Company, its successors, assigns or lessees; Provided, however, that police, firemen and mail carriers in uniform may be permitted to ride free of charge.

¶ 7. Stations—lighting and heating—fuel—drippings, etc.] § 7. The said company shall have permission and authority, and the same are hereby given and granted to it, to construct and maintain over the streets, avenues and alleys, or portions thereof, across which its said elevated railroad is to be permitted to be constructed as aforesaid, all necessary or proper stations, platforms and depot stations, and to connect the same with said streets, avenues and alleys by means of all necessary stairs, stairways, elevators, landing places and other constructions and appliances for ingress, egress and the accommodation of passengers; but, such platforms, stations, stairs, stairways, elevators, landing places, etc., shall be so constructed and maintained as not to unnecessarily impair the usefulness of such streets, avenues or alleys or any portion thereof. Neat and commodious passenger stations of easy and convenient access shall be provided and all such sta-

tion buildings and appurtenances, and likewise all passenger cars—when the latter are in use—shall be comfortably heated during the winter months, or whenever necessary at any season, and they shall be properly lighted with gas, electricity, or otherwise, and thoroughly ventilated at all seasons. The platforms of all of said passenger stations shall be free from obstructions or projections of any kind; and all of said platforms and lines of stairs leading to and from the same shall be securely protected by strong wrought iron or steel railings, not less than three and one-half feet high. The permission and authority to locate, construct and maintain all such requisite platforms, landings and lines of stairs, leading to and from the sidewalks of the streets, avenues and alleys and the said elevated stations, being herein expressly granted said company, whenever and wherever such methods of reaching said stations may be found necessary. Nothing herein contained, however, shall prohibit said company from locating and maintaining its stations in buildings which it may purchase, lease or erect on grounds purchased or acquired by condemnation or lease wherein it may, for the convenience and comfort of its patrons, place its ticket offices, waiting rooms, sanitary accommodations, stairways, elevators and all requisite methods of ingress and egress, and the right to construct and maintain covered passage ways or connections between the interior of all such station buildings and the exterior platforms is, hereby, expressly granted to said company. All of said supporting columns, cross girders, longitudinal girders, platform connections and hand railings shall be painted, and sightly appearance shall be maintained at all times. The motive power to be used shall be fully equipped with all modern devices best calculated to prevent noise and the discharge of ashes, sparks, cinders, dust, steam or smoke into the surrounding atmosphere. Neither wood nor bituminous coal shall be used for fuel in the locomotive engines of said company. Suitable and practical devices shall be permanently placed and maintained beneath all station buildings and platforms when the same are erected over any street, avenue or alley and, also, at all street crossings, arranged to intercept and promptly carry off storm water and drippings from melting snow, or from any other causes whatever; and, similar devices shall also be applied to motive power and rolling stock to intercept and hold all cinders, ashes, oil or any thing else that may drop from moving trains to the surface of the street beneath the structure. The plans and specifications of such depots, platforms and stairs shall be submitted to and approved by the commissioner of public works before the work of construction thereof shall be commenced.

¶ 8. **Rights reserved—grades—viaducts.**] § 8. The city of Chicago reserves the right, at all times, and whenever it may deem necessary, to change the grade of any street or alley across which the Northwestern Elevated Railroad Company may cross, without in-

curring any liability on the part of the city to said company and, upon notice from the commissioner of public works, acting under the authority of the ordinance of the city of Chicago directing such change of grade, the said company, in case such grade shall be raised more than eight inches, shall immediately proceed to change its structures across any street where the grade has been so raised, to conform to the changed grade, in such manner that the distances and heights provided in this ordinance shall not be reduced more than eighteen inches, and such change of structure shall be without expense to the city. The city of Chicago reserves the right, whenever it may deem necessary, to erect and construct a viaduct and approaches thereto upon any street over which the Northwestern Elevated Railroad Company may cross, without incurring any liability on the part of the city to said company, for any damages whatsoever, and the said company shall immediately and with reasonable dispatch change its structure over any street where such viaduct and approaches are ordered to be constructed, upon notice from the commissioner of public works, acting on the authority of an ordinance of the city of Chicago, directing the erection of such viaduct, and the said company shall rebuild and reconstruct the said railroad in such manner as to the distance and heights of the same over said viaduct, not exceeding fourteen (14) feet, as may be required by an ordinance of said city, and such change of structure shall be without expense to the city and at the expense of said company. If the said company, after having been notified, in writing, by the commissioner of public works, acting under the authority aforesaid, to change the structure over any street where the grade has been changed, or after having been notified to change its structure where any viaduct has been ordered to be built by the city of Chicago, shall fail to proceed to do so, as above provided, within six months from the date of service of said notice, then the city of Chicago may remove the entire roadway structure, tracks and railway system of said company from such street within which said viaduct is to be erected, or grade is changed, and shall not be liable to said company for any damages of any kind whatsoever for the aforesaid removal, but the said company shall pay to the city of Chicago the entire cost and expense of such removal.

¶ 9. **Rights reserved—crossing of other roads.**] § 9. The permission and authority hereby granted are upon the further express condition that nothing herein contained shall be construed to prevent the city council from granting to any other railroad company the right to cross the line hereby authorized, at an elevation above the tracks of this company so great that the clear headroom between the lower chord and the girders of such elevated structure so crossing, and the surface of the rails of the structure of this company shall be at least sixteen (16) feet. Provided, that in any changes hereafter to be made in the grade of the streets, or the erection of viaducts across the same,

said other railroad company or companies shall be obliged at its or their own cost and without cost to the said Northwestern Elevated Railroad Company, to raise its elevated structure so as to conform to the height above the tracks of the said Northwestern Elevated Railroad Company in this section prescribed.

¶ 10. **Conditions—time of completion.**] § 10. The privileges and authority hereby granted are so granted upon the further express condition that, at least, that part of the elevated railroad, hereby authorized, from the southern terminus of said main line south of the river to Wilson avenue in the town of Lake View in the city of Chicago be constructed and equipped and in operation within three years from the acceptance of this ordinance by the said company; and, if not so constructed, equipped and in operation within the said three years, then all the rights and privileges herein granted to said company shall absolutely cease and be null and void; and, that said elevated railroad shall be extended north from said Wilson avenue to the present city limits on the north within ten years from said acceptance, and unless said road be so constructed from Wilson avenue to said city limits within ten years from said acceptance, then, all the rights and privileges granted to said company as to the portion of such road not so constructed shall cease and be void and the said company shall further pay in to the treasury of the city of Chicago as liquidated damages for its failure to complete said road from Wilson avenue to the northerly city limits, the sum of $25,000 for every uncompleted mile of such road. All other portions of the main road and branches authorized by this ordinance must be completed within five years from the acceptance of this ordinance, and as to any portion of the said road not completed within that time the rights and privileges granted to said company by this ordinance shall absolutely cease and be void, but the rights and privileges as to the portion constructed shall remain valid and in full force. The time during which any legal proceedings shall be pending whereby the said company shall be prevented from or delayed in constructing its railroad or branches, or any part thereof, shall be excluded from the time herein prescribed for the completion of said elevated railroad and branches and shall be allowed to said company in addition to the time prescribed for the completion thereof; Provided, however, that such exclusion shall date only from the time when the said company shall have given notice to the corporation counsel of the city of Chicago of the institution of such legal proceedings. The city of Chicago shall have the right to intervene in any suit or proceeding brought by any person or persons seeking to enjoin, restrain or in any manner interfere with the prosecution of said work of construction and move for a dissolution of such injunction or restraining order in such suit, in case it shall deem such suit collusive or instituted for the purpose of delay.

¶ 11. **Indemnity clause.**] § 11. The consent, permission and

authority hereby given are upon the further express condition that the said company shall and will forever indemnify and save harmless the city of Chicago against and from any and all damages of every kind and character, including land and business damages, and any and all damage to property of every kind and character, and from any and all damages, judgments, decrees and costs and expenses of the same, which it may suffer or which may be recovered or obtained against said city for or by reason of the granting of or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of any of the privileges hereby granted, or from any act or acts of the said company under or by virtue of the provisions of this ordinance.

¶ 12. **Deposit of cash or bonds—conditions.**] § 12. The consent, permission and authority hereby given are upon the express agreement and understanding that, in addition to the bond to be executed to the city of Chicago by the said company as hereinafter specified, the said company shall within sixty days from and after the passage of this ordinance deposit with the city treasurer of the city of Chicago the sum of one hundred thousand dollars in cash or, at the option of said company, in bonds of any of the authorized issue of Chicago city bonds at their par value, as security for the faithful performance and observance of the provisions and conditions of this ordinance; Provided, that the said sum of one hundred thousand dollars in cash or bonds shall be returned and surrendered to the said company as soon as that portion of the road connecting the business portion of the city with Wilson avenue shall be completed, equipped and in operation, provided it shall be so completed, equipped and in operation within three years from the acceptance of this ordinance; otherwise the said entire sum of one hundred thousand dollars, in cash or in bonds, shall thereupon be and become the property of the city of Chicago, as agreed and liquidated damages for and on account of the said failure of the said company to complete said road up to Wilson avenue within the period of three years aforesaid, but the time during which any legal proceedings shall be pending, whereby the said company shall be prevented from or delayed in constructing its railroad or branches shall be excluded from the time herein prescribed for the completion of said road up to Wilson avenue; and, in accepting this ordinance the said company shall specifically agree in said acceptance to said appropriation by the city of Chicago of the said sum of one hundred thousand dollars in cash or bonds as agreed and liquidated damages, as aforesaid, in case of its failure as aforesaid. Upon the certificate of the commissioner of public works that the said elevated railroad connecting the business portion of the city with Wilson avenue has been completed in accordance with the terms and conditions of this ordinance, then, the mayor and comptroller shall issue a warrant or order to said company upon the city treasurer for the

amount of one hundred thousand dollars so deposited in cash, or for said bonds so deposited together with the coupons attached at the time of deposit thereof. Unless the said deposit of one hundred thousand dollars is made at the time and in the manner in this section prescribed this ordinance shall be void and of no effect.

¶ 13. **Compensation.**] § 13. On the first day of May in each year said company shall pay to the city of Chicago, in advance, an annual license fee of fifty dollars for each and every car used by it in transporting passengers for hire and, at the time of said payment, said company shall file with the city collector an affidavit, subscribed and sworn to by its treasurer or other officer of said company, if required by the city collector, stating the number of cars so used by said company. Upon such payment being made the city clerk shall issue a license to said company for each of its cars so used, which license shall be issued as other licenses are issued, and each license shall contain the number of the car for which the same is paid and which license shall be posted by said company in some conspicuous place inside of each car so licensed. After the expiration of ten (10) years from and after the commencement of the operation of the elevated railroad hereby authorized, or some part thereof, said company shall pay in to the treasury of the city of Chicago, annually, a percentage of its gross receipts from the operation of said road and branches, as compensation for the benefits conferred by this ordinance upon said company, as follows: One per cent for a period of ten years; two per cent for the following period of ten years, and three per cent for the remainder of the fifty years for which this franchise is granted.

¶ 14. **Acquisition of right of way—location—approval.**] § 14. The permission and authority hereby given and granted are so given and granted upon the further express condition that said company shall proceed within 90 days from the date of the acceptance of said ordinance to procure land for the right of way, as herein authorized, by condemnation or otherwise, and shall prosecute such acquisition of said right of way with due diligence thereafter until the whole right of way is obtained. Within one year after the acceptance of this ordinance the said company shall file, with the commissioner of public works, maps and plans showing the exact and definite location selected by it for its main road and, within two years the exact and definite location of its branches, which said location shall be subject to the approval of the mayor and commissioner of public works; and the said company, after such approval, shall lose the right to thereafter select any other location for its road and branches.

¶ 15. **Use of structure by city.**] § 15. The city of Chicago shall have the right to use the structure authorized by this ordinance for placing thereunder its police, fire alarm and telephone wires and other wires and conduits for the use of the city without charge.

¶ 16. Restoration of streets—cleanliness—space under railroad.] § 16. The consent, permission and authority hereby given are upon the express agreement and condition that the said company shall do no permanent injury to the pavement, gutters, sidewalks, water pipes, sewer or gas pipes, telegraph or electric wires, cables or pipes, or sidewalk space occupied by adjacent owners, but said company shall restore the street, pavement, gutters, sidewalks, water pipes, sewer or gas pipes, telegraph or electric wires, cables or pipes and sidewalk space occupied by adjacent owners, at its own expense to a condition equally as good as before the building of said elevated railroad, so far as consistent with the occupancy by said company of said streets, alleys and sidewalk spaces authorized by this ordinance, and, if the said company shall fail or refuse so to do, the same may be done by the city of Chicago and the said company shall be liable to the city for the cost thereof. When any excavation shall be made by said company in any street, alley or public place, paved with wooden blocks, the foundation boards or planks shall be removed without being cut, unless said cutting shall be specially permitted by the commissioner of public works of said city. The space and the surface of the ground under said railroad, beneath girders and between columns, so far as the same is not occupied by said railroad company, shall by said company be kept at all times free from all obstructions and in a clean and wholesome condition, to the approval and satisfaction of the department of health or health officers of said city.

¶ 17. Bond.] § 17. . The consent, permission and authority hereby given is upon the express agreement and understanding that the Northwestern Elevated Railroad Company, before exercising any of the rights hereby granted, shall execute to the city of Chicago a good and sufficient bond in the penal sum of one hundred thousand dollars, with sureties to be approved by the mayor of the city of Chicago, conditioned that it will observe, perform and carry out all the provisions of this ordinance, and will forever indemnify and save harmless the city of Chicago against and from any and all damages, including land and business damages, judgments, decrees, costs and expenses which it may suffer or which may be recovered or obtained against said city for or by reason of or growing out of or resulting from the passage of this ordinance, or any matter or thing connected therewith or with the exercise by said company of the privileges or any of them herein granted, or from any act or acts of the said company under or by virtue of the provisions of this ordinance; Provided, however, that the giving of said bond or the recovery of a judgment or judgments thereon by the city of Chicago shall not be construed as measuring or limiting the liability of said company to said city under any provisions of this ordinance, except to the extent of such recovery or recoveries. The bond required by this section

shall be filed with the city clerk within sixty days from the passage of this ordinance.

¶ 18. When in force.] § 18. This ordinance shall take effect and be in force from and after its acceptance by said corporation, under its corporate seal; Provided, that if the said company shall not file with the city clerk the bond at the time and in manner required in this ordinance, and shall not deposit in the city treasury the amount of money or of the city bonds herein required, at the date and in the manner herein designated, and shall not file with the city clerk its formal acceptance of the terms and conditions of this ordinance, within thirty days from the passage hereof, then all rights and privileges hereby granted shall be wholly null and void, and of no effect.

Note: See following amendatory ordinances and agreement.

§ 404. Northwestern Elevated Railroad company.

¶ 1. Amending clause 1, section 1, of foregoing ordinance.
¶ 1*. Route—joint use of other roads—specifications.
¶ 2. Amending section 3 of the foregoing ordinance.
¶ 3. Amending section 4 of the foregoing ordinance.
¶ 4. When in force—acceptance—bond.

An ordinance amending an ordinance passed January 8, 1894, granting permission to the Northwestern Elevated Railroad company to construct, maintain and operate an elevated railroad and branches in the city of Chicago. (Passed June 24, 1895. Accepted by the Northwestern Elevated Railroad company and by the Union Elevated Railroad company August 19, 1895.)

¶ 1. Amending clause 1, section 1, of foregoing ordinance.] Be it ordained by the city council of the city of Chicago: § 1. That clause first of section 1 of an ordinance passed January 8, 1894, granting to the Northwestern Elevated Railroad Company permission and authority to construct and operate an elevated railroad and branches in, upon and along the routes named in said ordinance, be, and said clause first is hereby amended so that said clause first, which authorizes the construction of the main line of said railroad, shall read as follows:

¶ 1*. Route — joint use of other roads — specifications.] First—The route for that portion of the main line of said railroad south of the north line of Institute place, in said city, shall be as follows: Beginning at a point on the north line of said Institute place, between Market street and North Franklin street, thence running in a southeasterly direction over and across said Institute place to the south line thereof, thence continuing and running in a southeasterly direction over, along and upon any lands which said railroad may acquire by lease, purchase, condemnation or otherwise, and across any alley or public place to the north line of Chicago avenue in said city, and thence continuing and running in a southeasterly direction over and across said Chicago avenue to North Franklin street, in said city, and

thence continuing and running in, along and upon said North Franklin street to the intersection of Michigan street, and thence continuing easterly in, along and upon Michigan street to the intersection of Wells street, and thence southerly in and along Wells street, and over and across the Chicago river, and over and across Wells street bridge, and thence continuing southerly in and along Fifth avenue to the north line of Harrison street, in said city; Provided, however, that the permission and authority hereby granted to the said Northwestern Elevated Railroad Company as to that portion of the main line above described, located and lying in Fifth avenue, between the south line of Lake street and the southern terminus of said main line, are given and granted upon condition that the elevated railroad constructed hereunder in said Fifth avenue, between the points last aforesaid, shall be subject to the joint use of the said Northwestern Elevated Railroad Company, the Lake Street Elevated Railroad Company, the Metropolitan West Side Elevated Railroad Company, the Chicago & South Side Rapid Transit Railroad Company and the Union Elevated Railroad Company, under any and all contracts now existing, or which may hereafter be entered into between the said companies, or any of them; and provided further, that the permission and authority hereby granted as to that portion of the main line of said railroad in said Fifth avenue, lying between the south line of Lake street and the southern terminus of said railroad in Fifth avenue, are given and granted upon the further condition that the said Northwestern Elevated Railroad Company shall enter into a contract with the Union Elevated Railroad Company upon such terms and conditions as may be agreed upon between them, whereby the same shall be leased to, and the said elevated structure to be built in that portion of Fifth avenue, between the south line of Lake street and the southern terminus of said line in Fifth avenue, shall be constructed and maintained by the said Union Elevated Railroad Company, for the uses and purposes hereinbefore set forth. The route of the remaining or other portion of the main line of said Northwestern Elevated Railroad Company shall begin as now fixed by said ordinance of January 8, 1894, namely: Beginning at the same point on the north line of said Institute place, at which the above described route begins, and thence continuing and extending northerly and northwesterly to the city limits.

The permission and authority hereby granted to construct, maintain and operate that portion of the main line which is in and along North Franklin street, Michigan street, Wells street and Fifth avenue, are upon the following conditions:

(a) That two tracks only shall be constructed and operated in and along said last named streets, and such tracks shall be set over the center of the street as nearly as practicable, except at curves, and with the exception of Chicago avenue there shall be no columns or other supports at street intersections.

(b) That the railroad structure hereby authorized to be constructed and operated in said North Franklin street and Michigan street shall have the columns set along the curb line.

(c) For the elevated structure hereby authorized to be constructed in said Wells street and Fifth avenue, all columns and supports for the said elevated structure shall be located as near the outside rails of the now existing surface car tracks in said street as is consistent with the safety of the operation of the latter, and such columns and supports shall nowhere be more than three and one-half feet outside of the outside rails of said now existing surface car tracks, except on street intersections, where they shall be set in the curb line, and except as hereinafter stated.

The structure of such elevated railroad in Wells street and Fifth avenue, between Michigan street and Harrison street, shall be made as light and presentable as is compatible with the traffic thereon, and the space between the cross ties of the tracks, and also the space between the tracks themselves, shall not be floored, or otherwise closed, but shall be left open for the transmission of light, except at stations so far as necessary to provide for passenger platforms. Said structure shall be what is known as lattice work construction, the same as the proposed East Lake street extension construction, from Market street to Wabash avenue. The elevated structure shall span all cross streets, and no columns or other supports shall be set in the intersection thereof.

If said elevated structure is connected with any elevated track in Lake street by a connecting track curved to the west, no part of the structure shall be within twelve (12) feet of the general office building of the Chicago & Northwestern Railway Company, situated at the northwest corner of Lake street and Fifth avenue, and no columns or supports for such connecting track or the structure thereof shall be located elsewhere than in the curb line of the street.

A station of said elevated railroad shall be located at the intersection of Kinzie and Wells streets, and shall upon the written request of the Chicago & Northwestern Railway Company, and at the expense of the said Northwestern Elevated Railroad Company, be connected with the station house of said railway company, situated upon the southwest corner of said streets, by such arrangement of covered ways as shall be approved by the Chicago & Northwestern Railway Company and the commissioner of public works of the city of Chicago.

A station of such elevated railroad may be located at or near the intersection of Lake street and Fifth avenue, or said elevated railroad companies, or either of them, shall use as a station of their, or its own, a station that may be constructed at the intersection of said streets by any other elevated railroad company, and the arrangement of stairways and platforms for any such station shall be subject to

the approval of the Chicago & Northwestern Railway Company and the commissioner of public works of the city of Chicago.

Said elevated railroad shall span the viaduct on Wells street now existing over North Water street, or any other viaduct that may be hereafter constructed at that point, in renewal or enlargement of the existing viaduct, so as to have no columns or supports for its elevated structure at any point between the extreme northernmost and southernmost piers or abutments of such viaduct. Said Northwestern Elevated Railroad may, however, construct columns or supports upon such extreme piers or abutments. One-quarter of the expense of maintenance of such now existing viaduct, or hereafter built, shall be made and paid by said Northwestern Elevated Railroad Company, its successors, lessees or assigns, and if at any time a new viaduct shall be built at the instance of the city of Chicago, or of the Chicago & Northwestern Railway Company, in renewal, extension or enlargement of the existing viaduct, said Northwestern Elevated Railroad Company, its successors, lessees or assigns, shall meet and pay one-quarter of the cost of construction thereof. If any columns or supports of said Northwestern Elevated Railroad Company are put upon the aforesaid northernmost and southernmost piers or abutments of said viaduct at any time, then said Northwestern Elevated Railroad Company, its successors, lessees and assigns, shall pay the additional expense in the construction and maintenance of such piers and abutments as may be made necessary for the use thereof for such columns or supports.

(d) The motive power to be used in the operation of that portion of the main line of said elevated railroad hereby authorized, between Institute place and said Harrison street, shall be electricity, or some other motive power equally clean and noiseless; Provided, however, that the said Chicago & South Side Rapid Transit Railroad Company shall have the right to use steam as a motive power for operating its cars and trains in that portion of Fifth avenue, between Lake street and Harrison street, for the period of three years from and after the passage of this ordinance, and upon, and after the expiration of said three years, the said Chicago & South Side Rapid Transit Railroad Company shall use for its motive power electricity, or some other motive power equally clean and noiseless.

(e) Stations of said elevated railroad in and along said route, between Institute place and Harrison street, may be located at or near Chicago avenue and Franklin street; at or near Indiana and Franklin street; at Kinzie and Wells streets; at or near Fifth avenue and Lake street; at or near Madison street and Fifth avenue, with stairway north on Fifth avenue; at or near Adams or Quincy street and Fifth avenue; at or near Van Buren street and Fifth avenue; at or near Harrison street and Fifth avenue; and at such other places as may be

agreed upon between the railroad company constructing and operating the railroad at the point in question and the mayor and commissioner of public works of said city.

(f) That portion of said main line of said railroad hereby authorized to be constructed from Institute place to Harrison street shall be constructed, equipped and in operation within the period of time fixed in and by section 10 of said ordinance of January 8, 1894, for the construction, equipment and operation of the corresponding portion of said main line to Wilson avenue, and unless said main line of said railroad hereby authorized to be constructed between Institute place and Harrison street shall have been so constructed, equipped and in operation before the expiration of the period last aforesaid, then all the rights and privileges granted as to that portion of said railroad which shall not have been so constructed, equipped and in operation shall cease and be void, but the rights and privileges as to the portion of said railroad which shall have been constructed, equipped and in operation shall remain in full force. The time during which any legal proceedings shall be pending whereby the said companies, or either of them, shall be prevented from or delayed in constructing said portion of their or its railroad, shall be excluded from the time herein prescribed for its completion and equipment, and shall be allowed in addition to the time prescribed for the completion thereof; Provided, however, that such exclusion shall date only from the time when notice shall have been given to the corporation counsel of the city of Chicago of the institution of such legal proceedings.

Wherever in the said ordinance of January 8, 1894, the words "the said railroad company" or the words "the said company," or words of similar import appear, they shall be construed as referring to the Northwestern Elevated Railroad Company.

¶ 2. **Amending section 3 of the foregoing ordinance.**] § 2. That section 3 of said ordinance, passed January 8, 1894, be and the same is hereby amended so that said section 3 shall read as follows:

§ 3. The said railroad may be constructed and operated at an elevation as hereinafter specified, in and along North Franklin street, Michigan street, Wells street and Fifth avenue, as specified in section 1; and over and across any and all streets, avenues, alleys, public places and railroad tracks upon or along the line of said routes as designated in the first section hereof. There shall be prepared and submitted to the commissioner of public works of the city of Chicago plans and specifications of a standard section of said railroad structure proposed to be adopted; and said commissioner shall forthwith examine the plans and specifications so submitted, and in case such plans and specifications conform to the requirements of this ordinance, said commissioner shall approve the same; whereupon the said

railroad and branches as herein authorized may be built in accordance with said plans and specifications so approved.

The said railroad and branches in this ordinance authorized shall be constructed under and subject to the inspection and supervision of the commissioner of public works, who shall see that the same is constructed in accordance with said plans and specifications so approved.

¶ 3. **Amending section 4 of the foregoing ordinance.**] § 3. That section 4 of said ordinance of January 8, 1894, be and the same is hereby amended so that said section 4 shall read as follows:

§ 4. Permission and authority are hereby given to construct, maintain and operate the said elevated railroad and branches with one or more tracks as aforesaid, and with such switches, curves, sidings, turnouts, connections, supports, columns, girders, telegraphs, telephones and signal and other devices as above specified in the first section hereof, and in and along North Franklin street, Michigan street, Wells street and Fifth avenue as described in said first section, and over and across the streets, avenues, alleys, public places, railroad tracks and bridges aforesaid, specified in said first section, and over and across any streets or alleys in the district in which the route herein specified is located, and also over, upon and along and across any lands which may be acquired on the said routes by lease, purchase, condemnation or otherwise; and the said railroad may be operated with locomotive, or other engines or motors, and railway cars, subject to all ordinances of said city of Chicago now in force, or that may hereafter be passed and be in operation; Provided, however, that electricity or some other equally clean and noiseless power shall be used as a motor power on that portion of the main line between Institute place and Harrison street as hereinabove provided.

Permission and authority are hereby given to the Northwestern Elevated Railroad Company to connect its power houses with the structure heretofore authorized north of Institute place, by means of underground conduits or overhead poles and wires, under the direction of the commissioner of public works.

¶ 4. **When in force—acceptance—bond.**] § 4. This ordinance shall take effect and be in force from and after its passage; Provided, that the said Northwestern Elevated Railroad Company and the said Union Elevated Railroad Company shall, each within sixty (60) days after the passage of this ordinance, file its acceptance thereof with the city clerk of the city of Chicago, and shall each execute to the city of Chicago a good and sufficient bond in the penal sum of fifty thousand (50,000) dollars, with sureties to be approved by the mayor of said city, to carry out all of the provisions of this ordinance, in so far as the same relates to it, and will forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees, costs and expenses which it may suffer, or which may be recovered or obtained against said city for, or by reason of, or

growing out of, or resulting from the passage of this ordinance, in so far as the same relates to it, or any matter or thing connected therewith or with the exercise of the privileges or any of them herein granted, or from any act or acts done in or by virtue of the provisions of this ordinance.

The bond required by this section shall be filed with the city clerk within sixty days from the passage of this ordinance.

Note: See following agreement.

Agreement of the Northwestern Elevated Railroad Company relating to the foregoing ordinance passed June 24, 1895.

Dated July 1, 1895. Presented to the city council by the mayor and ordered published and placed on file, July 1, 1895.

Agreement relating to the foregoing ordinance.] Agreement of the Northwestern Elevated Railroad Company with the city of Chicago: In consideration of the approval by the mayor of the city of Chicago of an ordinance passed by the city council of said city on the 24th day of June, 1895, amendatory of an ordinance passed by said city council on the 8th day of January, 1894, granting certain privileges to the Northwestern Elevated Railroad Company, the said railroad company hereby covenants and agrees with said city of Chicago as follows:

First—The provisions of said original ordinance of January 8th, 1894, respecting the use by said railroad company of any existing bridge or bridges over the Chicago river, shall be understood to cover and apply to the use of the bridge over said river at Wells street or Fifth avenue, upon the route authorized by said amendatory ordinance. Said railroad company may, at its own expense, rebuild and enlarge said bridge upon such plan and in such manner as shall be approved by the mayor and commissioner of public works; and all expense of maintaining, repairing and operating said bridge shall be borne by said railroad company, its successors or assigns, during the life of said ordinances, from and after the date of its beginning any work upon said bridge.

Second—The provisions of said original ordinance respecting the annual payment into the treasury of the city of Chicago by said railroad company of certain percentages of its gross receipts, shall be understood to cover and apply to the amendatory and additional route authorized by said amendatory ordinance, and like percentages as fixed in said original ordinance, shall be paid annually into said treasury by said railway company upon all gross receipts derived by said railway company from the operation of its railroad, as authorized by said amendatory ordinance, upon or along said amendatory and additional route.

Third—Said railroad company shall light with incandescent electric lights all street and alley crossings or intersections along the route of its railroad, as authorized by said amendatory ordinance, south of

the Chicago river. The street intersections shall be lighted by 10 thirty-two candle power lamps, and the alley crossings by 5 thirty-two candle power incandescent lamps, to be placed, maintained and operated subject to the approval of the commissioner of public works. Wherever a change of location of existing street lamps, owned or used by the city of Chicago, is rendered necessary by the construction of said railroad, the said railroad company shall pay the expense of transferring and re-locating all such city lamps, subject to the approval of the commissioner of public works.

Fourth—Except as otherwise expressly provided by said amendatory ordinance of June 24th, 1895, all the conditions, restrictions, obligations and limitations contained in said original ordinance of January 8th, 1894, shall continue in full force and effect against said railroad company, notwithstanding the passage of said amendatory ordinance, and shall likewise be applicable and operative against said railway company in respect to said amendatory ordinance, with like effect as if expressly set forth in said amendatory ordinance.

Fifth—Section four (4) of said amendatory ordinance shall not be construed as authorizing more than two (2) tracks to be constructed, maintained and operated in or along North Franklin street, Michigan street, Wells street and Fifth avenue in said section named.

In witness whereof, the said Northwestern Elevated Railroad Company has caused this instrument to be duly executed this first day of July, 1895.

NORTHWESTERN ELEVATED RAILROAD CO.,
(Seal.) By D. H. LOUDERBACK, President
Attest: HOWARD ABEL, Secretary.
Correct: WM. G. BEALE, Corporation Counsel.

§ 405. Northwestern Elevated Railroad company.

¶ 1. Amendatory ordinance—extending time.
¶ 2. When in force.

An ordinance extending the time for completion of the Northwestern Elevated railroad as fixed by ordinance passed January 8, 1894. (Passed July 13, 1896.)

¶ 1. Amendatory ordinance—extending time.] Be it ordained by the city council of the city of Chicago: § 1. That the period of time for the completion, equipment and operation of the Northwestern Elevated Railroad, as fixed in and by section 12, of the ordinance passed January 8th, 1894, granting permission and authority to the Northwestern Elevated Railroad Company to construct and operate an elevated railroad, is hereby extended to December 31st, A. D. 1897.

¶ 2. When in force.] § 2. This ordinance shall take effect from and after its passage.

§ 406. Northwestern Elevated Railroad company.

¶ 1. Preamble.
¶ 2. Return of bonds—substitution.
¶ 3. Conditions of substitution.
¶ 4. Rights reserved.
¶ 5. When in force.

An ordinance authorizing the return to the Northwestern Elevated Railroad company of certain bonds deposited by it under the terms of the ordinance passed January 8, 1894. (Passed February 15, 1897.)

¶ 1. **Preamble.**] Whereas, Under an ordinance passed January 8th, 1894, by the city council of the city of Chicago, granting certain rights to the Northwestern Elevated Railroad Company, bonds of the city of Chicago of the par value of one hundred thousand (100,000) dollars were deposited with the city treasurer of the city of Chicago for the performance of the terms and conditions of said ordinance; now, therefore,

¶ 2. **Return of bonds—substitution.**] Be it ordained by the city council of the city of Chicago: § 1. That the city treasurer of the city of Chicago be, and he is hereby authorized and directed to return to the said Northwestern Elevated Railroad Company all bonds of the city of Chicago deposited by it under the terms and conditions of the ordinance passed January 8th, 1894, upon said Northwestern Elevated Railroad Company depositing with him, the said city treasurer of the city of Chicago, first mortgage bonds of the present issue of it, the said Northwestern Elevated Railroad Company, of the par value of two hundred thousand (200,000) dollars.

¶ 3. **Conditions of substitution.**] § 2. Whenever said bonds of the Northwestern Elevated Railroad Company shall be deposited under the provisions hereof, the same shall be held by the city treasurer of the city of Chicago on the same conditions and for the same purposes as were the bonds of the city of Chicago heretofore deposited under the provisions of said ordinance of January 8th, 1894, the purpose of this ordinance being merely to permit a substitution of the bonds of said company for the bonds of said city.

¶ 4. **Rights reserved.**] § 3. Neither the passage of this ordinance, nor the substitution of bonds as herein provided, shall prejudice any of the rights of the city of Chicago, nor any of the rights of said Northwestern Elevated Railroad Company under said ordinance of January 8th, 1894, nor alter or vary the rights of said parties or either of them, except as herein specifically provided.

¶ 5. **When in force.**] § 4. This ordinance shall take effect and be in force from and after its passage.

SOUTH SIDE ELEVATED RAILROAD COMPANY.

(Successors to the Chicago & South Side Rapid Transit Railroad company.)

§ 407. South Side Elevated Railroad company.

¶ 1. Grant—route—width of way—tracks.
¶ 2. Streets crossed at elevation—approval of plans, etc.
¶ 3. Three tracks authorized—motive power.
¶ 4. Design and plan—construction—material—fare.
¶ 5. Stairs—platforms—landings—approval of.
¶ 6. Noise, smoke, etc.—water—snow, etc.
¶ 7. Limitation of use.
¶ 8. City to regulate speed, heating of cars, depots, etc.
¶ 9. Reserves right to change grade, build viaducts, etc.
¶ 10. Indemnity clause.
¶ 11. Annual license fee.
¶ 12. Time limit for construction.
¶ 13. Use of structure by city.
¶ 14. Bond.

An ordinance granting permission and authority to the Chicago & South Side Rapid Transit Railroad company to construct, maintain and operate an elevated railroad in the city of Chicago. (Passed March 26, 1888. Accepted May 24, 1888.)

¶ 1. Grant—route—width of way—tracks.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same are hereby given and granted to the Chicago and South Side Rapid Transit Railroad Company, to construct, maintain and operate for a period of fifty (50) years from and after the passage hereof, an elevated railroad, with two or more tracks, not exceeding three, and such curves, switches, sidings, turnouts, connections, supports, columns, girders, telegraph, telephone and signal devices, for the sole use of said company, and such other requisite appliances as the said company may deem necessary or proper, along and upon the following route in the city of Chicago, county of Cook and state of Illinois: Commencing at the north line of Van Buren street, at some point between Dearborn street on the west and Wabash avenue on the east, and running thence southwardly over such lots, lands and property as the company now owns or hereafter may acquire by lease, purchase, condemnation or otherwise, between said Dearborn street on the west and Wabash avenue on the east, to a point to be selected by said company between the north line of Thirty-seventh street and the south line of Thirty-ninth street; thence eastwardly or southeastwardly over such lots, lands and property as said company now owns or hereafter may acquire by lease, purchase, condemnation, or otherwise, to a point to be selected by said company, between Dearborn street on the west and Forest avenue on east, at which point to cross the city limits; the city limits as here used, meaning the city limits on Egan avenue or Thirty-ninth street.

Provided, That said company shall not use or acquire, by purchase, condemnation or otherwise, a right of way upon and along the route aforesaid, exceeding in width thirty feet, except where a greater width

is required for termini and curves, each terminus being limited in length to one block. Where stations are to be located along the right of way, the said company may acquire, by purchase, condemnation or otherwise, such additional property as may be necessary for stations, such additional property shall not be occupied by tracks, switches or turnouts; Provided, further, that the right of way, as defined in this ordinance, between Van Buren street on the north, and Thirty-seventh street on the south, shall be immediately adjacent to and parallel with one of the alleys or alley lines between said Wabash avenue and Dearborn street.

¶ 2. **Streets crossed at elevation—approval of plans, etc.**] § 2. The said railroad company shall cross at an elevation, as hereinafter specified, any and all intervening streets, avenues, alleys and railroad tracks upon or along the line of the said route as designated in the first section, said company to be subject at all times to the direction of the department of public works, and plans and specifications shall be submitted to the commissioner of public works, who shall determine whether the said plans and specifications comply with the provisions of this ordinance, and are equal in style, strength, finish and architecture to the most modern and improved plans in use in the cities of New York, Brooklyn and Kansas City, and the said company shall not commence to build and erect said elevated railway system and structure until said plans and specifications are so approved by the commissioner of public works.

¶ 3. **Three tracks authorized—motive power.**] § 3. The said company may, and it is hereby authorized to, construct, maintain and operate two or more elevated railroad tracks, not exceeding three, with such switches, curves, sidings, turnouts, connections, supports, columns, girders, telegraph, telephone and signal devices, as above specified in the first section, as it may deem necessary or proper, over and across the streets, avenues and alleys aforesaid, and any lands which it may acquire on the line of said route by lease, purchase, condemnation or otherwise, and the said railroad company may use and operate the railroad tracks, hereby authorized to be constructed, with locomotive or other engines or motors, and cars, subject to all ordinances of the city of Chicago applicable thereto.

¶ 4. **Design and plan—construction—material—fare.**] § 4. The permission, authority and privileges hereby granted are upon the express conditions that the entire design and plan of the said railroad, from its northern limit to its southern extensions, shall be that of an elevated structure, and all material used for that part of the structure above the ground shall be wrought iron or steel, except that the connection between the posts, which forms a cluster column, may be of cast iron, and except the rails, which shall be of steel, and except the ties or longitudinal stringers supporting the rails, which shall be of the best quality and kind of selected lumber. The safety guards shall

be of iron. The stairs and all parts of the stations, except the platform, doors and windows and inside sheathing, and except the tread of the stairs, shall be iron. All stations, platforms and stairs shall be protected by a substantial iron railing; all of the material used in the construction of the work shall be of the best quality for the purposes to which it is to be applied, and the work shall be executed in a workmanlike manner.

Clause 1. The general plan or plans of the structure shall be of an elevated railroad, with the track or tracks supported or upheld upon or by a row or rows of iron posts or iron columns.

Clause 2. Except where the width of any cross street, avenue or alley, between the curbs thereof, is fifty feet or more, every cross street, avenue or alley shall be spanned by a single span, when and where the plan of construction is one having a row of columns upon or within the curb line.

Clause 3. The transverse diameter of each post or column placed in the roadway of any street, avenue or alley shall not exceed fifteen inchs at the base, and thence for at least ten feet above the surface of the roadway. The transverse diameter of a column, when placed on or within the line of a curb, shall not exceed twenty-six inches at the base, and thence for at least ten feet above the surface of the roadway.

Clause 4. The transverse diameter of the columns above indicated does not include fenders; and adequate fenders shall be fitted around the base of each column placed in the roadway of a street, avenue or alley, to prevent the hubs of the wheels of passing vehicles from striking the columns.

Clause 5. The longitudinal distance between columns, when the rows of columns are in the roadway, shall not be less than thirty-five (35) feet, except on curves.

Clause 6. The longitudinal distance between columns on or within the curb shall be at least twenty-five (25) feet.

Clause 7. No part of the girders of the superstructure shall be less than sixteen feet above the then established grades of streets and alleys, and whenever said elevated structure crosses and passes over the right of way and tracks of existing surface steam railroads the clear head-room between the lower chords of all of said girders and the surface of the rails in all of said railroads, and from out to out of their said right of way, shall not be less than twenty (20) feet.

Clause 8. The different parts of the structure and the connections shall be properly proportioned to resist all of the momentum of the train which can, by the application of brakes or in any other manner, be imparted to the structure.

Clause 9. Sufficient safety guards shall be provided so that in case of accident the cars shall be effectually prevented from leaving the structure.

Clause 10. The rates of fare to be charged and collected upon trains to be run upon the said railroad shall not exceed five cents per

passenger for any one continuous trip within the now city limits; Provided, no fare shall be collected of any police officer, wearing his uniform, or member of the fire department, wearing his uniform, riding on any of the trains of said company.

¶ 5. **Stairs—platforms—landings—approval of.**] § 5. The said company shall have permission and authority, and the same are hereby given and granted to it, to construct, maintain and operate within the streets, avenues and alleys or portions thereof, across or alongside which its said elevated railroad is permitted to be constructed as aforesaid, all necessary or proper stairs, stairways, elevators, landing places, platforms and other constructions and appliances for ingress, egress and the accommodation of passengers, but so as not to have impaired the usefulness of such streets, avenues, alleys or portions thereof. Before the construction of any such stairs, stairways, elevators, landing places, platforms and other constructions and appliances for ingress and egress, as aforesaid, plans thereof shall first be submitted to the commissioner of public works for his approval, and none of the matters authorized by this section shall be constructed without the written approval of such plans by the commissioner of public works.

¶ 6. **Noise, smoke, etc.—water, snow, etc.**] § 6. The motive power shall be fully equipped with all modern devices calculated to render it practically noiseless and smokeless, and to prevent the discharge of cinders and sparks, and suitable and practicable devices shall likewise be placed beneath all stations, buildings and platforms and at all street crossings, to intercept and carry off storm water and drippings from melting snow or other sources, and similar devices shall also be applied to both motive power and rolling stock to intercept and hold all cinders, ashes, oil or anything that may drop from passing trains to the surface of the street beneath the structure.

¶ 7. **Limitation of use.**] § 7. The rights and privileges hereby conferred are upon the further express condition that said elevated railroad shall be exclusively used for the transportation of passengers and mails.

¶ 8. **City to regulate speed, heating of cars, depots, etc.**] § 8. The city of Chicago reserves to itself the right of regulating by ordinance the rate of speed at which the said trains shall run, and also the right to regulate the heating of cars and depots, and also the right to impose such regulations as the council may deem necessary for the protection and safety of the public.

¶ 9. **Reserves right to change grade, build viaducts, etc.**] § 9. The city of Chicago reserves the right, at all times and whenever it may deem it necessary, to change the grade of any street or alley over which the Chicago and South Side Rapid Transit Railroad Company may pass without incurring any liability on the part of the city to said company, and, upon notice from the commissioner of public works, the said company shall immediately change its structure over any street

where the grade has been changed, to conform to the changed grade, in such a manner that the distances and heights provided in the ordinance shall be maintained, and such change of structure shall be without expense to the city.

The city of Chicago reserves the right, whenever it may deem necessary, to erect and construct a viaduct and approaches thereto upon any street over which the Chicago and South Side Rapid Transit Railroad Company may cross, without incurring any liability on the part of the city to said company, for any damages whatsoever, and the said company shall immediately change its structure over any street where such viaduct and approaches are ordered to be constructed, upon notice from the commissioner of public works, and the said company shall rebuild and construct the said railway in such a manner that the distances and heights provided in this ordinance, shall be maintained over said viaduct, the same as herein provided over streets, and such change of structure shall be without expense to the city and at the expense of said company. If the said company, after having been notified in writing by the commissioner of public works to change the structure over any street where the grade has been changed, or after having been notified to change its structure where any viaduct has been ordered by the city of Chicago, shall fail so to do within sixty days from the date of said service of said notice, then the city of Chicago may remove the entire roadway, structure, tracks and railway system of said company from such street, and shall not be liable to said company for any damage of any kind whatsoever for the aforesaid removal, but the said company shall pay to the city of Chicago the entire cost and expense of such removal.

¶ 10. Indemnity clause.] § 10. The permission and authority hereby given are upon the further express condition that the said railroad shall and will forever indemnify and save harmless the city of Chicago against and from any and all damages of every kind and character, including land and business damages, and any and all damages to property of every kind and character, and from any and all damages, judgments, decrees and costs and expenses of the same which it may suffer, or which may be recovered or obtained against said city for or by reason of the granting of or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted, or from any act or acts of the said company under or by virtue of the provisions of this ordinance. And, Provided, that on the recovery of any final judgment against the said city of Chicago, as aforesaid, and a failure of said company to pay the same within sixty (60) days after notice has been given to said company, all of the rights herein given under this ordinance shall cease and determine, and the city of Chicago shall thereupon have the right, through its proper officers, to enter upon the right of way of said company and remove any and all of its tracks and

elevated structures from any street or alley, where the same may have been authorized by the provisions of this ordinance.

¶ 11. **Annual license fee.**] § 11. On the first day of May in each year said company shall pay to the city of Chicago, in advance, an annual license fee of fifty dollars for each and every car used by them in transporting passengers for hire, and at the time of said payment said company shall file with the city collector an affidavit subscribed and sworn to by its president, or other officer of said company, if required by the city collector, stating the number of cars so used by said company. Upon such payment being made the city clerk shall issue a license to said company for each of its cars so used, which license shall be issued as other licenses are issued, and each license shall contain the number of the car for which the same is paid and which license shall be posted by said company in some conspicuous place inside of each car so licensed.

¶ 12. **Time limit for construction.**] § 12. The privileges and authority hereby granted are so granted upon the further express condition that at least two tracks authorized by this ordinance shall be laid down and constructed within two years from the passage of this ordinance, and, if not so constructed and in operation, all the rights and privileges granted by this ordinance to such company shall cease and be null and void, but the time during which any legal proceedings shall be pending, whereby the said company shall be prevented from or delayed in constructing its railroad or any part thereof, shall not be taken or deemed to be any part of the said two years; Provided, however, that the city law department may intervene in any suit and move for its dismissal, in case such suit may be deemed by said law department as collusive or for the purpose of delay or extension of such time.

¶ 13. **Use of structure by city.**] § 13. The city of Chicago shall have the right to use the structure or tracks authorized by this ordinance for placing thereunder its police, fire alarm and telephone wires, and for so doing no charge shall be made to the city of Chicago.

¶ 14. **Bond.**] § 14. The said Chicago and South Side Rapid Transit Railroad Company shall execute to the city of Chicago a good and sufficient bond in the penal sum of one hundred thousand (100,000) dollars, to be approved by the mayor, conditioned for the faithful observance and performance of the provisions and conditions of this ordinance on its part to be observed and performed as aforesaid.

¶ 15. **Time limit to acquire way—forfeiture.**] § 15. The permission and authority hereby given and granted are so given and granted upon the further express condition that said company shall proceed within sixty days from the date of the acceptance of said ordinance to procure land for right of way, as herein authorized, by condemnation or otherwise, and shall prosecute such acquisition of said right of way with due diligence thereafter until the whole right of way

is obtained; and said Chicago and South Side Rapid Transit Railroad Company shall, within sixty days from and after the acceptance of this ordinance, deposit with the city treasurer the sum of one hundred thousand (100,000) dollars as security for the faithful observance and performance of the provisions and conditions of this ordinance on its part to be observed and performed as aforesaid; Provided, however, that said sum of one hundred thousand (100,000) dollars shall be returned and repaid to said company immediately upon the completion by it of one mile of its tracks, as herein authorized, and if the said company shall not complete the aforesaid one mile of its tracks within two years from the passage of this ordinance, the said sum of one hundred thousand (100,000) dollars shall be forfeited to the city of Chicago, and in accepting this ordinance, the said company shall specifically agree in said acceptance to said forfeiture.

¶ **16. Limitations of grant.**] § 16. It is expressly provided that nothing contained in the foregoing ordinance shall, in any way or manner, be construed to permit the construction or operation of said elevated railroad in any street or alley of the city of Chicago, except to cross such street or alley as herein above provided; and it is further provided that the above consent shall never in any way or manner authorize any other railroad company, or street, or horse, or dummy railroad company, to use the franchise herein above granted to said Chicago and South Side Rapid Transit Railroad Company.

And it is expressly provided, that nothing contained in this ordinance shall permit the said Chicago and South Side Rapid Transit Railroad Company to connect or operate its system with any steam surface railroad company, nor shall the right of way or tracks of said Chicago and South Side Rapid Transit Railroad Company be used by the rolling stock of any surface steam railroad, for any purpose whatsoever.

¶ **17. When in force.**] § 17. This ordinance shall take effect and be in force as soon as the said company shall file with the city clerk its formal acceptance of the same and its bond as heretofore provided; Provided, that if said acceptance and bond shall not be filed as aforesaid within sixty days from the passage hereof this ordinance shall be void and of no effect.

Note.—See following amendatory ordinances.

§ 408. Chicago & South Side Rapid Transit Railroad company.

¶ 1. Amendatory ordinance—extension of road.
¶ 2. Height of girders.
¶ 3. Width of right of way.
¶ 4. Construction—number of tracks.
¶ 5. Compensation—time for completion.
¶ 6. Use of structure by city.
¶ 7. Rate of fare.
¶ 8. When in force—acceptance.

An ordinance amending an ordinance passed March 26, 1888, granting permission and authority to the Chicago & South Side Rapid Transit Railroad company to construct, maintain and operate an elevated railroad in the city of Chicago. (Passed April 2, 1891. Accepted April 11, 1891.)

¶ 1. **Amendatory ordinance—extension of road.**] Be it ordained by the city council of the city of Chicago: § 1. That sections 1 and 4 of the ordinance passed on the 26th day of March, 1888, granting permission and authority to the Chicago and South Side Rapid Transit Railroad Company to construct, maintain and operate for a period of fifty years from and after the passage of the said ordinance, an elevated railroad in the city of Chicago, be and the same is hereby amended, and the said the Chicago and South Side Rapid Transit Railroad Company is hereby authorized to extend its road over, through, along and upon the following routes in the city of Chicago, county of Cook and state of Illinois: Cmmencing at a point on the line of the said The Chicago and South Side Rapid Transit Railroad Company, as limited in said ordinance of March 26th, 1888, between the north line of Thirty-seventh (37th) street and the south line of Thirty-ninth (39th) street, thence southwardly, between Wabash avenue and State street, through and over such lots, lands, and property as the said company now owns or hereafter may acquire, by lease, purchase, condemnation or otherwise, and over and across all intervening streets, highways and alleys, to a point to be selected by said company between the north line of Fortieth (40th) street and the south line of Forty-third (43rd) street, thence eastwardly between said north line of Fortieth (40th) street and south line of Forty-third (43d) street, through and over such lots, lands and property as said company now owns or hereafter may acquire by lease, purchase, condemnation, or otherwise, and over and across all intervening streets, highways and alleys, to a point to be selected by said company between Grand boulevard on the east and Michigan boulevard on the west, thence southwardly between said Grand and Michigan boulevards, through and over such lots, lands and property as said company now owns or hereafter may acquire by lease, purchase, condemnation or otherwise, and over and across all intervening streets, highways and alleys to a point to be selected by said company between the north line of Sixtieth (60th) street and the south line of Sixty-seventh street, thence eastwardly between said north line of Sixtieth (60th) street and south line of Sixty-seventh (67th) street, through and over such lots, lands and property as said company now owns, or hereafter may acquire, by lease, purchase, condemnation or otherwise, and over and across all intervening streets, highways and alleys to the westerly line of Jackson Park; and, also, commencing at a point to be selected by said company upon its line, as herein authorized, between the south line of Fifty-fifth (55th) street and the north line of Fifty-ninth (59th) street, thence westwardly between the south line of Fify-fifth (55th) street and the north line of Fifty-ninth (59th) street, through and over such lots, lands and property as said company now owns or hereafter may ac-

quire, by lease, purchase, condemnation or otherwise, and over and across all intervening streets, alleys and highways to a point to be selected by said company between Wentworth avenue on the east and Wallace street on the west, thence southwardly between said Wentworth avenue and Wallace street through and over such lots, lands and property as said company now owns or hereafter may acquire by lease, purchase, condemnation or otherwise, and over and across all intervening streets, highways and alleys to a point to be selected by said company on the south side of Sixty-third (63rd) street, in the said city of Chicago; also from a point to be selected by said company upon the line of the route hereinbefore designated between Cottage Grove avenue on the east and South Park avenue on the west, thence southwardly between said Cottage Grove avenue and South Park avenue, through and over such lots, lands and property as said company now owns or hereafter may acquire, by lease, purchase, condemnation or otherwise, and over and across all intervening streets, highways and alleys to a point to be selected by said company on the south side of Seventy-first (71st) street, in said city of Chicago.

¶ 2. **Height of girders.**] § 2. That no part of the girders of the superstructure of the railroad to be constructed over and upon the route to be selected by the said The Chicago and South Side Rapid Transit Railroad Company, as hereinbefore limited, shall be less than fourteen (14) feet above the then established grade of streets and alleys, and said railroad shall be constructed in accordance with and subject to all the provisions and specifications of the said ordinance of March 26th, 1888, relating thereto, except as herein modified.

¶ 3. **Width of right of way.**] § 3. The right of way to be acquired by the said The Chicago and South Side Rapid Transit Railroad Company, over, through, along and upon the routes to be by it selected, as hereinbefore limited, shall not exceed a width sufficient for the operation of three parallel tracks, when laid twelve (12) feet from centers, together with an additional width to give proper clearance for passing trains from buildings erected upon property abutting upon said right of way, except that the company may acquire additional width where necessary for the convenient handling of its trains at junctions and termini, and except where additional space is necessary for curves, switches and sidings or turnouts.

¶ 4. **Construction—number of tracks.**] § 4. That in accordance with a petition of the owners of lots and lands constituting a majority of the frontage upon that portion of the alley between State street and Wabash avenue, adjacent to and parallel with which the said company has located its route as authorized in said ordinance of March 26th, 1888, between Congress street on the north and Twelfth (12th) street on the south, the said The Chicago and South Side Rapid Transit Railroad Company is hereby authorized to construct, maintain and operate that portion of its railroad between Congress street on the

north and Twelfth (12th) street on the south, over, through and along the said alley; Provided, however, that the structure of the railroad to be constructed over, through and along the alley, as aforesaid, shall be so constructed in accordance with and subject to all the provisions and specifications contained in the said ordinance of March 26th, 1888, relating thereto, except that not more than two tracks shall be constructed, maintained and operated over, through and along said alley, and that no part of the said elevated structure above the surface of the alley, excepting the supporting columns and the transverse girders, shall be nearer than four (4) feet to the exterior lines of the said alley, and that the supporting columns shall be so located as to interfere as little as practicable with the property abutting on the line.

¶ 5. **Compensation—time for completion.**] § 5. The privileges and authority hereby granted are so granted upon the further express condition that on and after January 1st, 1892, the said The Chicago and South Side Rapid Transit Railroad Company, its successors and assigns, shall pay into the city treasury of the city of Chicago, annually, an amount equal to four thousand (4,000) dollars per lineal mile for the portion of its road built over, through and along the said alley, and upon the further express condition, that at least two tracks, authorized by this ordinance, shall be laid down and constructed within three years from the passage of this ordinance, and if not so constructed all the rights and privileges granted by this ordinance to such company shall cease and be null and void, but the time during which any legal proceedings shall be pending, whereby the said company shall be prevented from or delayed in constructing its railroad, or any part thereof, shall not be taken or deemed to be any part of the said three years; Provided, however, that the city law department may intervene in any suit and move for its dismissal, in case such suit may be deemed by said law department as collusive or for the purpose of delay or extension of such time.

¶ 6. **Use of structure by city.**] § 6. The city of Chicago shall have the right to use the structure or tracks authorized by this ordinance for placing thereunder its police, fire alarm and telephone wires, and for so doing no charge shall be made to the city of Chicago.

¶ 7. **Rate of fare.**] § 7. That clause 10 of section 4 of the ordinance passed on the 26th day of March, 1888, referred to in the foregoing sections, be stricken out and the following be inserted in lieu thereof; "Clause 10. The rate of fare to be charged or collected upon trains to be run upon the said elevated structure shall not exceed five (5) cents per passenger for any continuous trip over the line of road hereby authorized to be built, including any of the connecting lines of said company, for any distance within the present or future city limits; Provided, no fare shall be collected from any policeman nor member of the fire department, in uniform, nor from United States letter carriers in uniform."

¶ 8. **When in force—acceptance.**] § 8. This ordinance shall take effect and be in force as soon as the said company shall file with the city clerk its formal acceptance of the same; Provided, that if said acceptance shall not be filed as aforesaid, within sixty (60) days of the passage hereof, this ordinance shall be void and of no effect.

§ 409. Chicago & South Side Rapid Transit Railroad company.

¶ 1. Amendatory ordinance—Sixty-third street.
¶ 2. Construction—columns—girders.
¶ 3. Construction according to prior ordinances.
¶ 4. Right of way—width.
¶ 5. When in force—acceptance.

An ordinance amending an ordinance passed March 26, 1888, granting permission and authority to the Chicago & South Side Rapid Transit Railroad company to construct, maintain and operate an elevated railroad in the city of Chicago. (Passed April 7, 1892. Accepted April 18, 1892.)

¶ 1. **Amendatory ordinance—Sixty-third street.**] Be it ordained by the city council of the city of Chicago: § 1. That the ordinance passed on the 26th day of March, 1888, granting permission and authority to the Chicago and South Side Rapid Transit Railroad Company to construct, maintain and operate, for a period of fifty years from and after the passage of said ordinance, an elevated railroad in the city of Chicago, which said ordinance was amended by an ordinance passed on the 2nd day of April, 1891, be and the same is hereby further amended as follows, that is to say: That in accordance with a petition of the owners of lots and lands constituting a majority of the frontage in each mile and fraction of a mile upon Sixty-third street, between the westerly line of Jackson Park and the west line of the alley between Prairie and Calumet avenues, the said, the Chicago and South Side Rapid Transit Railroad Company, is hereby authorized to construct its elevated railroad from the westerly line of Jackson Park to the westerly line of the alley between Prairie and Calumet avenues, over, through, along and upon Sixty-third street, and over and across all intervening streets, highways and alleys.

¶ 2. **Construction—columns—girders.**] § 2. That the structure so to be erected shall be supported upon columns set upon or immediately within the curb lines, upon which shall rest transverse girders spanning the street, upon which transverse girders the longitudinal girders for the support of the tracks shall be carried. The supporting columns shall, whenever practicable, without exceeding a distance of fifty feet between columns, be located upon lot lines produced, except at stations, where the distance between columns shall not be less than twenty-five feet. All columns shall be so located as to interfere as little as practicable with access to and from the lots abutting on said street.

¶ 3. **Construction according to prior ordinances.**] § 3. That the structure hereby authorized shall be constructed in accordance with and subject to all the provisions and specifications, restrict-

tions and limitations contained in said ordinance of March 26th, 1888, and said amendment of April 2nd, 1891, except as herein modified.

¶ 4. **Right of way—width.**] § 4. The provisions of section 1 of the said ordinance, passed March 26th, 1888, by which the right of the said company to acquire land for its right of way is limited to a width of thirty feet, shall not be held to apply to property through which the alley immediately adjacent to and parallel with which the said company has located its road, as in said section authorized, has not been opened, but in all such cases the said company shall acquire, by purchase, condemnation or otherwise, a sufficient width of right of way, in addition to the thirty feet in said section limited, to afford proper clearance for passing trains from buildings erected upon property abutting upon said right of way, and said additional right of way may be upon either side of the projection of either of the alley lines aforesaid immediately adjacent to and parallel with which the said location has been made, and whenever, in order to conform to said location, it is necessary to cross said alley, such crossing shall be made with curvatures of large radius, so as to impede as little as possible the speed of trains.

¶ 5. **When in force—acceptance.**] § 5. This ordinance shall take effect and be in force as soon as the said company shall file with the city clerk its formal acceptance of the same; Provided, that if said acceptance shall not be filed as aforesaid within sixty (60) days from the passage hereof, this ordinance shall be void and of no effect.

UNION ELEVATED RAILROAD COMPANY.

§ 410. Union Elevated Railroad company.

¶ 1. Grant—route.
¶ 2. Plans—approval—inspection.
¶ 3. Specifications—joint use—use limited—motive power—fare.
¶ 4. Stations—stairs—lighting and heating.
¶ 5. Location of stations.
¶ 6. Connection with power house.
¶ 7. Restoration of streets.
¶ 8. Use of structure by city.
¶ 9. Indemnity clause.
¶ 10. Injunction suit—rights of city.
¶ 11. Company to light street crossings, etc.
¶ 12. Bond.
¶ 13. Compensation.
¶ 14. Rights extended to successors, etc.
¶ 15. When in force.

An ordinance authorizing the Union Elevated Railroad company to construct and maintain an elevated railroad in Wabash avenue from Lake street to Harrison street. (Passed October 14, 1895. Accepted October 21, 1895.)

¶ 1. **Grant—route.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same are hereby granted to the Union Elevated Railroad Company to construct and maintain for a period of fifty (50) years from and after the passage of this ordinance, an elevated railroad with such switches, curves, turnouts, connections, supports, columns, girders, telegraphs, telephones and signals, and such other devices as the company may deem necessary for operating its cars, or for the operation of the trains and cars of the respective elevated railroads hereinafter named, or any of them, in, along and upon the route hereinafter named.

Commencing in Wabash avenue at the north line of Lake street, thence running in a southerly direction in and along Wabash avenue to the south line of Harrison street, in said city, with the right to connect the elevated structure and tracks hereby authorized, and operate the same in connection with the elevated railroad structure and tracks now in progress of construction in said Lake street, and also with the right to connect with the structure and tracks of the Chicago and South Side Rapid Transit Railroad Company at any point north of the south line of Harrison street, between Wabash avenue and Fifth avenue.

¶ 2. **Plans—approval—inspection.**] § 2. The said railroad company shall prepare and submit to the commissioner of public works of the city of Chicago, plans and specifications of the standard sections of the said railroad structure proposed to be used by said company, and the said commissioner shall forthwith examine the plans and specifications so submitted, and in case such plans and specifications conform to the requirements of this ordinance, then said commissioner shall approve the same, whereupon the said company may commence to build and erect said railroad, as hereby authorized, in accordance with said plans and specifications so approved, and which said construction shall be under, and subject to the inspection and supervision of the commissioner of public works, who shall see that the same is constructed in accordance with the said plans and specifications so approved. The maintenance and operation of said elevated railroad shall be subject to all lawful general ordinances of the city of Chicago now in force or hereafter to be passed applicable thereto.

¶ 3. **Specifications—joint use—use limited—motive power—fare.**] § 3. The permission and authority hereby granted to construct, maintain and operate an elevated railroad in and along Wabash avenue, between said Lake street and Harrison street, as aforesaid, are upon the following conditions:

First—That two tracks only shall be constructed and operated in and along said route; and the construction of more than two tracks in the route hereby authorized shall work a forfeiture of all the rights and privileges conferred by this ordinance, and this ordinance shall thereupon become and be absolutely null and void.

Second—That the elevated railroad hereby authorized in said Wabash avenue, between the points aforesaid, shall be subject to the joint use of the Northwestern Elevated Railroad Company, The Lake Street Elevated Railroad Company, The Metropolitan West Side Elevated Railroad Company, the Chicago and South Side Rapid Transit Railroad Company, and the Union Elevated Railroad Company, upon such terms and conditions as have been agreed upon under any and all contracts now existing between the said corporations last above named, or such contract or contracts as may hereafter be entered into between the said companies, or any of them, for the use and operation of the said railroad hereby authorized.

Third—That all freight trains and other rolling stock of surface steam railroads shall be absolutely excluded from said elevated railroad tracks; it being understood that it shall be used for moving passenger trains only, and for accommodating and handling passenger traffic and the mails exclusively, and that all trains shall be regularly and systematically used, as shall be necessary to accommodate the public, and the number of all such trains shall be increased as rapidly as the demands of the public shall render necessary and the increase of traffic shall warrant. If any portion of the elevated structure of said company authorized by this ordinance shall at any time be used by the freight or passenger trains, or by the rolling stock of any surface steam railroad company, then all the rights and privileges herein granted shall wholly cease and be null and void, and the city council of the city of Chicago may order all of that portion of said elevated structure to be summarily removed and torn down.

Fourth—That the entire design and plan of the said railroad shall be that of an elevated structure and all material used for that part of said structure above the ground shall be of wrought iron or steel, except that the post connections may be of cast iron, and except the rails, which shall be of steel, and except the ties or longitudinal stringers supporting the rails and the safe guards, which shall be of the best quality and kind of selected timber, and except the track walks, which shall be of wood. The stairs and all parts of the structure, except the platforms, doors and windows and outside sheeting, and except the interior of the stations, shall be of iron or masonry. All station platforms, and all of the material used in the construction of the work shall be of the best quality for the purposes to which they are to be applied, and the work shall be executed in a workmanlike manner.

Fifth—That all columns and supports for the said elevated structure shall be located as near the outside rails of the now existing surface tracks in said street as is consistent with the safety of the operation of the latter, and such columns and supports shall nowhere be less than four (4) feet outside of the outside rails of said now existing surface car tracks, except as hereinafter stated.

Sixth—That the structure of such elevated railroad shall be made as light and presentable as is compatible with the traffic thereon, and

the space between the cross ties of the tracks, and also the space between the tracks themselves, shall not be floored or otherwise closed, but shall be left open for the transmission of light, except at stations so far as necessary to provide for passenger platforms. Said structure shall be what is known as lattice work construction, the same as the East Lake street extension construction, from Market street to Wabash avenue. The elevated structure shall span all cross streets, and no columns or other supports shall be set in the intersection thereof.

Seventh—That the motive power to be used in the operation of said elevated railroad hereby authorized shall be electricity, or some other motive power equally as clean and noiseless; Provided, however, that the said Chicago and South Side Rapid Transit Railroad Company shall have the right to use steam as a motive power for operating its cars and trains, for the period of three (3) years from and after the passage of this ordinance, and upon, and after expiration of said three (3) years, the said Chicago and South Side Rapid Transit Railroad Company shall use for its motive power electricity, or some other motive power equally clean and noiseless.

Eighth—That the said railroad hereby authorized to be constructed shall be constructed before January 1st, 1897, and unless the said railroad hereby authorized to be constructed shall have been constructed before the expiration of the period last aforesaid, then all the rights and privileges granted as to that portion of said railroad which shall not have been so constructed shall cease and be void, but the rights and privileges as to the portion of said railroad which shall have been constructed, shall remain in full force. The time during which any legal proceedings shall be pending whereby the said companies, or either of them, shall be prevented from or delayed in constructing said railroad, shall be excluded from the time herein prescribed for its completion and shall be allowed in addition to the time prescribed for the completion thereof; Provided, however, that such exclusion shall date only from the time when notice shall have been given to the corporation counsel of the city of Chicago of the institution of such legal proceedings.

Ninth—That except where the width of any cross street, between the curbs thereof, is seventy (70) feet or more, every cross street shall be spanned by a single span.

Tenth—That the transverse diameter of each such post or column placed in the roadway shall not exceed eighteen (18) inches at the base, and thence for at least ten (10) feet above the surface of the roadway. The transverse diameter of a column when placed on or within the line of the curb, shall not exceed twenty-six (26) inches at the base, and thence for at least ten (10) feet above the surface of the roadway.

Eleventh—That the transverse diameter of the columns above indicated does not include fenders, and adequate fenders shall be fitted

around the base of each column placed in the roadway, to prevent the hubs of the wheels of passing vehicles from striking the columns.

Twelfth—The longitudinal distance between columns, when the rows of columns are in the roadway of a street or avenue, shall not be less than thirty-five (35) feet except on curves.

Thirteenth—That the longitudinal distance between columns on or within the curb shall be at least twenty-five (25) feet.

Fourteenth—That no part of the girders of the superstructure shall be less than fourteen (14) feet above the then established grades of the street.

Fifteenth—That the different parts of the structure and the connections shall be properly proportioned to resist all the momemtum of the train, which can, by the application of the brakes, be imparted to the structure

Sixteenth—That the most approved safety guards shall be provided to prevent the cars from leaving the structure in case of accident.

Seventeenth—That the two tracks hereby authorized shall be set over the center of the street as nearly as practicable, except at curves, and that all of the material used in the construction of the work shall be of the best quality for the purpose to which it is to be applied, and the work shall be executed in the best style of the art and in a workmanlike manner.

Eighteenth—That the rate of fare on the railroad for which this ordinance is granted, together with the whole of the railroad now belonging to, or which hereafter may belong to, or be controlled by said Union Elevated Railroad Company, for the purpose of making a continuous loop, shall be five (5) cents and no more; and it is expressly provided that the one fare of five (5) cents only shall be charged for a continuous ride on the line of the Union Elevated Railroad, and any one of the lines of railroad which shall use the tracks of the said Union Elevated Railroad, it being understood that the railroad referred to in this ordinance is to be a part of the Union Elevated Railroad, known as the "loop line," and that passengers may be carried over the line of any one railroad using the tracks of the Union Elevated Railroad and around the said loop or vice versa, for one fare of five (5) cents; provided, however, that police and firemen in uniform shall be permitted to ride free of charge.

¶ **4. Stations—stairs—lighting and heating.**] § 4. The Union Elevated Railroad Company shall have permission and authority, and the same are hereby given and granted to it, to construct and maintain in the route hereby authorized, all necessary or proper stations, platforms and depot stations, and to connect the same with Wabash avenue, by means of all necessary stairs, stairways, elevators, landing places and other constructions and appliances for ingress, egress and the accommodation of passengers; but such platforms, stations, stairs, stairways, elevators, landing places, etc., shall be so con-

structed and maintained as not to unnecessarily impair the usefulness of such avenue, or any portion thereof. Neat and commodious passenger stations of easy and convenient access shall be provided, and all such station buildings and appurtenances, and likewise all passenger cars—when the latter are in use—shall be comfortably heated during the winter months, or whenever necessary at any season, and they shall be properly lighted with gas, electricity or otherwise, and thoroughly ventilated at all seasons. Platforms and lines of stairs leading to and from the same shall be securely protected by strong wrought iron or steel railings, not less than three and one-half (3½) feet high. The permission and authority to locate, construct and maintain all such requisite platforms, landings and lines of stairs leading to and from the sidewalks of the street and avenue, and the said elevated stations, being herein expressly granted said company, whenever and wherever such methods of reaching said stations may be found necessary. Nothing herein contained, however, shall prohibit said company from locating and maintaining its stations in buildings which it may purchase, lease or erect on grounds purchased or acquired by condemnation or lease, wherein it may for the convenience and comfort of its patrons place its ticket offices, waiting rooms, sanitary accommodations, stairways, elevators and all requisite methods of ingress or egress, and the right to construct and maintain covered passage-ways or connections between the interior of all such station buildings and the exterior platforms, is hereby expressly granted to said company. All of said supporting columns, cross girders, longitudinal girders, platform connections and hand railings shall be painted, and sightly appearance shall be maintained at all times. The plans and specifications of such depots, platforms and stairs shall be submitted to and approved by the commissioner of public works before the work of construction thereof shall have commenced.

¶ 5. **Location of stations.**] § 5. Stations of said elevated railroad in and along the route hereby authorized may be located at or near Randolph street; at or near Washington street; at or near Madison street; at or near Adams street; at or near Congress street, and at such other place or places as may be agreed upon between the said railroad company and the mayor or commissioner of public works of said city.

¶ 6. **Connection with power house.**] § 6. Permission and authority are hereby given to the Union Elevated Railroad Company to connect its power house or power houses with the elevated structure hereby authorized, by means of underground conduits, or by means of wires attached to said elevated structure; the same to be done under the direction of the commissioner of public works; provided, however, that nothing in this section shall be construed to permit or allow the said company to use any conduits or wires for any purpose other than the uses of the Union Elevated Railroad Company.

¶ 7. **Restoration of streets.**] § 7. The consent, permission and authority hereby given are upon the express agreement and condition that the said company shall do no permanent injury to the pavement, gutters, sidewalks, water pipes, sewer or gas pipes, telegraph or electric wires, cables or pipes, or sidewalk space occupied by adjacent owners, but said company shall restore the street, pavement, gutters, sidewalks, water pipes, sewer or gas pipes, telegraph or electric wires, cables or pipes and sidewalk space occupied by adjacent owners, at its own expense, to a condition equally as good as before the building of said elevated railroad, so far as consistent with the occupancy by said company of said streets, alleys and sidewalk spaces authorized by this ordinance, and if the said company shall fail or refuse so to do, the same may be done by the city of Chicago, and the said company shall be liable to the city for the cost thereof. When any excavation shall be made by said company in any street, alley or public place, paved with wooden blocks, the foundation boards or planks shall be removed without being cut, unless said cutting shall be specially permitted by the commissioner of public works of said city.

¶ 8. **Use of structure by city.**] § 8. The city of Chicago shall have the right to use the structure authorized by this ordinance for placing thereunder its police, fire alarm and telephone wires, and other wires and conduits for the use of the city without charge.

¶ 9. **Indemnity clause.**] § 9. The consent, permission and authority hereby given are upon the further express condition that the said company shall and will forever indemnify and save harmless the city of Chicago against and from any and all damages of every kind and character, including land and business damages, and any and all damages to property of every kind and character, and from any and all damages, judgments, decrees and costs and expenses of the same, which it may suffer or which may be recovered or obtained against said city for or by reason of the granting of or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of any of the privileges hereby granted, or from any act or acts of the said company under or by virtue of the provisions of this ordinance.

¶ 10. **Injunction suit—rights of city.**] § 10. The city of Chicago shall have the right to intervene in any suit or proceeding brought by any person or persons seeking to enjoin, restrain or in any manner interfere with the prosecution of said work of construction and move for a dissolution of such injunction or restraining order in such suit, in case it shall deem such suit collusive or instituted for the purpose of delay.

¶ 11. **Company to light street crossings, etc.**] § 11. The said railroad company shall light with incandescent electric lights all street and alley crossings or intersections along the route of its rail-

road as authorized by section 1 of this ordinance. Each street intersection shall be lighted by ten thirty-two candle power lamps, and each alley crossing by five thirty-two candle power incandescent lamps, to be placed, maintained and operated subject to the approval of the commissioner of public works. Wherever a change of location of existing street lamps, owned or used by the city of Chicago, is rendered necessary by the construction of said railroad, the said railroad company shall pay the expense of transferring and relocating all such city lamps, subject to the approval of the commissioner of public works.

¶ 12. **Bond.**] § 12. The consent, permission and authority hereby given are upon the express agreement and understanding that the Union Elevated Railroad Company, before exercising any of the rights hereby granted, shall execute to the city of Chicago a good and sufficient bond in the penal sum of one hundred thousand dollars ($100,000), conditioned that it will observe, perform and carry out all of the provisions of this ordinance, and will forever indemnify and save harmless the city of Chicago against and from any and all damages, including land and business damages, judgments, decrees, costs and expenses, which it may suffer or which may be recovered or obtained against said city for or by reason of, or growing out of, or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges or any of them herein granted, or from any act or acts of the said company, under or by virtue of the provisions of this ordinance. Provided, however, that the giving of said bond, or the recovery of a judgment or judgments thereon by the city of Chicago shall not be construed as measuring or limiting the liability of said company to said city under any provisions of this ordinance, except to the extent of such recovery or recoveries in each case. The bond required by this section shall be filed with the city clerk within sixty (60) days from the passage of this ordinance.

¶ 13. **Compensation.**] § 13. On the first day of May in each year, said company shall pay to the city of Chicago an annual license fee of fifty dollars ($50) for each and every car belonging to said company, used in transporting passengers for hire, and at the time of said payment, said company shall file with the city collector an affidavit subscribed and sworn to by its treasurer, or other officer of said company, if required by the city collector, stating the number of cars so used by said company. Upon such payment being made, the city clerk shall issue a license to said company for each of its cars so used, which license shall be issued as other licenses are issued, and each license shall contain the number of car for which the same is paid, and which license shall be posted by said company in some conspicuous place inside of each car so licensed.

¶ 14. **Rights extended to successors, etc.**] § 14. The permission and authority, rights and privileges, herein conferred respectively

upon the Union Elevated Railroad Company, the Northwestern Elevated Railroad Company, the Lake Street Elevated Railroad Company, The Metropolitan West Side Elevated Railroad Company, and the Chicago & South Side Rapid Transit Railroad Company, are hereby extended to and conferred upon the respective successors and assigns of each and every of said railroad companies above mentioned.

¶ **15. When in force.**] § 15. This ordinance shall take effect and be in force from and after its passage; provided, the said Union Elevated Railroad Company shall within sixty (60) days after the passage of this ordinance, file its acceptance thereof with the city clerk of the city of Chicago, and shall at the same time file with said city clerk the bond as hereinbefore required.

UNION CONSOLIDATED ELEVATED RAILWAY COMPANY.

§ 411. Union Consolidated Elevated Railway company.

¶ 1. Grant—route—connections.
¶ 2. Plans—approval—inspection.
¶ 3. Specifications—joint use—use limited—motive power—fare.
¶ 4. Stations—stairs—lighting and heating.
¶ 5. Location of stations.
¶ 6. Connection with power house.
¶ 7. Bridge in Van Buren street—company to construct and operate.
¶ 8. Restoration of streets.
¶ 9. Use of structure by city.
¶ 10. Indemnity clause.
¶ 11. Injunction suit—rights of city.
¶ 12. Company to light street crossings, etc.
¶ 13. Bond.
¶ 14. Compensation.
¶ 15. Rights extended to successors, etc.—"Union Loop" ordinances ratified.
¶ 16. When in force.

An ordinance authorizing the Union Consolidated Elevated Railway company to construct and maintain an elevated railroad in Van Buren street from Wabash avenue to the tracks of the Metropolitan West Side Elevated Railroad company and in certain parts of Market street. (Passed June 29, 1896. Accepted July 6, 1896.)

¶ **1. Grant—route—connections.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same are hereby granted to the Union Consolidated Elevated Railway Company to construct and maintain for the period beginning with the date of the passage of this ordinance and ending

fifty years after the seventh day of October, A. D. 1895, an elevated railroad with such branches, curves, turnouts, connections, supports, columns, girders, telegraphs, telephones and signals, and such other devices as the company may deem necessary for operating its cars, or for the operation of the trains and cars of the respective elevated railroads hereinafter named, or any of them, in, along and upon the following route: Commencing in Van Buren street at its intersection with Wabash avenue, and connecting at that point with the tracks of the Union Elevated Railroad Company in said Wabash avenue, and thence running westerly in and along said Van Buren street, and over and across the bridge and to the tracks of The Metropolitan West Side Elevated Railroad Company in said Van Buren street, at a point about two hundred feet east of Halsted street and connecting with the tracks of the said The Metropolitan West Side Elevated Railroad Company at that point; and also, with a branch commencing at and connecting with the said tracks in said Van Buren street at its intersection with Market street, and thence running northerly in and along said Market street to the right of way of the said The Metropolitan West Side Elevated Railroad Company between said Van Buren street and Jackson street, and connecting with the tracks of the said The Metropolitan West Side Elevated Railroad Company at that point; Provided, however, that before making the said two connections with the tracks of the said The Metropolitan West Side Elevated Railroad Company, as above authorized to be made, the said Union Consolidated Elevated Railway Company shall first obtain the written consent of the said The Metropolitan West Side Elevated Railroad Company to make such connection; and also the right to connect the double track herein authorized to be constructed in Van Buren street with the tracks of the Union Elevated Railroad Company in Fifth avenue, for the operation of the loop system; provided, however, permission to make such connection shall be first obtained from the said last named corporation.

¶ 2. **Plans—approval—inspection.**] § 2. The said railway company shall prepare and submit to the commissioner of public works of the city of Chicago plans and specifications of the standard sections of the said railroad structure proposed to be used by said company, and the said commissioner shall forthwith examine the plans and specications so submitted, and in case such plans and specifications conform to the requirements of this ordinance, then said commissioner shall approve the same, whereupon the said company may commence to build and erect said railroad, as hereby authorized, in accordance with said plans and specifications so approved, and which said construction shall be under, and subject to the inspection and supervision of the commissioner of public works, who shall see that the same is constructed in accordance with the said plans and specifications so approved. The maintenance and operation of said elevated railroad shall be subject to all lawful general ordinances of the city of Chicago now in force or hereafter to be passed applicable thereto.

¶ 3. Specifications—joint use—use limited—motive power—fare.] § 3. The permission and authority hereby granted are upon the following conditions:

First. That two tracks only shall be constructed and operated in and along said Van Buren street,from Wabash avenue to Market street, and in and along Market street to the right of way of The Metropolitan West Side Elevated Railroad Company, between Van Buren and Jackson street, and that a single track only shall be constructed and operated in said Van Buren street west of the point of connection of said single track with said double track in said Van Buren street at its intersection with Market street.

Second. That that part of the elevated railroad structure hereby authorized between Wabash avenue and Fifth avenue shall be subject to the joint use of the Northwestern Elevated Railroad Company, the Lake Street Elevated Railroad Company, The Metropolitan West Side Elevated Railroad Company, the Chicago and South Side Rapid Transit Railroad Company and the Union Elevated Railroad Company, upon such terms and conditions as have been agreed upon under any and all contracts now existing between the said corporations last above named, or such contract or contracts as may hereafter be entered into between the said companies or any of them, for the use and operation of the said railroad hereby authorized; and that part of the elevated railroad hereby authorized in Van Buren street west of Fifth avenue, and in Market street, shall be subject to the joint use of the Union Consolidated Elevated Railway Company, the Union Elevated Railroad Company and The Metropolitan West Side Elevated Railroad Company, upon such terms and conditions as have been agreed upon between any or all of the said companies last named under any and all contracts now existing between the said last named corporations, or any two of them, or such contract or contracts as may be hereafter entered into between the said last named companies or any two of them for the use and operation of said railway hereby authorized.

Third. That all freight trains and other rolling stock of surface steam railroads shall be absolutely excluded from said elevated railroad tracks; it being understood that it shall be used for moving passenger trains only, and for accommodating and handling passenger traffic and the mails exclusively, and that all trains shall be regularly and systematically moved, as shall be necessary to accommodate the public, and the number of all such trains shall be increased as rapidly as the demands of the public shall render necessary and the increase of traffic shall warrant. If any portion of the elevated structure of said company authorized by this ordinance shall at any time be used by the freight or passenger trains, or by the rolling stock of any surface steam railroad company, then all the rights and privileges herein granted shall wholly cease and be null and void, and the city council of the city of Chicago may order all of that portion of said elevated structure to be summarily removed and torn down.

Fourth. That the entire design and plan of the said railroad shall be that of an elevated structure, and all material used for that part of said structure above the ground shall be of wrought iron or steel, except the post connections may be of cast iron, and except the rails, which shall be of steel, and except the ties or longitudinal stringers, supporting the rails and the safe guards, which shall be of the best quality and kind of selected timber, and except the track walks, which shall be of wood. The stairs and all parts of the structure, except the platforms, doors and windows and outside sheeting, and except the interior of the stations, shall be of iron or masonry. All station platforms, and all of the material used in the construction of the work shall be of the best quality for the purposes to which they are to be applied, and the work shall be executed in a workmanlike manner.

Fifth. That all columns and supports for the said elevated structure shall be located as follows: For that part of the said elevated structure in said Market street, and also in Van Buren street, east of said Market street, and for that portion of the said elevated structure in said Van Buren street, between Canal street and the west line of the Chicago River, the said columns and supports shall be set and placed on the curb line; and for that part of the said elevated structure, in said Van Buren street, west of Market street, the same shall be built in the center of the street and supported by single columns, with the exception, as aforesaid, of that part of said structure between the west line of the Chicago River and Canal street.

Sixth. That the structure of such elevated railroad shall be made as light and presentable as is compatible with the traffic thereon. Said structure shall be what is known as lattice work construction, the same as the East Lake street extension construction, from Market street to Wabash avenue. The elevated structure shall span all cross streets, and no columns or other supports shall be set in the intersection thereof.

Seventh. That the motive power to be used in the operation of said elevated railroad hereby authorized shall be electricity, or some other motive power equally as clean and noiseless; provided, however, that the said Chicago and South Side Rapid Transit Railroad Company shall have the right to use steam as a motive power for operating its cars and trains for the period of three (3) years from June 24th, 1895, and after the expiration of said three (3) years, the said Chicago and South Side Rapid Transit Railroad Company shall use for its motive power electricity or some other motive power equally clean and noiseless.

Eighth. That the said railroad hereby authorized to be constructed shall be constructed before January 1st, 1898, and unless the said railroad hereby authorized to be constructed shall have been constructed before the expiration of the period last aforesaid, then all the rights and privileges granted as to that portion of the said railroad which shall not have been so constructed shall cease and be void, but the

rights and privileges as to that portion of said railroad which shall have been constructed, shall remain in full force. The time during which any legal proceedings shall be pending whereby the said companies, or either of them, shall be prevented from or delayed in constructing said railroad, shall be excluded from the time herein prescribed for its completion and shall be allowed in addition to the time prescribed for the completion thereof; provided, however, that such exclusion shall date only from the time when notice shall have been given to the corporation counsel of the city of Chicago of the institution of such legal proceedings. Provided, that the grantee of this ordinance shall run its trains throughout the night at regular intervals of not more than thirty (30) minutes.

Ninth. That except where the width of any cross street, between the curbs thereof, is seventy (70) feet or more, every cross street shall be spanned by a single span.

Tenth. That the transverse diameter of each such post or column shall not exceed twenty-four (24) inches at the base, and thence for at least ten feet above the surface of the roadway. The transverse diameter of a column when placed on or within the line of the curb, shall not exceed eighteen (18) inches at the base, and thence for at least ten (10) feet above the surface of the roadway.

Eleventh. That the transverse diameter of the columns above indicated does not include fenders, and adequate fenders shall be fitted around the base of each column placed in the roadway, to prevent the hubs of the wheels of passing vehicles from striking the columns.

Twelfth. That the longitudinal distance between columns, when the rows of columns are in the roadway of a street or avenue, shall not be less than thirty-five (35) feet except on curves.

Thirteenth. That the longitudinal distance between columns on or within the curb shall be at least twenty-five (25) feet.

Fourteenth. That no part of the girders of the superstructure shall be less than fourteen (14) feet above the then established grade of the street.

Fifteenth. That the different parts of the structure and the connections shall be properly proportioned to resist all the momentum of the train, which can, by the application of the brakes, be imparted to the structure.

Sixteenth. That the most approved safety guards shall be provided to prevent the cars from leaving the structure in case of accident.

Seventeenth. That the two tracks hereby authorized shall be set over the center of the street as nearly as practicable, except at curves, and that all the material used in the construction of the work shall be of the best quality for the purpose to which it is to be applied, and the work shall be executed in the best style of the art and in a workmanlike manner.

Eighteenth. That the rate of fare on that part of the railroad for which this ordinance is granted, to be constructed in said Van Buren

street, between Wabash avenue and Fifth avenue, together with the whole of the railroad now belonging to, or which may hereafter belong to, or be controlled by said Union Elevated Railroad Company, for the purpose of making a continuous loop, shall not exceed five (5) cents and no more; and it is expressly provided that the one fare of five (5) cents only shall be charged for a continuous ride on the line of the Union Elevated Railroad, and any one of the lines of railroad which shall use the tracks of the said Union Elevated Railroad, it being understood that that part of the railroad in Van Buren street, between Wabash avenue and Fifth avenue, referred to in this ordinance, is to be a part of the Union Elevated Railroad, known as the "loop line," and that passengers may be carried over the line of any one railroad using the tracks of the Union Elevated Railroad and around the said loop, or vice versa, for one fare of not more than five (5) cents; provided, however, that police and firemen in uniform shall be permitted to ride free of charge.

¶ **4. Stations—stairs—lighting and heating.**] § 4. That the Union Consolidated Elevated Railway Company shall have permission and authority, and the same are hereby given and granted to it, to construct and maintain in the route hereby authorized, all necessary or proper stations, platforms and depot stations by means of all necessary stairs, stairways, elevators, landing places, and other constructions and appliances for ingress, egress and the accommodation of passengers, but such platforms, stations, stairs, stairways, elevators, landing places, etc., shall be so constructed and maintained as not to unnecessarily impair the usefulness of such avenue, or any portion thereof. Neat and commodious passenger stations of easy and convenient access shall be provided, and all such stations, buildings and appurtenances, and likewise all passenger cars—when the latter are in use—shall be comfortably heated during the winter months, or whenever necessary at any season, and they shall be properly lighted with gas, electricity or otherwise, and thoroughly ventilated at all seasons. Platforms and lines of stairs leading to and from the same shall be securely protected by strong wrought iron or steel railings, not less than three and one-half (3½) feet high. The permission and authority to locate, construct and maintain all such requisite platforms, landings and lines of stairs leading to and from the sidewalks of the streets and avenues and the said elevated stations, being herein expressly granted said company, whenever and wherever such methods of reaching said stations may be found necessary. Nothing herein contained, however, shall prohibit said company from locating and maintaining its stations in buildings purchased, leased or erected on ground purchased or acquired by condemnation or lease, or in buildings adjacent to said stations or platforms, where authority is given by owners or lessees of said buildings for above purposes, wherein it may be for the convenience and comfort of its patrons, place its ticket offices, waiting rooms, sanitary accommodations, stairways, elevators and all requisite methods of ingress or

egress, and the right to construct and maintain covered passageways or connections between the interior of all such station buildings and the exterior platforms, is hereby expressly granted to said company. All of said supporting columns, cross girders, longitudinal girders, platform connections and handrailings shall be painted, and sightly appearance shall be maintained at all times. The plans and specifications of such depots, platforms and stairs shall be submitted to and approved by the commissioner of public works, before the work of construction thereof shall have commenced.

¶ 5. **Location of stations.**] § 5. Stations of said elevated railroad in and along the route hereby authorized shall be located as follows: Stations in Van Buren street shall be located at or near State and Van Buren streets, Dearborn and Van Buren streets, Custom House place and Van Buren street, Pacific avenue or Sherman avenue and Van Buren street, Franklin street or Fifth avenue and Van Buren street, as the company may designate, Clinton and Van Buren streets, Desplaines and Van Buren streets, and at such other place or places as may be agreed upon between the said railway company and the mayor or commissioner of public works of the city of Chicago. The station at Dearborn and Van Buren streets shall have the exit and entrance stairways located on the north side of Dearborn street, at the curb line; and at Custom House place and Van Buren street the stairway shall be located in a similar way on the south side of Van Buren street.

¶ 6. **Connection with power house.**] § 6. Permission and authority are hereby given to the Union Consolidated Elevated Railway Company to connect its power house or power houses with the elevated structure hereby authorized by means of underground conduits, or by means of wires attached to said elevated structure; the same to be done under the direction of the commissioner of public works.

¶ 7. **Bridge in Van Buren street—company to construct and operate.**] § 7. Permission and authority are hereby given to the said Union Consolidated Elevated Railway Company to use the present bridge in Van Buren street for its elevated railroad and to remodel and reconstruct the same if said company shall see fit so to do, or to construct a new bridge in place of the present existing bridge, and in event that said company shall remodel or reconstruct, or shall build an entirely new bridge, the said company shall in either case prepare and submit to the commissioner of public works the plans and specifications for such remodeling, or reconstruction, or new bridge, and the said commissioner shall forthwith examine the plans and specifications so submitted, and in case such plans and specifications conform to the requirements of this ordinance, then such commissioner shall approve the same, whereupon the said company may commence to remodel, reconstruct or build a new bridge, as said company is hereby authorized, and in accordance with such plans and specifications, such construction to be under and subject to the inspection and supervision of the com-

missioner of public works, who shall see that the same is remodeled, reconstructed or constructed in accordance with the said plans and specifications. Provided, however, said Union Consolidated Elevated Railway Company shall, in consideration of the privileges herein granted, keep in repair and operate said Van Buren street bridge at its own expense.

¶ **8. Restoration of streets.**] § 8. The consent, permission and authority hereby given are upon the express agreement and condition that the said company shall do no permanent injury to the pavement, gutters, sidewalks, water pipes, sewer or gas pipes, telegraph or electric wires, cables or pipes, or sidewalk space occupied by adjacent owners, but said company shall restore the street pavement, gutters, sidewalks, water pipes, sewer or gas pipes, telegraph or electric wires, cables or pipes and sidewalk space occupied by adjacent owners, at its own expense, to a condition equally as good as before the building of said elevated railroad, so far as consistent with the occupancy by said company of said streets, alleys and sidewalk spaces authorized by this ordinance, and if the said company shall fail or refuse so to do, the same may be done by the city of Chicago, and the said company shall be liable to the city for the cost thereof. When any excavation shall be made by said company in any street, alley or public place paved with wooden blocks, the foundation boards or planks shall be removed without being cut, unless said cutting shall be specially permitted by the commissioner of public works of said city.

¶ **9. Use of structure by city.**] § 9. The city of Chicago shall have the right to use the structure authorized by this ordinance for placing thereunder its police, fire alarm and telephone wires, and other wires and conduits for the use of the city, without charge.

¶ **10. Indemnity clause.**] § 10. The consent, permission and authority hereby given are upon the further express condition that the said company shall and will forever indemnify and save harmless the city of Chicago against and from any and all damages of every kind and character, including land and business damages, and any all damages to property of every kind and character, and from any and all damages, judgments, decrees and costs and expenses of the same, which it may suffer or which may be recovered or obtained against said city for or by reason of the granting of or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of any of the privileges hereby granted, or from any act or acts of the said company under or by virtue of the provisions of this ordinance.

¶ **11. Injunction suit—rights of city.**] § 11. That the city of Chicago shall have the right to intervene in any suit or proceeding brought by any person or persons seeking to enjoin, restrain or in any manner interfere with the prosecution of said work of construction and move for a dissolution of such injunction or restraining order in such

suit in case it shall deem such suit collusive or instituted for the purpose of delay.

¶ 12. **Company to light street crossings, etc.**] § 12. The said railway company shall light with incandescent electric lights all street and alley crossings or intersections along the route of its railroad as authorized by Section 1 of this ordinance. Each street intersection shall be lighted by ten thirty-two candle power lamps, and each alley crossing by five thirty-two candle power incandescent lamps, to be placed, maintained and operated subject to the approval of the commissioner of public works. Whenever a change of location of existing street lamps owned or used by the city of Chicago is rendered necessary by the construction of said railroad, the said railway company shall pay the expense of transferring and relocating all such city lamps, subject to the approval of the commissioner of public works.

¶ 13. **Bond.**] § 13. The consent, permission and authority hereby given are upon the express agreement and understanding that the Union Consolidated Elevated Railroad Company, before exercising any of the rights hereby granted, shall execute to the city of Chicago a good and sufficient bond in the penal sum of two hundred and fifty thousand (250,000) dollars, conditioned that it will observe, perform and carry out all of the provisions of this ordinance, and will forever indemnify and save harmless the city of Chicago against and from any and all damages, including land and business damages, judgments, decrees, costs and expenses which it may suffer, or which may be recovered or obtained against said city by reason of or growing out of or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges or any of them herein granted, or from any act or acts of the said company, under or by virtue of the provisions of this ordinance; provided, however, that the giving of said bond, or the recovery of a judgment or judgments thereon by the city of Chicago shall not be construed as measuring the liability of said company to said city under any provisions of this ordinance except to the extent of such recovery or recoveries in each case. The bond required by this section shall be filed with the city clerk within sixty (60) days from the passage of this ordinance.

¶ 14. **Compensation.**] § 14. On the first day of May in each year said company shall pay to the city of Chicago an annual license fee of fifty (50) dollars for each and every car belonging to said company, used in transporting passengers for hire, and at the time of said payment, said company shall file with the city collector an affidavit subscribed and sworn to by its treasurer, or other officer of said company, if required by the city collector, stating the number of cars so used by said company. Upon such payment being made, the city clerk shall issue a license to said company for each of its cars so used, which license shall be issued as other licenses are issued, and each license shall contain the number of car for which the same is paid, and

which license shall be posted by said company in some conspicuous place inside of each car so licensed.

¶ 15. Rights extended to successors, etc.—"Union Loop" ordinances ratified.] § 15. The permission and authority, rights and privileges, herein conferred, respectively, upon the Union Consolidated Elevated Railway Company, the Union Elevated Railroad Company, the Northwestern Elevated Railroad Company, the Lake Street Elevated Railroad Company, The Metropolitan West Side Elevated Railroad Company and the Chicago and South Side Rapid Transit Railroad Company, are hereby extended to and conferred upon the respective successors and assigns of each and every of said railroad companies above mentioned; and in furtherance of the object and purpose to have constructed the loop line contemplated by the several ordinances heretofore passed, granting to the said last named corporations, either severally or jointly, permission and authority to construct and operate elevated railroads in the city of Chicago, every and all acts or deeds of transfer of rights, privileges or franchises, and all contracts, mortgages, deeds of trust, leases, stipulations, licenses, and undertakings made, entered into or given between the said corporations, or between any two or more of them, or between any one or more of them, and any other person or corporation respecting or concerning their several railways or the construction thereof, or the use and operation of the same, are, and every such act, deed, contract, mortgage, lease, stipulation, licenses or undertaking is hereby approved, ratified and confirmed, and the same shall be deemed and held as valid and effectual to all intents and purposes as if made a part, and the same are hereby made a part of the said several ordinances.

And the rights and privileges granted to said companies by ordinances heretofore passed by the city council of the city of Chicago in reference to an elevated railroad upon Lake street, from Market street to Wabash avenue, and upon Wabash avenue, from Lake street to Harrison street, and upon Fifth avenue, from Lake street to Harrison street, are hereby readopted and confirmed and said ordinances granting said rights and privileges upon said three streets are hereby re-enacted and adopted.

The said ordinances last referred to being one passed on the 1st day of October, 1894, granting certain rights and privileges to the Lake Street Elevated Railroad Company; one passed on the 24th day of June, 1895, amending an ordinance passed January 8, 1895, granting to the Northwestern Elevated Railroad Company certain rights and privileges; and one passed October 14, 1895, granting certain rights and privileges to the Union Elevated Railroad Company upon Wabash avenue.

And permission and authority are hereby granted to the Union Elevated Railroad Company to locate and maintain any or all stations in buildings it may purchase, lease or erect on ground purchased, or acquired by condemnation or otherwise, or to locate or maintain any

or all stations in buildings adjacent to its platforms, where authority shall be given by the owners or lessees of such building or buildings, to use the same for such purposes, and to make all necessary connections.

¶ 16. When in force.] § 16. This ordinance shall take effect and be in force from and after its passage; Provided, the said Union Consolidated Elevated Railway Company shall within sixty (60) days after the passage of this ordinance, file its acceptance thereof with the city clerk of the city of Chicago, and shall at the same time file with said city clerk the bond as herein required.

Note: See following agreement.

UNION ELEVATED RAILROAD COMPANY AND UNION CONSOLIDATED ELEVATED RAILWAY COMPANY.

§ 412. Union Elevated Railroad company and Union Consolidated Elevated Railway company.

Agreement relating to the foregoing ordinance.

Agreement of the Union Elevated Railroad company and the Union Consolidated Elevated Railway company relating to the foregoing ordinance passed June 29, 1896. (Dated July 6, 1896. Presented to the city council by the mayor and ordered spread upon the records of the council July 6, 1896.)

¶ 1. Agreement relating to the foregoing ordinance.] This agreement made by and between the Union Elevated Railroad Company and the Union Consolidated Elevated Railway Company, of the one part, and the city of Chicago, of the other part, witnesseth:

That, Whereas, On the 29th day of June, 1896, the city council of the city of Chicago passed an ordinance granting certain privileges to said Union Consolidated Elevated Railway Company, among which was the right to construct, maintain and operate for fifty (50) years an elevated railroad in Van Buren street and in Market street in said city, as a part of a proposed "loop line," so called, on a portion of said streets and on portions of Fifth avenue, Lake street and Wabash avenue, in which loop line both said railroad companies are interested; and,

Whereas, The mayor of said city is unwilling to approve said ordinance without some additional stipulations and payments for the benefit of said city on the part of said railroad companies, to which they are willing to agree:

Now, Therefore, In consideration that the said mayor of said city shall not veto said ordinance, but that he shall approve the same, subject to the provisions of this agreement, and in further consideration of the sum of one dollar to said railroad companies paid by said city, the receipt whereof is hereby acknowledged, the said railroad companies for themselves and their successors and assigns, jointly and severally, covenant and agree with said city, as follows:

Said railroad companies and their respective successors and as-

signs, and whoever shall control and operate the said loop line, or be in receipt of or be entitled to receive the tolls, income, rents, issues and profits thereof, shall pay to said city, semi-annually, on the first days of August and of February in each year during the term of said ordinance after the year 1896, in addition to any and all payments expressly by said ordinance or by any other ordinance of said city required, a proportionate amount as hereinafter stated of such tolls, income, rents, issues and profits, after making a deduction therefrom at the rate of two hundred and fifty thousand (250,000) dollars a year on account of the interest charge against said loop line, before computing said proportionate amount. Said tolls, income, rents, issues and profits, within the meaning of this agreement, shall not include the expenses for maintenance and operation of said loop line (including taxes) which are all understood to be exclusively payable by certain other corporations proposing to use said loop line, although so payable through said railroad companies or one of them. From said tolls, income, rents, issues and profits, within the meaning of this agreement, a deduction shall be made semi-annually at the rate of two hundred and fifty thousand (250,000) dollars, per annum, to cover interest charge as aforesaid, and upon or out of the amount from time to time remaining (which remaining amount shall for convenience under this agreement be designated as the "gross receipts" of said loop line) payments shall be made to said city of the following percentages, viz.:

First. On such gross receipts during the five (5) year period from January 1, 1897, to December 31, 1901, both inclusive, the percentage shall be five (5) per centum per annum.

Second. On such gross receipts during the five (5) year period from January 1, 1902, to December 31, 1906, both inclusive, the percentage shall be ten (10) per centum per annum.

Third. On such gross receipts during the ten (10) year period from January 1, 1907, to December 31, 1916, both inclusive, the percentage shall be fifteen (15) per centum per annum.

Fourth. On such gross receipts during the fifteen (15) year period from January 1, 1917, to December 31, 1931, both inclusive, the percentage shall be twenty (20) per centum per annum.

Fifth. For the remaining term of said ordinance, approximately fifteen (15) years, the percentage shall be twenty-five (25) per centum per annum.

All such payments shall be made to the city comptroller of said city, and shall in each case be based upon the gross receipts for the half year ending respectively on the 30th day of June or the 31st day of December, next preceding the date of payment. Provided, however, that if the rates of tolls or rentals payable by or chargeable to any person or corporation for the use of said loop line shall at any time be reduced below the rates prescribed by contracts heretofore made between said Union Elevated Railroad Company and said other corporations proposing to use said loop line (which said contracts are set

forth in the printed proceedings of the meeting of said city council held on the 22d day of June, 1896, beginning on page 464) the gross receipts of said loop line shall, nevertheless, for the purposes of this agreement be computed and ascertained thereafter precisely as if no such reduction had been made; it being the intention of this agreement that said railroad companies shall make their reports and payments to said city upon the basis of minimum gross receipts not less at any time than would be produced by a continuance of said prescribed rates, and that no deductions for expenses of said loop line other than those above specifically provided for shall be made at any time from said gross receipts before computing the percentage to be paid to said city.

At or prior to the time of making any payment as above required, said railroad companies shall furnish to said city comptroller a statement or statements, verified by affidavits of their respective chief accounting officers, showing in detail the amount of their gross receipts for the period of six months immediately preceding and ending respectively on the 30th day of June or the 31st day of December, as the case may be. Said city comptroller shall at any time, during ordinary and reasonable business hours, have the right to examine the books and papers of said railroad companies for the purpose of verifying all statements so made, or of ascertaining the gross receipts of said loop line.

No assignment of the rights of said railroad companies, or of the rights of either of them, shall in any way affect or alter the right of said city to have and receive its percentages upon the said gross receipts of said loop line as herein provided, but the amounts produced by such percentages shall be regularly and faithfully paid to said city by said railroad companies, or their successors or assigns, or by such person, firm or corporation as may at any time hereafter enjoy or be entitled to enjoy the privileges conferred by said ordinance of June 29th, 1896. If and whenever default shall occur in the making of any semi-annual payment, and such default shall continue for thirty days, all rights and privileges under said ordinance existing in favor of said railroad companies, their successors and assigns, or any other person or corporation whomsoever, shall thereupon absolutely cease and determine at the election of said city, and said city may thereupon cause the removal of said elevated railroad track, structures and appliances from said Van Buren street and said Market street; provided, however, that at any time before a forfeiture shall have been declared by said city council, it may be avoided by the full payment of the amount in default and interest thereon at six per centum per annum from the date of default to the date of payment, and any and all costs incurred by said city in connection with such default.

It shall not be necessary for said city to bring any action or suit to obtain payment of the amount claimed to be due to it under this agreement, or for any other purpose, before exercising its right to de-

clare a forfeiture of all rights and privileges granted by said ordinance, and to rescind or repeal said ordinance, and no waiver by said city, or failure on its part to exercise said right of forfeiture, or to pursue any other remedy, for any default at any time in the making of any payment due to it under this agreement, shall be a waiver in respect to any subsequent default or in any way prejudice or impair the rights of said city in respect to any subsequent default.

The loop line, as that term is hereinbefore used, and as the term is to be understood in construing this agreement, shall include all of the elevated structure, railroad and appliances authorized or provided for by an ordinance of said city council, passed October 14th, 1895, in favor of said Union Elevated Railroad Company, and by said ordinance passed June 29th, 1896, in favor of said Union Consolidated Elevated Railway Company, namely, the structure, railroad and appliances authorized in Wabash avenue, from the north line of Lake street south to the south line of Harrison street, and in Van Buren street, from Wabash avenue westerly to the tracks of the Metropolitan West Side Elevated Railroad Company two hundred (200) feet east of Halsted street, and in Market street northward, from Van Buren street to the right of way of the Metropolitan West Side Elevated Railroad Company, between Van Buren street and Jackson street; and shall also include the structure, railroad and appliances constructed and to be constructed in Lake street, from Wabash avenue west to the intersection of Lake street and Fifth avenue, and in Fifth avenue, from the north line of Lake street to the intersection of Fifth avenue and Harrison street.

The railroad tracks to be laid under said ordinance of June 29th, 1896, between Market street and Halsted street, shall not be used for the purpose of storing or "yarding" cars, or for merely switching purposes, and no cars shall be permitted to stand and remain thereon, except while receiving or discharging passengers, or while actually in use in carrying passengers. If this foregoing provision shall not be faithfully observed, said city may rescind or repeal said ordinance and forfeit all rights and provisions granted thereby, or may pursue any other suitable remedy in the premises.

Said railroad companies shall, at their own expense forthwith, relay and reconstruct, in a manner satisfactory to the commissioner of public works of said city, the street pavement in Van Buren street, between Wabash avenue and Halsted street, from curb to curb, except so much thereof as any street railway company or companies operating street railway tracks thereon may at the present time be required to construct and maintain. In such relaying and reconstructing of said pavement, said railroad companies shall pave said street in substantially the same manner as said street is now paved, and with materials of substantially the same kind as are now laid therein, except as shall be otherwise expressly directed by the mayor and commissioner of public works of said city, who may otherwise direct at

their discretion. The existing paving materials in the pavement so to be relaid and reconstructed may be used so far as acceptable to said commissioner of public works, but wherever such existing materials are worn, and in the judgment of said commissioner of public works are not fit to be further used, said railroad companies shall provide new materials as said mayor and commissioner of public works may require.

This agreement is executed by authority of the respective boards of directors of said railroad companies, and shall be obligatory and binding upon the approval by the mayor of the city of Chicago of said ordinance of June 29th, 1896, without any execution on behalf of said city.

Dated Chicago, July 6th, 1896.

UNION ELEVATED RAILROAD COMPANY,
(Seal.) By LE GRAND W. PERCE, President.
Attest: A. P. CLAUSONTHUE, Secretary.

UNION CONSOLIDATED ELEVATED RAILWAY COMPANY,
(Seal.) By R. LAUGHLIN, President.
Attest: ALEXANDER M. SAVAGE, Secretary.
Approved: D. H. LOUDERBACK, General Manager.
Approved: WM. G. BEALE,
Corporation Counsel of the City of Chicago.

STATE OF ILLINOIS, } ss.
County of Cook. }

I, B. C. Stidger, a notary public, in and for said Cook county, in the state of Illinois, do hereby certify that on this 6th day of July, A. D. 1896, before me personally appeared Legrand W. Perce and A. P. Clausonthue respectively, the president and secretary of the Union Elevated Railroad Company, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument, and they severally acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, and as the free and voluntary act of the said Union Elevated Railroad Company for the uses and purposes therein set forth.

I further certify that on the same date personally appeared before me Robert Laughlin and Alexander M. Savage respectively, the president and secretary of the Union Consolidated Elevated Railway Company, who are personally known to me to be the same persons who signed the foregoing instrument, and they severally acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, and as the free and voluntary act of the said Union Consolidated Elevated Railway Company for the uses and purposes therein set forth.

Witness my hand and notarial seal this 6th day of July, A. D. 1896.

[Seal.] B. C. STIDGER, Notary Public.

COUNTY OF COOK, } ss.
State of Illinois, }

I, A. P. Clausonthue, do hereby certify that I am secretary of the Union Elevated Railroad Company, and as such secretary, the keeper of its records and custodian of its seal, and that at a meeting of the board of directors of said company, held on Monday, July 6th, A. D. 1896, a quorum being present, the following resolution was unanimously adopted:

"Resolved, That the president and secretary be and they are here-"by authorized and directed to execute and deliver to the city of Chi-"cago the agreement just read by the secretary, a copy whereof is her-"unto attached."

In witness whereof, I have hereunto set my hand and affixed the seal of the above named corporation, this 6th day of July, A. D. 1896.

[Seal.] A. P. CLAUSONTHUE, Secretary.

COUNTY OF COOK, } ss.
State of Illinois, }

I, Alexander M. Savage, do hereby certify that I am secretary of the Union Consolidated Elevated Railway Company, and as such secretary, the keeper of its records and custodian of its seal, and that at a meeting of the board of directors of said company, held on Monday, July 6th, 1896, a quorum being present, the following resolution was unanimously adopted:

"Resolved, That the president and secretary be and they are here-"by authorized and directed to execute and deliver to the city of Chi-"cago the agreement just read by the secretary, a copy whereof is here-"unto attached."

In witness whereof, I have hereunto set my hand and affixed the seal of the above named corporation, this 6th day of July, A. D. 1896.

[Seal.] ALEXANDER M. SAVAGE, Secretary.

MEMORANDA.

§ 413. Expenses of maintenance are actually paid by tenant roads; so from income deduct $250,000, amount of annual interest charge and on balance after January 1st, 1897, payments to be 5 per cent for 5 years, 10 per cent for 5 years, 15 per cent for 10 years, 20 per cent for 15 years, 25 per cent remaining time, about 14½ years.

Van Buren street, from Wabash avenue to Halsted street to be re-paved.

Ordinance provides for lighting street and alley intersections at cost to Union Loop Company to the amount of $6,000 per year.

CHAPTER XIII—STREET RAILWAYS.

§ 414. Chicago City Railway company: the North Chicago City Railway company; Chicago West Division Railway company.
§ 415. Amending foregoing ordinance.
§ 416. Street repairs for above named roads.
§ 417. Calumet Electric Street Railway company.
§ 418. Hyde Park, railway in.
§ 419. Washington Heights, railway in.
§ 420. Calumet Electric Street Railway company.
§ 421. Calumet Electric Street Railway company.
§ 422. Calumet Electric Street Railway company.
§ 423. Calumet Electric Street Railway company.
§ 424. Calumet Electric Street Railway company.
§ 425. Calumet Electric Street Railway company.
§ 426. Calumet Electric Street Railway company.
§ 426*. Calumet Electric Street Railway company.
§ 427. Chicago City Railway company.
§ 428. Chicago City Railway company.
§ 429. Henry Fuller, Franklin Parmelee, Liberty Bigelow.
§ 430. Henry Fuller, Franklin Parmelee, Liberty Bigelow.
§ 431. Henry Fuller, Franklin Parmelee, Liberty Bigelow.
§ 431a. Henry Fuller, Franklin Parmelee, Liberty Bigelow.
§ 431b. Henry Fuller, Franklin Parmelee, Liberty Bigelow.
§ 432. Chicago City Railway company.
§ 433. Chicago City Railway company.
§ 434. Chicago City Railway company and North Chicago Railway company.
§ 435. Chicago City Railway company.
§ 436. Chicago City Railway company.
§ 437. Chicago & Calumet Horse & Dummy Railroad company.
§ 438. Chicago City Railway company.
§ 439. Chicago City Railway company.
§ 440. Chicago City Railway company.
§ 441. Chicago City Railway company and North Chicago City Railway company.
§ 442. Chicago City Railway company.
§ 443. Chicago City Railway company.
§ 444. Chicago City Railway company.
§ 445. Englewood Horse & Dummy Railroad company.
§ 446. Englewood Horse & Dummy Railroad company.
§ 447. Englewood Horse & Dummy Railroad company.
§ 448. Englewood Horse & Dummy Railroad company.
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STREET RAILWAYS.

§ 414. Chicago City Railway company; the North Chicago City Railway company; Chicago West Division Railway company.

¶ 1. Annual license fee—how computed.
¶ 2. Improvement and repair of streets.
¶ 3. Bond, $50,000.
¶ 4. Back license fees—costs in test suits.
¶ 5. Extension of terms of certain ordinances twenty years.
¶ 6. When in force—bonds.

An ordinance relating to the annual license fee to be paid by various street railway companies and the manner of computing and arriving at the amount and also extending the time for the operation of the several lines twenty years. (Passed July 30, 1883. Accepted by North Chicago City Railway company August 8, 1883; by the Chicago City Railway company and by the Chicago West Division Railway company August 10, 1883.

¶ 1. **Annual license fee, how computed.**] Be it ordained by the city council of the city of Chicago: § 1. That each one of the corporations known as the Chicago City Railway Company, the North Chicago City Railway Company and the Chicago West Division Railway Company shall pay into the city treasury of the city of Chicago, for the use of the said city, the sum of fifty dollars, as an annual license fee, for each and every car used by such companies, respectively, in the manner following: In computing the number of cars upon which such license charge may be imposed, thirteen round trips, when a car is used in the transportation of passengers, shall be taken as equivalent to one day's use of one car. One-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter; such quotient shall be the number of cars subject to such license fee. The president or other chief officer of each company shall, under oath, make a report quarter yearly to the comptroller of the city of the whole number of cars so run by said company, and at the same time pay to said comptroller twelve dollars and fifty cents for each car, to be ascertained as prescribed by this section. The first quarter shall end the last day of October next, and the report shall be made within ten days after the end of each quarter.

¶ 2. **Improvement and repair of streets.**] § 2. Each one of said railway companies shall hereafter, as respects the filling, grading, paving, or otherwise improving or repairing the streets or parts of streets upon which it has constructed its railways, or any of them, fill, grade, pave, and keep in good repair during all of the time the privilege of using the said streets, or parts of streets, shall extend eight feet in width where a single track is used, or sixteen feet in width where a double track is used, the said eight or sixteen feet to include the railway track or tracks, in accordance with such ordinances as the city council may pass respecting such filling, grading, paving or repairing, and the same shall be done by the railway companies with like material, in like manner, and at the same time as required as to the rest of said street not embraced in the eight or sixteen feet in width, except that it may use stone as now authorized, or such other material as may hereafter be authorized by the city council of said city for the space between the rails of each track, and as respects the crossing of the tracks of any one or more of said companies over a bridge or viaduct, or approaches thereto, and the construction, improvement, or repair of the same, such company shall only be required to plank, pave, and keep in good repair the space occupied by its track; the planking or paving to be done in the man-

ner to be agreed upon between the said company and the commissioner of public works.

¶ 3. **Bond, $50,000.**] § 3. Each of said companies shall execute to the city a bond in the penal sum of fifty thousand (50,000) dollars, with a condition that if said company shall faithfully comply with this ordinance then said bond shall be void, otherwise, to remain in full force and effect. It is expressly understood, however, that the remedy on said bonds, or any of them, shall be considered as merely cumulative, and that the said city may, notwithstanding the execution of said bonds or any of them, have the same remedies against each of said companies as it would or might have if no such bond was executed.

¶ 4. **Back license fees—costs in test suits.**] § 4. Said railway companies shall each respectively, within thirty days from the passage hereof, pay into the city treasury a sum of money equal to twenty-five dollars per car per annum for each car used by said companies, respectively, from the first day of April, 1878, to the first day of August, 1883, to be computed and verified as provided in section one of this ordinance, and such payment and the license fee herein fixed shall be in lieu of all other license fees to be paid by each of said companies, and all other taxes excepting such taxes upon the property of said companies respectively as are or may be authorized by general law of the legislature; and all ordinances heretofore passed requiring said companies to pay license fees are hereby repealed, and said railway companies and all other persons are hereby discharged from all liability upon any bonds given to said city in any proceedings involving the validity of said ordinance; Provided, however, that the said railway companies shall pay all costs incurred in all suits between the said railway companies, and each of them, and the city of Chicago, or between the owners of stock or stockholders of said railway companies, and each of them, and the city of Chicago, and said railway companies, or any of them, involving the question of the validity of a certain ordinance of said city, passed March 18, 1878, imposing an annual license fee of fifty dollars upon each car operated and run, or proposed to be operated and run, by any person, firm, or corporation engaged in the occupation of operating and running street cars, for the conveyance of passengers, upon any line of horse or city railway within the city of Chicago, and shall also pay all the fees of the solicitors of the city of Chicago in and concerning said litigation.

¶ 5. **Extension of terms of certain ordinances 20 years.**] § 5. In consideration of the acceptance by said companies of this ordinance and the several covenants and undertakings herein mentioned, on behalf of the several city railway companies mentioned herein, and the execution of the said bonds, permission and authority is hereby given to the several railway companies herein mentioned respectively to use and operate, for twenty years from the passage here-

of, the several railways now used or operated by said companies, or either of them, or now authorized to be used and operated; but nothing in this section contained, or the acceptance hereof, shall in any manner impair, change or alter the existing rights, duties and obligations of the city or of said companies respectively, from and after the expiration of the said term of years hereinbefore mentioned.

¶ 6. **When in force—bonds.**] § 6. This ordinance shall take effect when all of said railway companies shall accept the same and execute the bonds hereinbefore mentioned, and file the same in the office of the city comptroller.

Note: See following amendatory ordinance.

§ 415. Chicago City Railway company, The North Chicago City Railway company, Chicago West Division Railway company.

¶ 1. Amending sections 4 and 5 of foregoing ordinance.
¶ 2. Section 4 as amended.
¶ 3. Section 5 as amended.
¶ 4. When in force.

An ordinance amending an ordinance relating to the annual license fee to be paid by various street railway companies and the manner of computing and arriving at the amount and also extending the time for the operation of the several lines twenty years, passed July 30, 1883. (Passed August 6, 1883. Accepted by North Chicago City Railway company August 8, 1883; by the Chicago City Railway company and by the Chicago West Division Railway company August 10, 1883.)

¶ 1. **Amending sections 4 and 5 of foregoing ordinance.**] Be it ordained by the city council of the city of Chicago: That sections four and five of an ordinance concerning the Chicago City Railway Company, the North Chicago City Railway Company, and the Chicago West Division Railway Company, be amended so as to read as follows:

¶ 2. **Section 4 as amended.**] § 4. Said railway companies shall each respectively, within thirty days from the passage hereof, pay into the city treasurey a sum of money equal to $25 per car per annum, for each car used by said companies, respectively, from the first day of April, 1878, to the first day of August, 1883, to be computed and verified as provided in section 1 of this ordinance, and such payment and the license fee herein fixed shall be in lieu of all other license fees to be paid by either of said companies, and all other taxes excepting such taxes upon the property of said companies respectively as are or may be authorized by general law of the legislature; and all provisions of ordinances heretofore passed requiring said companies, or either of them, to pay license fees, are hereby repealed, and said railway companies and all other persons are hereby discharged from all liability upon any bonds given to said city in any proceeding involving the validity of said ordinance; Provided, however, that the said railway companies shall pay all costs incurred in all suits between said

railway companies, and each of them, and the city of Chicago, or between the owners of stock, or stockholders, of said railway companies, and each of them, and the city of Chicago, and said railway companies, or any of them, involving the question of the validity of a certain ordinance of said city, passed March 18, 1878, imposing an annual license fee of fifty (50) dollars upon each car operated and run, or proposed to be operated and run, by any person, firm or corporation engaged in the occupation of operating and running street cars for the conveyance of passengers, upon any line of horse or city railway within the city of Chicago, and shall also pay all the fees of the solicitors of the city of Chicago in and concerning said litigation.

¶ 3. **Section 5 as amended.**] § 5. In consideration of the acceptance by said companies of this ordinance and the several covenants and undertakings herein mentioned, on behalf of the several city railway companies mentioned herein, and the execution of the said bonds, the times named for the operation of the railways now used or operated by either of said railway companies in the ordinances heretofore passed, granting permission and authority to construct, maintain and operate street railways in the streets of said city, are hereby extended twenty years from the passage hereof, but nothing in this section contained, or the acceptance hereof, shall in any manner impair, change or alter the existing rights, duties and obligations of the city, or of said companies respectively, from and after the expiration of the said term of years hereinbefore mentioned.

¶ 4. **When in force—bonds.**] § 6. This ordinance shall take effect when all of said railway companies shall accept the same and execute the bonds hereinbefore mentioned and file the same in the office of the city comptroller.

§ 416. Chicago City Railway company, Chicago West Division Railway company and the North Chicago City Railway company.

¶ 1. Street repairs—stone may be used.

An ordinance authorizing horse railway companies to use stone in keeping in repair their tracks. (Passed April 22, 1881.)

¶ 1. **Street repairs—stone may be used, when.**] Be it ordained by the city council of the city of Chicago: § 1. That the Chicago City Railway Company, the Chicago West Division Railway Company and the North Chicago City Railway Company may use stone in keeping in repair the number of feet which the said companies are required to keep in repair along the lines of said railways; but the kind of stone to be used shall be such as may be approved by the commissioner of public works, or other proper officer or department of the city, and the work shall be done under the supervision of and in the manner directed by said commissioner or other proper officer or

department; Provided, that Indiana avenue and Eighteenth street east of Wabash avenue are excepted from the provisions of this ordinance.

CALUMET ELECTRIC STREET RAILWAY COMPANY.

(Successor to John B. Lyon.)

§ 417. Calumet Electric Street Railway company.

¶ 1. Grant—electric power.
¶ 2. Route.
¶ 3. Time for completion.
¶ 4. Conform to grades.
¶ 5. Style of rails—track, how constructed.
¶ 6. Overhead contact system—power of council.
¶ 7. Feeder wires.
¶ 8. Passenger traffic—vehicles on tracks.
¶ 9. Rate of fare.
¶ 10. Term of grant.
¶ 11. Restoration of streets.
¶ 12. Improvement and repair of streets.
¶ 13. Reservation of rights.
¶ 14. Running time—subject to ordinances.
¶ 15. Indemnity clause.
¶ 16. Indemnity bond.
¶ 17. When in force—acceptance.

An ordinance granting permission to John B. Lyon to lay down, maintain and operate a street railway. in South Chicago. (Passed, approved and filed July 2, 1889.)

¶ 1. Grant—electric power.] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission and authority be and the same is hereby given and granted to John B. Lyon, his successors and assigns, to construct, maintain and operate a railroad with one or more tracks, not exceeding two, to be operated by electricity with such tracks for turn-tables, turn-outs, sidetracks and switches as said company may deem necessary, along and upon certain streets or parts of streets in the corporate limits of the village of Hyde Park, hereinafter particularily mentioned, and to operate said railway in the manner, for the time, and upon the conditions hereinafter prescribed, but not more than sixteen feet, as near the center as may be, of any street shall be so occupied without the consent of said village or its successors.

¶ 2. Route.] § 2. That said John B. Lyon, or his successors or assigns is hereby authorized to lay the tracks with all necessary turntables, turnouts, side tracks and switches as provided in the first section of this ordinance along and upon the following streets in said village of Hyde Park. Beginning at the intersection of Strand and

Eighty-ninth streets; thence west in Eighty-ninth street to Mackinaw avenue, south in Mackinaw avenue to Harbor avenue; thence southwest on Harbor avenue to Ninety-third street; thence west on Ninety-third street to South Chicago avenue ; thence northwest on South Chicago avenue to Ninety-third street; then southwest on Ninety-third street to Escanaba avenue; thence west on Ninety-third street to Stony Island avenue; thence north on Stony Island avenue to Ninety-first street; thence west on Ninety-first street to Cottage Grove avenue; thence north on Cottage Grove avenue to Eighty-seventh street.

And when the said road shall reach Stony Island avenue as above set forth; thence north on Stony Island avenue to Eighty-seventh street; thence west on Eighty-seventh street to Cottage Grove avenue.

¶ 3. **Time of completion.**] § 3. One of the tracks authorized to be constructed by this ordinance shall be completed upon all of the above streets and such railroad upon such track shall be in operation upon all of said streets within one year from the date of the passage of this ordinance; Provided, that all the rights and privileges herein granted shall at the expiration of one year after the passage of this ordinance revert to and rest absolutely in the village of Hyde Park, or its successors, as to all streets and parts of streets, hereinbefore mentioned, which at said time shall be unoccupied by said railway track in full operation. The said John B. Lyon and his successors or assigns, shall have the right and privilege of laying and operating the second track authorized in the first section hereof whenever he or they shall deem it expedient and public travel requires it; Provided, further, that if the said John B. Lyon, his successors or assigns, shall be restrained or prevented from proceeding with the work upon said railway track by the order or authority of any court of competent jurisdiction the time during which he, or they may be so delayed, shall be added to the time herein prescribed for the completion of said railway track. The village of Hyde Park, or its successors shall, however, have the right to intervene in any suit for an injunction to restrain said party or parties as aforesaid and move for the dissolution of the injunction in case such suit shall be deemed collusive, or for the purpose of delay, or of extending the time for the completion of said track.

¶ 4. **Conform to grades.**] § 4. The said John B. Lyon, his successors or assigns, in the construction of said railway shall conform to all grades in the streets to be so traversed by said railway as they now exist, or which may be hereafter adopted by the village of Hyde Park.

¶ 5. **Style of rails; tracks—how constructed.**] § 5. The tracks of said railway shall be constructed of side bearing or what may be termed flat rails, not to be elevated above the surface of the street, and shall be of the standard gauge of four feet eight and one-half inches and said railway tracks, turnouts, sidetracks, switches and turn-tables

shall be so laid that carriages and other vehicles can easily and freely cross said track or tracks at any and all point. The said track or tracks shall be laid under the supervision of the superintendent or commissioner of public works of the village of Hyde Park. It is further provided that said track or tracks at all intersections of streets shall be planked between the rails.

¶ 6. **Overhead contact system—power of council.**] § 7. The cars upon said railway shall be propelled by electrical overhead contact wires suspended from poles, set within the curb line limit of the street on either side thereof and so adjusted as not to obstruct the public use of the street or sidewalks. The said wires shall be suspended not less than eighteen and one-half feet above the rails and the said poles or supports shall be placed on an average of not less than one hundred and fifteen feet apart, except at the intersections of streets and avenues, when the said distance will place the poles or supports on intersecting streets and avenues. And in the event that some more favorable and unobjectionable method of furnishing electricity for the operation of said road be discovered, said John B. Lyon, his successors or assigns, shall have the right and may be required to adopt the same in the place of or in connection with the use of said electrical overhead contact wires.

¶ 7. **Feeder wires.**] § 8. Said John B. Lyon, his successors and assigns, shall operate said railway by electric motor power, except in case of accident to machinery, making it necessary that said cars may be propelled by animal power, for a period not exceeding thirty days, for any one accident, and to enable the said road to be operated, the said John B. Lyon, his successors or assigns, shall have the right to connect the wires herein authorized with the generator or power station or stations, or car houses that may be erected along the line of said railway.

¶ 8. **Passenger traffic—vehicles on tracks.**] § 9. The cars or carriages to be used on such railway shall be used for no other purpose than to carry passengers and their ordinary baggage, and the public mails. And the said cars shall be entitled to the track and in all cases when any train or vehicle shall meet or be overtaken by a car upon said railway such team or vehicle shall give way to said car.

¶ 9. **Rate of fare.**] § 10. The rates of fare for any continuous and regular trip from one point to another on the line of said railway shall not exceed five (5) cents and commutation tickets shall be issued and the charge for the same shall not exceed one dollar for twenty-five rides.

¶ 10. **Term of grant.**] § 11. The rights and privileges hereby granted the said John B. Lyon, his successors or assigns, shall continue for a period of twenty (20) years from and after the time this ordinance shall take effect.

¶ 11. **Restoration of streets.**] § 12. The said John B. Lyon, his successors or assigns, shall do no permanent injury to any street, sidewalk, alley or avenue, nor interfere with any water pipe, sewer or gas pipe, now or hereafter laid by said village of Hyde Park, but in the construction of the said railway, shall restore the streets, pavements, sidewalks or ground, or water pipe, sewer or gas pipe, to a condition equally as good as before the laying of said railway at the expense of the said John B. Lyon, his successors and assigns, and if he or his successors or assigns, as the case may be, shall fail or refuse so to do, the same may be done by the village of Hyde Park and he or they, as the case may be, shall be liable for the cost thereof.

¶ 12. **Improvement and repair of streets.**] § 13. That said John B. Lyon, his successors and assigns, as respects the grading, paving, macadamizing, planking and repairing or using of the aforesaid streets and avenues, shall at his own cost and expense keep sixteen feet in good repair and condition during all the time to which the privilege hereby granted shall extend, in accordance with the orders or regulations of the board of trustees of said village. And when any new improvement of any character shall be ordered by the board of trustees, said John B. Lyon, or his successors and assigns, at his own cost and expense, shall, in the manner required by the village authorities make such improvement for the width of sixteen feet, said sixteen feet to include the said tracks, as laid in said streets and avenues. And if the said John B. Lyon, his successors or assigns, shall neglect or fail to make any repairs or improvements as aforesaid, for the space of twenty days after notice so to do from the superintendent of public works, or other proper officer of said village, to any officer, agent, or employee of said John B. Lyon, or his successors or assigns, then and in such case the village may at its option do the same at the cost and expense of said company.

¶ 13. **Reservation of rights.**] § 14. Nothing herein contained shall impair or abridge the right of the village to dig up or open said street and avenue or any portion therof, and to temporarily remove said tracks and road bed for the purpose of laying sewers or water pipes, or making any similar improvements, or of repairing the same.

¶ 14. **Running time—subject to ordinances.**] § 15. This ordinance is granted upon the express condition that trains shall be run upon each track constructed by said John B. Lyon, his successors and assigns, at least once per hour, between the hours of six (6) a. m. and twelve (12) p. m., except when delay is caused through unavoidable accident, breakage of machinery or other cause beyond the control of said John B. Lyon, his successors and assigns, and the speed of all trains to be operated by virtue of this ordinance shall be subject to control by the ordinances of the village of Hyde Park, and its successors regulating the speed of electric and cable railways.

¶ 15. Indemnity clause.] § 16. The said John B. Lyon, his successors and assigns, shall defend and save harmless the village of Hyde Park of and from any and all damages, judgments, decrees, and costs, connected therewith which may be rendered against said village by reason of the granting of the rights and privileges herein contained or which may in any way accrue or arise, or grow out of the exercise by the said John B. Lyon, or his successors or assigns, of the rights and privileges hereby granted.

¶ 16. Indemnity bond.] § 17. The said John B. Lyon, his successors or assigns, shall within thirty (30) days from the passage of this ordinance execute a bond to the said village of Hyde Park in the penal sum of fifty thousand dollars with satisfactory sureties conditioned to indemnify and save harmless the village of Hyde Park of and from all damages which may accrue or arise or grow out of the exercise by John B. Lyon, his successors or assigns, of the privileges hereby granted; said bond to be subject to the approval of the board of trustees of said village of Hyde Park.

¶ 17. When in force—acceptance.] § 18. This ordinance shall take effect when the said John B. Lyon, his successors or assigns, shall file the bond herein required and accept in writing the terms and conditions of this ordinance, and said bond shall be approved; Provided, that if the said John B. Lyon, his successors or assigns, shall not file an acceptance in writing of this ordinance and the bond herein required within thirty days (30) from the passage hereof, then this ordinance shall be of no force and effect and all rights herein granted shall absolutely cease and determine.

Note: See following resolution.

§ 418. Hyde Park, Railway in.

Preamble.

¶ 1. Time for completion extended—change of system—street repairs.

A resolution adopted by the city council of the city of Chicago extending the terms of an ordinance passed by the board of trustees of the village of Hyde Park July 2, 1889, granting permission to John B. Lyon to lay down, maintain and operate a street railway. (Passed July 25, 1890.)

Preamble.] Whereas, on the second day of July, 1889, an ordinance was granted by the president and board of trustees of the village of Hyde Park to John B. Lyon, his successors and assigns, to construct and operate an electric railroad upon certain streets particularly mentioned in said ordinance; and, whereas, the provisions of said ordinance require the said electric railroad to be completed within one year from the date of the ordinance; and, whereas, the accommodation of the public requires the building of said electric railroad; be it.

¶ 1. Time for completion extended—change of system—street repairs.] Resolved, that the terms specified in said ordinance

be and the same is hereby extended as follows: That portion of said railroad from the intersection of Eighty-ninth and Strand streets to Stony Island avenue shall be completed and in operation within ninety days from the date of the passage hereof, and the remaining portion of said railroad so authorized by said ordinance shall be completed and in operation within one year from the date of the passage hereof, otherwise the said rights and privileges shall cease and be null and void and of no effect. If any other electric system for operating said road shall be demonstrated to be more practicable and feasible than the system specified in said ordinance, then, upon the written notice of the commissioner of public works of the city of Chicago, the said John B. Lyon, his successors and assigns, shall operate the said railroad with the electric system designated by the said commissioner of public works; Provided, that, if the said John B. Lyon, his successors or assigns, shall be restrained from proceeding with the work upon said electric railroad by the order or writ of any court of competent jurisdiction, the time during which the said company is delayed thereby shall be excluded from the time prescribed herein for the completion of said tracks. The extension herein provided is granted upon the express condition and understanding that the portions of all streets occupied by the tracks, switches and turntables shall be paved by said Lyon, or his assigns, and kept in repair at the expense of said Lyon or his assignee, with the same kind of material and in as thorough and workmanlike a manner as the balance of said street, which said paving shall be done under the supervision and to the satisfaction of the commissioner of public works, or some proper city official, and that said tracks, turnouts and turntables shall be laid and placed in position before the said streets are improved as aforesaid.

§ 419. Washington Heights, Railway in.

¶ 1. Grant—power.
¶ 2. Route.
¶ 3. Time for completion.
¶ 4. Conform to grades.
¶ 5. Style of rails—tracks, how laid—paving.
¶ 6. Overhead contact wires.
¶ 7. Feeder wires.
¶ 8. Passenger traffic—vehicles on tracks.
¶ 9. Rate of fare.
¶ 10. Grant twenty years.
¶ 11. Restoration of streets.
¶ 12. Reservation of rights—running time.
¶ 13. Indemnity clause.
¶ 14. Acceptance.
¶ 15. Policemen and firemen.
¶ 16. Indemnity bond.

An ordinance granting permission to the Calumet Electric Street Railway company to lay down, maintain and operate a street railway in the village of Washington Heights. (Passed and approved November 17, 1890. Accepted November 20, 1890.)

¶ 1. **Grant—power.**] Be it ordained by the president and board of trustees of the village of Washington Heights, county of Cook and state of Illinois: § 1. That permission and authority be, and the same is hereby granted to the Calumet Electric Street Railway Company, its successors and assigns, to construct, maintain and operate a railroad with one or more tracks, not exceeding two, to be operated by electricity, cable or other satisfactory power, except horse power and steam, with such tracks for turntables, turnouts, sidetracks and switches, as said company may deem necessary, along or upon certain streets or parts of streets in the corporate limits of the village of Washington Heights, hereinafter particularly mentioned, and to operate said railway in the manner, for the time and upon the conditions hereinafter prescribed; but not more than sixteen feet as near the center as may be of any street shall be so occupied without the consent of said village or its successors.

¶ 2. **Route.**] § 2. That the said Calumet Electric Street Railway Company, or its successors or assigns, is hereby authorized to lay the tracks with all necessary turn-tables, turn-outs, sidetracks and switches as provided in the first section of this ordinance along and upon the following streets in said village of Washington Heights. Commencing at intersection of Charles street and 95th street, thence running southeasterly on said Charles street to Elm street, but not upon, along or across Vincennes avenue, thence west on Elm street to Wood street, or Center street, thence south on Wood street to village limits.

¶ 3. **Time for completion.**] § 3. One of the tracks authorized to be constructed by this ordinance shall be completed upon all the above streets and such railroad upon such track shall be in operation upon all of said streets within twelve months from the date of the passage of this ordinance; Provided, that all the rights and privileges herein granted shall at the expiration of twelve months after the passage of this ordinance revert to and vest absolutely in the village of Washington Heights or its successors, as to all streets and parts of streets hereinbefore mentioned, which at the said time shall be unoccupied by said railway track in full operation. The said Calumet Electric Street Railway Company, its successors or assigns, shall have the right and privilege of laying and operating the second track authorized in the first section hereof whenever it or its successors shall deem it expedient and public travel requires it. Provided, further, that if the said Calumet Electric Street Railway Company, its successors or assigns, shall be restrained or prevented from proceeding with the work upon said railway track by order or authority of any court of competent jurisdiction, the time during which it or they may be so delayed shall be added to the time herein prescribed for the completion of said railway track. The village of Washington Heights, or its successors, shall, however, have the right to intervene in any suit for an

injunction to restrain said party or parties as aforesaid, and move for the dissolution of the injunction in case such suit shall be deemed collusive, or for the purpose of delay, or of extending the time for the completion of said track.

¶ 4. **Conform to grades.**] § 4. The said Calumet Electric Street Railway Company, its successors or assigns, in the construction of said railway shall conform to all grades in the streets so traversed by said railway, as they now exist or which may hereafter be adopted by the village of Washington Heights, or its successors.

¶ 5. **Style of rails, tracks—how laid—paving.**] § 5. The tracks of said railway shall be constructed of side bearing, or what may be termed flat rails, not to be elevated above the surface of the streets, and shall be of the standard gauge of four feet, eight and one-half inches, and said railway tracks, turn-outs, sidetracks, switches and turn-tables, shall be so laid that carriages and other vehicles can easily and freely cross said track or tracks at any and all points. The said track or tracks shall be laid under the supervision of department of public works of the village of Washington Heights, or its successors. It is further provided that the streets shall be paved or macadamized not less than eight inches in thickness between the rails and eighteen (18) inches on either side, outside said rails, and said pavement or macadam to be kept in perfect condition by said railway company, at its expense.

¶ 6. **Overhead contact wires.**] § 6. The cars upon said railway shall be propelled by electric overhead contact wires, suspended from poles, set within the curb line limit of the street on either side thereof, and so adjusted as not to obstruct the public use of the streets and sidewalks. The said wires shall be suspended no less than eighteen and one-half feet above the rails and said poles or supports shall be placed on an average of not less than one hundred and fifteen feet apart, except at the intersection of streets and avenues, when the said distance will place the poles or supports on intersecting streets and avenues. And in the event that some more favorable and unobjectionable method for furnishing electricity or other satisfactory motor power for the operation of said road be discovered, said Calumet Electric Street Railway Company, its successors or assigns, shall have the right to adopt the same in place of or in connection with the use of said electrical overhead contact wires.

¶ 7. **Feeder Wires.**] § 7. Said Calumet Electric Street Railway Company, its successors or assigns, shall operate said railway by electric motor power or other satisfactory power, except horse power or steam, except in case of accident to machinery, making it necessary that said cars may be propelled by animal power for a period not exceeding thirty days for any one accident, and to enable the railroad to be operated, the said Calumet Electric Street Railway Company, its successors or assigns, shall have the right to connect the wires or other

motor power herein authorized with the generator or power station or any station or car houses that may be erected along the line of said railway.

¶ 8. **Passenger traffic—vehicles on tracks.**] § 8. The cars or carriages to be used on said railway shall be used for no other purpose than to carry passengers and their ordinary baggage, and the public mails, and the said cars shall be entitled to the track, and in all cases when any team or vehicle shall meet or be overtaken by a car upon said railway track, such team or vehicle shall give way to said car.

¶ 9. **Rate of fare.**] § 9. The rate of fare for any continuous and regular trip from one point to another over all the lines of said railway, or its successors or assigns, now existing or hereinafter acquired, and over the streets heretofore named, shall not exceed five cents.

¶ 10. **Grant 20 years**] § 10. The rights and privileges hereby granted to the said Calumet Electric Street Railway Company, its successors and assigns, shall continue for a period of twenty years from and after the time this ordinance shall take effect.

¶ 11. **Restoration of streets.**] § 11. The said Calumet Electric Street Railway Company, its successors or assigns, shall do no permanent injury to any street, sidewalk, alley or avenue, nor interfere with any water pipe, sewer, or gas pipe, now or hereafter laid by said village of Washington Heights, or its successors, but in the construction of said railway, shall restore the streets, pavement, sidewalk or ground, or water pipe, to a condition equally as good as before the laying of said railway at the expense of the said Calumet Electric Street Railway Company, its successors or assigns, and if it, or its successors or assigns, as the case may be, shall fail or refuse so to do, the same may be done by the village of Washington Heights, or its successors, and it or they, as the case may be, shall be liable for the cost thereof.

¶ 12. **Reservation of rights—running time.**] § 12. Nothing herein contained shall impair or abridge the right of the village, or its successors, to dig up or open said streets or avenue or any portion thereof, and to temporarily remove said tracks and road beds for the purpose of laying sewers or water pipes, or gas pipes, or making any similar improvements, or of repairing the same. This ordinance is granted upon the express condition that trains shall be run upon each track constructed by the said Calumet Electric Street Railway Company, its successors or assigns, at least once per hour between the hours of 6 a. m. and 11 p. m., except when delay is caused through unavoidable accident, breakage of machinery or other cause beyond the control of the said Calumet Electric Street Railway Company, its successors, or assigns. And the speed of all trains to be operated by virtue of this ordinance shall be subject to control by ordinance of the

village of Washington Heights, and its successors, regulating the speed of electric and cable railways.

¶ 13. Indemnity clause.] § 13. The said Calumet Electric Street Railway, its successors or assigns, shall defend and save harmless the village of Washington Heights, or its successors, of and from any and all damages, judgments, decrees and costs therewith, which may be rendered against said village, or its sucessors, by reason of the granting of the rights and privileges herein contained, or which may in any way, accrue or arise or grow out of the exercise by the said Calumet Electric Street Railway Company, or its successors or assigns, of the rights and privileges hereby granted.

¶ 14. Acceptance.] § 14. This ordinance shall take effect when the said Calumet Electric Street Railway Company, its successors or assigns, shall accept in writing the terms and conditions of this ordinance; provided, that if the said Calumet Electric Street Railway Company, its successors or assigns, shall not file an acceptance in writing of this ordinance within thirty days from the passage hereof, then this ordinance shall be of no force and effect, and all the rights herein granted shall absolutely cease and determine.

¶ 15. Policemen and firemen.] § 15. That said company shall transport and carry on its cars all policemen and firemen in the employ and service of said village, or its successors, free of charge.

¶ 16. Indemnity bond.] § 16. Said railway company, its successors or assigns, shall, before commencing the construction of its road, give a good and sufficient bond, with sufficient security, to be approved by the president and board of trustees of the said village, or its successors, to indemnify said village and its successors against any and all loss which it may sustain, while said road or any part thereof is being constructed, or which third persons may sustain during that time, by which they could have any action against said village or its successors, through the negligence of said railway company, its successors or assigns, which bond shall be in the penal sum of ten thousand (10,000) dollars.

§ 420. Calumet Electric Street Railway company.

¶ 1. Grant—power.
¶ 2. Route.
¶ 3. Time of completion.
¶ 4. Conform to grades.
¶ 5. Style of rails—track, how constructed.
¶ 6. Overhead wires—adoption of other systems.
¶ 7. Feeder wires.
¶ 8. Passenger traffic—obstruction of vehicles.
¶ 9. Rate of fare.
¶ 10. Grant twenty years.
¶ 11. Restoration of streets.
¶ 12. Improvement and repair of streets.
¶ 13. Reservation of rights.

¶ 14. Running time—speed.
¶ 15. Indemnity clause.
¶ 16. Acceptance.
¶ 17. License.
¶ 18. Bond.
¶ 19. When in force.

An ordinance granting permission to the Calumet Electric Street Railway company to operate an electric street railway in the city of Chicago. (Passed January 18, 1892. Accepted February 1, 1892.)

¶ 1. **Grant—power.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be, and the same is hereby given and granted to the Calumet Electric Street Railway Company, its successors and assigns, to construct and operate a railroad with one or more tracks, not exceeding two, to be operated by electricity, with such tracks for turn tables, turnouts, side tracks and switches, as said company may deem necessary, along or upon certain streets or parts of streets in the corporate limits in the city of Chicago hereinatfer particularly mentioned and to operate said railway in the manner, for the time, and upon the conditions hereinafter prescribed.

¶ 2. **Route.**] § 2. That said Calumet Electric Street Railway Company, or its successors or assigns, is hereby authorized to lay the tracks with all necessary turn tables, turnouts and side tracks and switches as provided in the first section of this ordinance along and upon the following streets in the city of Chicago.

Beginning at the intersection of South Chicago avenue and Seventy-fifth street, thence southeasterly along South Chicago avenue to Ninety-fifth street, thence east along Ninety-fifth street to Avenue "K."

Also commencing at the intersection of Ninety-third street with Stony Island avenue, thence west on Ninety-third street to its intersection with Washington avenue, thence south on Washington avenue to the right of way of the Chicago and Western Indiana Railroad Company; thence westerly along and across the alleys in block ten (10) of the Calumet and Chicago Canal and Dock Company Subdivision of that part of the southeast quarter (S. E. ¼) of section two, (2) township 37 north, range 14 east, to the east line of the New York, Chicago and St. Louis Railroad, and north of Chicago and Western Indiana Railroad, thence on private property to west line of New York, Chicago and St. Louis Railway Company's shop grounds, thence northwesterly to Ninety-third street, thence west on Ninety-third street to Cottage Grove avenue, thence north on Cottage Grove avenue to Seventy-second street. Also south on Cottage Grove avenue from Ninety-third to Ninety-fifth street and west on Ninety-fifth street from Cottage Grove avenue to South Park avenue, extended. Also commencing at the corner of Ninety-third street and Cottage Grove avenue, thence west on Ninety-third street to South Park avenue, extended. Thence southerly on property of the Calumet and Chicago Canal and

Dock Company to Ninety-fifth street, thence west on Ninety-fifth street to State street and also commencing at the intersection of Ninety-fifth street and Michigan avenue, thence south on Michigan avenue to Kensington avenue, thence east on Kensington avenue to Howard street, thence north on Howard street to One Hundred and Fifteenth street, thence west on One Hundred and Fifteenth street to Michigan avenue. Also commencing at the intersection of Ninety-third street and Stony Island avenue, south on Stony Island avenue to One Hundred and Third street. Also commencing at the intersection of South Chicago avenue with Madison avenue, thence north on Madison avenue to Sixty-seventh street, thence east on Sixty-seventh street to Stony Island avenue. Also from Cottage Grove avenue across lot forty-one (41) in block nine (9) Cornell, to an alley south of and parallel to the right of way of the Pittsburg, Ft. Wayne and Chicago Railway Company in said block nine (9) Cornell, thence along said alley to lot one (1), block nine (9) Cornell.

Also commencing at the corner of Michigan avenue and Kensington avenue, thence south on Michigan avenue to One Hundred and Nineteenth street, thence west on One Hundred and Nineteenth street to Wentworth avenue, thence north on Wentworth avenue to One Hundred and Sixteenth street, thence east on One Hundred and Sixteenth street to Michigan avenue.

¶ 3. Time of completion.] § 3. One of the tracks authorized to be constructed on each of the following avenues—Cottage Grove avenue, Michigan avenue, Madison avenue and South Chicago avenue—shall be completed and in operation within one year from the date of the passage of this ordinance. And one of the tracks authorized to be constructed in each of the other streets and avenues named in this ordinance shall be completed and in operation within two years from the date of the passage of this ordinance; Provided, that if the said track shall not be laid and the said railroad shall not be in operation upon the streets aforesaid within the dates named in this section, then the rights and privileges herein granted shall, at the expiration of said time as to all streets and parts of streets hereinbefore referred to, which at said time shall be unoccupied by said railroad track in full operation, wholly cease and determine and revert and vest absolutely in the city of Chicago.

The said Calumet Electric Street Railway Company, its successors or assigns, shall have the right and privilege of laying and operating the second track authorized in the first section hereof whenever it or they shall deem it expedient and public travel requires it. Provided, further, that if the said Calumet Electric Street Railway Company, its successors or assigns, shall be restrained or prevented from proceeding with the work upon said railway track by the order or authority of any court of competent jurisdiction, the time during which it may be so delayed shall be added to the time herein prescribed for the com-

pletion of said railway track. The city of Chicago shall, however, have the right to intervene in any suit for an injunction to restrain said party or parties as aforesaid, and move for the dissolution of the injunction in case such suit shall be deemed collusive, or for the purpose of delay, or extending the time for the completion of said track.

¶ 4. **Conform to grades.**] § 4. The said Calumet Electric Street Railway Company, its successors or assigns, in the construction of said railway shall conform to all grades in the streets to be so traversed by said railway as they now exist, or which may be hereafter adopted by the city of Chicago.

¶ 5. **Style of rails—track, how constructed.**] § 5. The tracks of said railway shall be constructed of side bearing, or what may be termed flat rails, not to be elevated above the surface of the street, and shall be made of the standard gauge of four feet eight and one-half inches, and said railway tracks, turnouts, side tracks, switches and turn tables shall be so laid that carriages and other vehicles can easily and freely cross said track or tracks at any and all points.

The said track or tracks shall be laid under the supervision of the superintendent or commissioner of public works in the city of Chicago. It is further provided that said track or tracks at all intersections of streets shall be planked between the rails.

¶ 6. **Overhead wires—adoption of other systems.**] § 6. The cars upon said railway shall be propelled by electric overhead contact wires, suspended from poles set within the curb line limit of the street on either side thereof or from bracket poles placed in the center of the streets and so adjusted as to obstruct the public use of the streets or sidewalks as little as possible. The said wires shall be suspended not less than eighteen and one-half feet above the rails and the said poles and supports shall be placed on an average of not less than one hundred and fifteen feet apart, except at the intersection of streets and avenues, when the said distance will place the poles or supports on intersecting streets and avenues. And in the event that some more favorable and practicable method of furnishing electricity or other motive power for the operation of said road be discovered, said Calumet Electric Street Railway Company, its successors or assigns shall have the right, or may be required to adopt the same in the place of or in connection with the use of said electrical overhead contact wires.

¶ 7. **Feeder wires.**] § 7. Said Calumet Street Railway Company, its successors or assigns, shall operate said railway by electric motor power, except in case of accident to machinery making it necessary, that said cars may be propelled by animal power, for a period not exceeding thirty days for any one accident, and to enable the said road to be operated, the said Calumet Electric Street Railway Company, its successors or assigns, shall have the right to connect the wires herein authorized with the generator or power station, or any station or car houses that may be erected along the line of said railway.

¶ 8. **Passenger traffic—obstruction by vehicles.**] § 8. The cars or carriages to be used on such railway shall be used for no other purpose than to carry passengers and their ordinary baggage, and the said cars shall be entitled to the track, and in all cases where any team or vehicle shall meet or be overtaken by a car upon said railway such team or vehicle shall give way to said car.

¶ 9. **Rate of fare.**] § 9. The rates of fare for any continuous and regular trip from one point to another on the line of said railway shall not exceed five (5) cents.

¶ 10. **Grant twenty years.**] § 10. The right and privileges hereby and heretofore granted the said Calumet Electric Street Railway Company, its successors or assigns, shall continue for a period of twenty (20) years from and after the time this ordinance shall take effect.

¶ 11. **Restoration of streets.**] § 11. The said Calumet Electric Street Railway Company, its successors or assigns, shall do no permanent injury to any street, sidewalk, alley or avenue, nor interfere with any water pipe, sewer, or gas pipe now or hereafter laid by said city of Chicago, but in construction of the said railway shall restore the streets, pavements, sidewalks, or ground, or water pipe, sewer or gas pipe, of a condition equally as good as before the laying of said railway at the expense of said Calumet Electric Street Railway Company, its successors or assigns, and if it, or its successors or assigns, as the case may be, shall fail or refuse to do so, the same may be done by the city of Chicago, and it, or they, as the case may be, shall be liable for the cost thereof.

¶ 12. **Improvement and repair of streets.**] § 12. The said Calumet Electric Street Railway Company, its successors or assigns, as respects the grading, paving, macadamizing, planking and repairing or using of the aforesaid streets and avenues, shall at its own cost and expense keep sixteen feet in good repair and condition during all the time to which the privilege hereby granted shall extend in accordance with the orders and regulations of the commissioner of public works of said city.

And when any new improvements of any character shall be ordered by the city council of said city, said Calumet Electric Street Railway Company, its successors or assigns, at its own cost and expense shall, in the manner required by the city authorities make such improvements for the width of sixteen feet, said sixteen feet to include the said tracks as laid in said streets and avenues. And if the said Calumet Electric Street Railway Company, its successors or assigns, shall neglect or fail to make any repairs or improvements as aforesaid, for the space of twenty days after notice so to do from the superintendent of public works or other proper officer of said city, to any officer, agent or employe of said Calumet Electric Street Railway Company,

or its successors or assigns, then and in such case the city may at its option do the same at the cost and expense of said company.

¶ **13. Reservation of rights.**] § 13. Nothing herein contained shall impair or abridge the right of the city to dig up or open said streets and avenues, or any portion thereof, and to temporarily remove said tracks and roadbed for the purpose of laying sewers or water pipes or making any similar improvements, or of repairing the same.

¶ **14. Running time—speed.**] § 14. This ordinance is granted upon the express condition that trains shall be run upon each track constructed by said Calumet Electric Street Railway Company, its successors or assigns, at least once per each half hour, between the hours of six (6) a. m. and twelve (12) p. m., except when delay is caused through unavoidable accident, breakage of machinery, or other cause beyond the control of said Calumet Electric Street Railway Company, its successors or assigns; and the speed of all trains to be operated by virtue of this ordinance shall be subject to control by ordinance of the city of Chicago and its successors, regulating the speed of electric and cable railways.

¶ **15. Indemnity clause.**] § 15. The said Calumet Electric Street Railway Company, its successors or assigns, shall defend and save harmless the city of Chicago of and from any and all damages, judgments, decrees and costs connected therewith which may be rendered against said city by reason of the granting of the rights and privileges herein contained, or which may in any way accrue or arise, or grow out of the exercise by the said Calumet Electric Street Railway Company, or its successors or assigns, of the rights and privileges hereby granted.

¶ **16. Acceptance.**] § 16. This ordinance is passed upon the express agreement and undestanding that the said company, before availing itself of any of the rights and privileges granted by this ordinance, shall file with the city clerk its acceptance of all the terms and conditions of this ordinance.

¶ **17. License.**] § 17. The said Calumet Electric Street Railway Company shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of fifty dollars, and no more, as an annual license fee for each and every car used by said company. In computing the number of cars upon which such license charge may be imposed, thirteen round trips, when one car is used in the transportation of passengers, shall be taken as equivalent to one day's use of one car. One-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter. Such quotient shall be the number of cars subject to such license fee. The president or other chief officer of said company shall under oath make report quarter-yearly to the comptroller of the city of Chicago of the whole number of cars run by said company, and at the same time pay

to said comptroller $12.50 for each car, to be ascertained as above prescribed in this section. The first quarter shall begin the first day upon which the said company shall run a car or cars for the carriage of passengers.

¶ **18. Bond.**] § 18. The said Calumet Electric Street Railway Company, its successors or assigns, shall within thirty days from the passage of this ordinance execute a bond to the said city of Chicago in the penal sum of twenty-five thousand dollars, with satisfactory sureties conditioned to indemnify and save harmless the city of Chicago of any and from all damages which may accrue or rise or grow out of the exercise by the Calumet Electric Street Railway Company, its successors or assigns, of the privileges hereby granted; said bond to be subject to the approval of the commissioner of public works of the city of Chicago.

¶ **19. When in force.**] § 19. This ordinance shall take effect when the said Calumet Electric Street Railway Company, its successors or assigns, shall file the bond herein required, and accept in writing the terms and conditions of this ordinance, and said bond shall be approved; Provided, that if the said Calumet Electric Street Railway Company, its successors or assigns, shall not file an acceptance in writing of this ordinance and the bond herein required within thirty (30) days from the passage hereof, then this ordinance shall be of no force and effect, and all rights herein granted shall absolutely cease and determine.

§ 421. Calumet Electric Street Railway company.

¶ 1. Grant.
¶ 2. Style of rails—permit required.
¶ 3. Overhead wires — construction — specifications — change of system.
¶ 4. Repair of streets.
¶ 5. Rate of fare.
¶ 6. License fee.
¶ 7. Time of completion.
¶ 8. Grant, twenty years.
¶ 9. Subject to general ordinances.
¶ 10. When in force.

An ordinance authorizing the Calumet Electric Street Railway company to construct a street railway on Seventy-fifth street, from the Chicago, Rock Island & Pacific railroad to Stony Island avenue. (Passed July 25, 1892. Accepted July 29, 1892.)

¶ **1. Grant.**] Be it ordained by the city council of the city of Chicago: § 1. That, in consideration of the acceptance hereof and the undertaking of the Calumet Electric Street Railway Company to comply with the provisions herein contained, consent, permission and authority are hereby granted to said company, its successors and assigns, to lay down, construct, maintain and operate, for the period of twenty (20) years from the passage hereof, a double track street rail-

way, with all necessary and convenient turnouts and switches in, upon, over and along Seventy-fifth street, from the Chicago, Rock Island and Pacific Railroad to Stony Island avenue.

¶ 2. **Style of rails—permit required.**] § 2. The tracks of said railway shall not be elevated above the surface of the street and shall be laid with modern improved rails, and, in such a manner that carriages and other vehicles can easily and freely cross the same, at all points and in all directions, without obstruction, and shall, also, be laid as near to the center of the street as practicable. Section 1509 of the Municipal Code of Chicago of 1881 shall not apply to the railway tracks herein authorized, but the rails to be used shall be satisfactory to the mayor and commissioner of public works and shall be laid under their direction, but a permit shall be first obtained from the commissioner of public works before commencing work under this ordinance.

¶ 3. **Overhead wires—construction—specifications—change of system.**] § 3. The cars upon said railway shall be propelled by electric overhead contact wires, suspended from poles set within the curb line limits of the street on either side thereof, or from bracket poles placed in the center of the streets and so adjusted as to obstruct the public use of the streets or sidewalks as little as possible. The said wires shall be suspended not less than eighteen and one-half feet above the rails, and the said poles and supports shall be placed on an average of not less than one hundred and fifteen feet apart, except at the intersection of streets and avenues, when the said distance will place the poles or supports on intersecting streets and avenues. And, in the event that some more favorable and practicable method of furnishing electricity or other motive power for the operation of said road be discovered, said Calumet Electric Street Railway Company, its successors or assigns, shall have the right or may be required to adopt the same in the place of or in connection with the use of said electrical overhead contact wires, when approved by the mayor and commissioner of public works.

¶ 4. **Repair of streets.**] § 4. The permission and authority hereby given are on the further express condition that the said company shall and, by the acceptance hereof by said company, agrees that it will fill, grade, pave and keep in repair eight (8) feet in width where a single track is used, and sixteen (16) feet in width where a double track is used, in the center of said street, in the manner provided by and under section two (2) of the ordinance of July 30, 1883, relating to street railways.

¶ 5. **Rate of fare.**] § 5. The rates of fare for any continuous and regular trip from one point to another on the line of said railway shall not exceed five (5) cents.

¶ 6. **License fee.**] § 6. As regards the license to be paid on the cars to be operated on the line herein provided, the said company

shall conform to section 1 of an ordinance passed July 30, 1883, relating to street railways.

¶ 7. **Time of completion.**] § 7. The tracks herein authorized shall be built and in operation within twelve (12) months after the passage of this ordinance, but should the construction of said tracks or any part thereof be delayed by injunction of any court, or by the action of the city of Chicago, then, as to the portion so delayed, the time of such delay shall not be any part of the time herein limited. The city of Chicago shall have, and it hereby expressly reserves, the right to intervene in any suit or proceeding brought seeking to enjoin, restrain or in any manner seeking to interfere with such construction, and to move for the dissolution of such injunction or restraining order and for any other proper order in such suit.

¶ 8. **Grant, twenty years.**] § 8. The grant herein given shall extend for the term of twenty (20) years from the passage hereof; Provided, the same shall be accepted by said company within thirty (30) days after its passage.

¶ 9. **Subject to general ordinances.**] § 9. The privileges hereby granted are subject to all the general ordinances of the city of Chicago, now in force or hereafter to be passed, in reference to street railways and to all ordinances affecting the lines of railways of which the lines hereby authorized are extensions.

¶ 10. **When in force.**] § 10. This ordinance shall be in force from and after its passage and acceptance by said company; provided said acceptance shall be within thirty (30) days from the passage hereof.

§ 422. Calumet Electric Street Railway company.

¶ 1. Grant—Stony Island avenue.
¶ 2. Grant—Sixty-seventh street.
¶ 3. Grant—Seventy-ninth street.
¶ 4. Completion of road.
¶ 5. Grades.
¶ 6. Style of rails—gauge—pavements.
¶ 7. Overhead contact wires.
¶ 8. Service limited—use of tracks.
¶ 9. Rate of fare—letter carriers to ride free.
¶ 10. Grant, twenty years.
¶ 11. Restoration of streets.
¶ 12. Improvement and repair of streets.
¶ 13. Reservation of rights.
¶ 14. Indemnity clause.
¶ 15. License fee.
¶ 16. Acceptance—bond.
¶ 17. Acceptance of separate grants—bond.
¶ 18. Permits.
¶ 19. When in force.

An ordinance authorizing the Calumet Electric Street Railway company and the South Chicago City Railway company to construct and operate jointly a

street railway on Stony Island avenue, Sixty-seventh street and Seventy-ninth street. (Passed October 10, 1892. Accepted by each road October 17, 1892.)

¶ 1. **Grant—Stony Island avenue.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby given and granted to the Calumet Electric Street Railway Company and to the South Chicago City Railway Company, and to their respective successors and assigns, to jointly construct, or cause to be constructed, under the conditions hereinafter provided, one line of electric railroad for the joint or common use of the street railway companies, consisting of two main tracks, with such tracks for turntables, turnouts, side tracks, cross over tracks, and switches, and tracks connecting with other street railroad tracks at the termini in this section mentioned, or along the line herein described, as may be necessary, in to and from the intersection of Stony Island avenue with Seventy-ninth street, along and upon Stony Island avenue to and in to the intersection with Sixty-fourth street, all in the city of Chicago, and maintain and jointly or severally operate said line of railway upon and over said tracks in accordance with or under such agreement and agreements as may be made between said two street railway companies, which are not inconsistent with the provisions of this ordinance.

¶ 2. **Grant—Sixty-seventh street.**] § 2. Subject, also, to the provisions and conditions hereinafter prescribed, permission and authority are hereby further given to the said Calumet Electric Street Railway Company, its successors and assigns, to lay down, maintain and operate a street railroad, to be operated by electricity, with two main tracks, with all necessary turn tables, turnouts, cross over tracks, side tracks and switches, upon Sixty-seventh street, from a connection with the tracks on Stony Island avenue, described in the first section of this ordinance, to a connection with the track of the Chicago City Railway Company on Cottage Grove avenue.

¶ 3. **Grant—Seventy-ninth street.**] § 3. Subject, also, to the provisions and conditions herein prescribed, permission and authority are further given to the South Chicago City Railway Company, its successors and assigns, to lay down, maintain and operate a street railway, to be operated by electricity, with two main tracks, with all necessary turn tables, turnouts, cross over tracks, side tracks and switches, upon Seventy-ninth street, from a connection with the railway of the last named company at the intersection of the last named street with Commercial avenue, to a connection with the tracks on Stony Island avenue described in the first section of this ordinance.

¶ 4. **Completion of road.**] § 4. Both of the main tracks described by section one of this ordinance, shall be laid, constructed and in operation within one year from the date when this ordinance shall take effect; Provided, further, that if said companies, or either of them, or their successors or assigns, shall as to either of the lines of railroad

in said sections one, two and three mentioned, be restrained or prevented by the order of any court of competent jurisdiction from proceeding with the work upon streets wherein authority is hereby given to construct and operate a railroad, the time during which it may be so delayed, shall be added to the time herein prescribed for the completion of such railroad tracks. The city of Chicago shall, however, have the right to intervene in any of said suits for an injunction to restrain said parties, or either of them aforesaid, and move for the dissolution of the injunction in case such suit shall be deemed collusive or for the purpose of delay or extending the time for the completion of such track.

¶ **5. Grades.**] § 5. Each of said railways shall conform to all grades of the streets to be so traversed by said railway tracks as such grades now exist or as they may be hereafter adopted by the city of Chicago.

¶ **6. Style of rails—gauge—pavements.**] § 6. All of the railroad tracks by this ordinance authorized to be laid shall be constructed of side bearing, or what may be termed flat top or girder rails, not to be elevated above the surface of the street. They shall be laid to the standard gauge of four feet eight and one-half inches. The said railway tracks, turnouts, cross overs, side tracks, switches and turn tables shall be so laid that carriages and other vehicles can easily and freely cross said track and tracks at any and all points. All tracks at all intersections of streets shall be planked or paved between the rails and said track shall be laid under the supervision of the commissioner of public works of the city of Chicago.

¶ **7. Overhead contact wires.**] § 7. The cars upon each of the said railways shall be propelled by electric overhead contact wires which, together with the necessary feed wires, shall be suspended from poles set within the curb limits of the street on either side thereof, or from bracket poles placed in the center of the streets and so adjusted as to obstruct the public use of streets or sidewalks as little as possible. Said wires shall be suspended not less than eighteen and one-half feet above the rails, and the said poles and supports shall be placed on an average of not less than one hundred and fifteen feet apart, except at the intersection of streets and avenues or the crossings of railroad tracks when the said distance will place the poles or supports on intersecting streets or avenues or at inconvenient distances for such crossings. And, in the event that some more favorable and practicable method of furnishing electricity or other motive power for the operation of said roads be discovered, said railroad companies, their successors or assigns, shall have the right or may be required by the city council of the city of Chicago to adopt such more favorable or practicable method of furnishing their motive power in place of or in connection with the use of said electrical overhead contact wires, when the same

is approved by the mayor and commissioner of public works. The said companies shall have the right to connect the wires herein authorized with the wires on other of their lines and, also, with the generators and power stations which it may be convenient to use in connection therewith and, from time to time, alter and change such connections.

¶ 8. **Service limited—use of tracks.**] § 8. The cars or carriages to be used on such railways shall be used for no other purpose than the carrying of passengers and their ordinary baggage, and the said cars shall be entitled to the track and, in all cases, where any team or vehicle shall meet or be overtaken by a car upon such railway such team or vehicle shall give way to said car.

¶ 9. **Rate of fare—letter carriers to ride free.**] § 9. The rates of fare for any continuous or regular trip from one point to another on the line of either of said railway companies shall not exceed five cents, and that United States letter carriers in uniform shall be permitted to ride free.

¶ 10. **Grant, twenty years.**] § 10. The rights and privileges hereby and heretofore granted to the said Calumet Electric Street Railway Company and to the said South Chicago City Railway Company, and their respective successors or assigns, shall continue for the period of twenty years from and after the time this ordinance shall take effect.

¶ 11. **Restoration of streets.**] § 11. Neither of the street railway companies, or their successors or assigns, shall do any permanent injury to said streets, sidewalks, alleys or avenues, or interfere with any water pipe, sewer or gas pipe, now or hereafter laid by the city of Chicago; and, in the construction of said several lines of railway shall restore the streets, pavements, sidewalks and ground, or water pipes, sewer or gas pipe, to a condition equally good as before the laying of the said railroad, at its or their own cost and expense; and if they or their successors or assigns, as the case may be, shall fail or refuse so to do, the same may be done by the city of Chicago, and the company or companies which should have done the same shall be liable for the costs thereof.

¶ 12. **Improvement and repair of streets.**] § 12. The said two street railway companies as to the portion of Stony Island avenue mentioned in the first section of this ordinance; and the said Calumet Electric Street Railway Company, as to the portion of Sixty-seventh street, mentioned in the second section of this ordinance; and the said South Chicago City Railway Company, as to the portion of Seventy-ninth street mentioned in the third section of this ordinance, shall, as may be required by the city council and in accordance with the orders and regulations of the commissioner of public works of the said city, grade and pave or macadamize twenty feet of said Stony Island avenue, and sixteen feet of said two other streets and shall keep in repair and condition, during all the time for which the privileges hereby granted

shall extend, eighteen feet of Stony Island avenue and sixteen feet of the several portions of the other two streets; and, when any new improvement of any such character shall be ordered by the city council of the said city, they shall, at their own cost and expense, in the manner required by the city authorities, make such improvements for the width of eighteen feet of Stony Island avenue and sixteen feet of said other streets, which eighteen feet and sixteen feet, respectively, shall include the tracks laid in said streets and avenues; and if they or either of them shall neglect or fail to make any repairs or improvements as aforesaid, for the space of twenty days after notice thereof from the commissioner of public works, or other proper officer of said city to any officer, agent or employe of the company obligated so to do, then and in such case the city may at its own option do the same at the cost and expense of such company or companies.

¶ **13. Reservation of rights.**] § 13. Nothing herein contained shall impair or abridge the right of the city to dig up or open said streets or avenues, or any portion thereof, and temporarily remove said tracks and roadbed for the purpose of laying sewers or water pipes or the making of any similar improvements or repairing the same.

¶ **14. Indemnity clause.**] § 14. The said two street railway companies, their successors or assigns, shall respectively defend and save harmless the city of Chicago of and from all damages, judgments, decrees and costs connected therewith that may be rendered against said city by reason of the granting of the rights and privileges herein granted to them respectively, or which may in any manner accrue or arise or grow out of their exercise of the rights and privileges hereby granted.

¶ **15. License fee.**] § 15. Each of the said street railway companies shall be severally liable for and shall pay into the city treasury of the city of Chicago, for the use of the said city, the sum of fifty dollars, and no more, as an annual license fee for each and every car used by such company. In computing the number of cars upon which such license charge may be imposed, thirteen round trips, when more than one car is used in transportation of passengers, shall be taken as equivalent to one day's use of one car. One-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter, and the quotient shall be the number of cars subject to such license fee. Such license to be posted in each and every car. The president, or other officer of such company, shall, under oath, make reports quarter yearly to the comptroller of the city of Chicago of the whole number of cars run by it and, at the same time, pay to the said comptroller $12.50 for each car, to be ascertained as above prescribed in this section. The first quarter shall begin on the first day upon which the said company shall run a car or cars for the carriage of passengers.

¶ **16. Acceptance—bond.**] § 16. The said Calumet Electric Railway Company and the said South Chicago City Railway Company, respectively, shall, within thirty days from the passage of this ordinance, accept in writing the terms and conditions of this ordinance in relation to the tracks authorized to be constructed by the first section hereof and shall, within said period of thirty days from the passage of this ordinance, execute and file, with the city clerk, their joint bond, with satisfactory sureties approved by the city comptroller of the city of Chicago, in the penal sum of fifty thousand dollars, conditioned to indemnify and save harmless the city of Chicago of and from all damages that may accrue, arise or grow out of the exercise by said companies or either of them, or their respective successors or assigns, of the rights and privileges granted by the first section of this ordinance. Unless such written acceptance and such bond shall be filed within thirty days from the passage of this ordinance all the rights and privileges granted by section one hereof shall absolutely cease and determine and be null and void.

¶ **17. Acceptance of separate grants—bond.**] § 17. This ordinance shall take effect, so far as it grants rights and privileges in sections two and three thereof to said railway companies severally, when the companies named in said respective sections shall accept in writing the terms and conditions of this ordinance relating to the railroad tracks therein provided to be built and shall, also, execute and file their several bonds with the city clerk, with satisfactory sureties approved by the commissioner of public works of the city of Chicago, in the penal sum of fifty thousand dollars, conditioned to indemnify and save harmless the city of Chicago of and from all damages that may accrue or grow out of the exercise by such company, its successors or assigns, of the rights and privileges by either of such sections granted to such company. Unless such written acceptance and such bond shall be filed with the city clerk within thirty days from the passage of this ordinance then the rights and privileges by sections two and three hereof, granted, shall absolutely cease and determine as to the company so failing to file such acceptance and bond.

¶ **18. Permits.**] § 18. Any permit issued by the commissioner of public works of the city of Chicago for the construction of the tracks on Stony Island avenue, authorized by section one hereof, shall be issued in the name of both of said above companies and for their joint and common benefit.

¶ **19. When in force.**] § 19. This ordinance shall be in full force and effect from and after its passage.

§ 423. Calumet Electric Street Railway company.

¶ 1. Grant.
¶ 2. Route—subway—damages.
¶ 3. Time of completion.
¶ 4. Grades.
¶ 5. Style of rails—gauge.
¶ 6. Overhead contact wires.
¶ 7. Feeder wires.
¶ 8. Service limited—right of way.
¶ 9. Rate of fare—letter carriers to ride free.
¶ 10. Grant twenty years.
¶ 11. Restoration of streets.
¶ 12. Improvement and repair of streets.
¶ 13. Reservation of rights.
¶ 14. Running time—speed.
¶ 15. Indemnity clause.
¶ 16. Acceptance.
¶ 17. License fee.
¶ 18. Bond.
¶ 19. When in force—bond—acceptance.

An ordinance authorizing the Calumet Electric Street Railway Company to construct and operate a railroad by electricity in certain streets in the city of Chicago. (Passed March 6, 1893. Accepted March 8, 1893.)

¶ 1. Grant.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby given and granted to the Calumet Electric Street Railway Company, its successors and assigns, to construct and operate a railroad with one or more tracks, not exceeding two, to be operated by electricity, with such tracks for turntables, turnouts, side tracks and switches as said company may deem necessary, along and upon certain streets, or parts of streets, in the corporate limits in the city of Chicago hereinafter particularly mentioned, and to operate said railway in the manner, for the time, and upon the conditions hereinafter prescribed.

¶ 2. Route—subway—damages.] § 2. The said Calumet Electric Street Railway Company, or its successors or assigns, is hereby authorized to lay the tracks with all necessary turntables, turnouts, side tracks and switches, as provided in the first section of this ordinance, along and upon the following streets in the city of Chicago: Commencing at the intersection of the Calumet Electric Street Railway Company's tracks on South Chicago avenue with 91st street thence, east, on 91st street to the connection with the west track of the South Chicago [City] Railway Company in Commercial avenue.

Also, from the connection with the tracks of the Calumet Electric Street Railway Company at the intersection of Commercial and South Chicago avenues to a connection with the west track of the South Chicago City Railway Company in Commercial avenue.

Also, commencing at the intersection of the tracks of the Calumet Electric Street Railway Company on Wentworth and 119th streets thence, west, on 119th to Halsted street.

Also, commencing at the intersection of the tracks of the Calumet

Electric Street Railway Company on 115th street and Howard street thence, east, on 115th street to a point opposite lots four (4) and five (5), block five (5), Kensington, thence south over private property to and across the alley between said block five (5) and block four (4), Kensington, and thence south across private property to a point in Kensington avenue, opposite lots four (4) and five (5), block five (5), Kensington, thence west on said Kensington avenue to a connection with said company's tracks at Howard street.

Also, commencing at the intersection of the Calumet Electric Street Railway Company's tracks on Stony Island avenue and 93rd street thence, north, on Stony Island avenue to a connection with said company's tracks at 79th.

Also, commencing at a point on the tracks of the Calumet Electric Street Railway Company on Cottage Grove avenue, opposite lots thirty-four (34) and thirty-five (35), block nine (9), Cornell, thence east across private property to and across the north and south alley in said block nine (9), Cornell, to and over lot one (1), block nine (9), Cornell, to the alley in block nine (9), Cornell, parallel with the right of way of the Pittsburg, Fort Wayne and Chicago Railway Company, thence westerly in and along said alley to a connection with the tracks of the said company in Cottage Grove avenue.

Also, from a connection with the tracks of the Calumet Electric Street Railway Company in South Chicago avenue and Noble court thence along Noble court to a connection with the track of the said company in 75th.

Also, commencing at the tracks of the Calumet Electric Street Railway Company in Michigan avenue and 119th street, thence, south on Michigan avenue to 124th street.

Also, commencing with the tracks of the said Calumet Electric Street Railway Company on 75th street, thence north, on Woodlawn avenue to and across 71st street, thence across private property to and upon 67th street to a connection with the track of the said company in 67th street.

Also, commencing with tracks of the Calumet Electric Street Railway Company on 93rd street, thence south, on Drexel avenue, thence across Drexel avenue to a connection with the car barns and buildings of said company.

Also, authority is hereby given to the said Calumet Electric Street Railway Company to build, construct, in accordance with plan and specifications herewith presented, and maintain a subway under the tracks of the Illinois Central Railroad Company at Ninety-third street; said subway to be built under the supervision of the commissioner of public works; Provided, that the said railroad company shall save the city of Chicago harmless and pay any and all damages of every kind whatsoever, that may accrue or arise by reason of the construction of said subway.

¶ **3. Time of completion.**] § 3. All of the main tracks described by section two of this ordinance shall be laid, constructed and in operation within six months from the date when this ordinance shall take effect; Provided, further, that if the said Calumet Electric Street Railway Company, its successors or assigns, shall be restrained or prevented from proceeding with the work upon said railway track by the order or authority of any court of competent jurisdiction, the time during which it may be so delayed shall be added to the time herein prescribed for the completion of said railway track. The city of Chicago shall, however, have the right to intervene in any suit for an injunction to restrain said party or parties as aforesaid, and move for the dissolution of injunction in case such suit shall be deemed collusive or for the purpose of delay or extending the time for the completion of said track.

¶ **4. Grades.**] § 4. The said Calumet Electric Street Company, its successors or assigns, in the construction of the said railway shall conform to all grades in the streets to be so traversed by said railway as they now exist or which may be hereafter adopted by the city of Chicago.

¶ **5. Style of rails—gauge.**] § 5. The tracks of said railway shall be constructed of side bearing, or what may be termed flat rails, not to be elevated above the surface of the street, and shall be made of the standard gauge of four feet, eight and one-half inches, and said railway tracks, turnouts, side tracks, switches and turntables shall be so laid that carriages and other vehicles can easily and freely cross said track or tracks at any and all points. The said track or tracks shall be laid under the supervision of the commissioner of public works of the city of Chicago. It is further provided that said track or tracks at all intersections of streets shall be planked between the rails.

¶ **6. Overhead contact wires.**] § 6. The cars upon said railway shall be propelled by electric overhead contact wires which, together with the necessary feed wires, shall be suspended from poles set within the curb limits of the streets on either side thereof, or from bracket poles placed in the center of the streets, and so adjusted as to obstruct the public use of streets or sidewalks as little as possible. Said wires shall be suspended not less than eighteen and one-half feet above the rails and the said poles and supports shall be placed on an average of not less than one hundred and fifteen feet apart, except at the intersection of streets and avenues or the crossings of railroad tracks when the said distance will place the poles or supports on intersecting streets or avenues, or at convenient distances for such crossings. And, in the event that some more favorable and practicable method of furnishing electricity or other motive power for the operation of said road be discovered, said the Calumet Electric Street Railway Company, its successors or assigns, shall have the

right or may be required by the city council of the city of Chicago to adopt such more favorable or practicable method of furnishing motive power, in place of or in connection with the use of said electrical overhead contact wires, when the same is approved by the mayor and the commissioner of public works. The said company shall have the right to connect the wires herein authorized with the wires on other of its lines and, also, with the generators and power stations which it may be convenient to use in connection therewith and, from time to time, to alter and change such connectioins.

¶ 7. **Feeder wires.**] § 7. Said Calumet Electric Street Railway Company, its successors or assigns, shall operate said railway by electric motor power, except in case of accident to machinery making it necessary that said cars may be propelled by animal power for a period not exceeding thirty days for any one accident, and to enable the said road to be operated, the said Calumet Electric Street Railway Company, its successors or assigns, shall have the right to connect the wires herein authorized with the generator or power station, or any station or car houses that may be erected along the line of said railway.

¶ 8. **Service limited—right of way.**] § 8. The cars or carriages to be used on such railway shall be used for no other purpose than to carry passengers and their ordinary baggage, and the said cars shall be entitled to the track and, in all cases where any team or vehicle shall meet or be overtaken by a car upon said railway, such team or vehicle shall give way to said car.

¶ 9. **Rate of fare—letter carriers to ride free.**] § 9. The rates of fare for any continuous and regular trip from one point to another on the line of said railway shall not exceed five (5) cents and United States letter carriers in uniform shall be permitted to ride free.

¶ 10. **Grant, twenty years.**] § 10. The right and privileges hereby granted the said Calumet Electric Street Railway Company, its successors or assigns, shall continue for a period of twenty (20) years from and after the time this ordinance shall take effect.

¶ 11. **Restoration of streets.**] § 11. The said Calumet Electric Street Railway Company, its successors or assigns, shall do no permanent injury to any street, sidewalk, alley or avenue, nor interfere with any water pipe, sewer or gas pipe now or hereafter laid by the said city of Chicago, but in construction of the said railway shall restore the streets, pavements, sidewalk or ground or water pipe, sewer or gas pipe to a condition equally as good as before the laying of said railway, at the expense of the Calumet Electric Street Railway Company, its successors or assigns, and if it, its successors or assigns, as the case may be, shall fail or refuse so to do, the same may be done by the city of Chicago and it, or they, as the case may be, shall be liable for the cost thereof.

¶ 12. **Improvement and repair of streets.**] § 12. The said Calumet Electric Street Railway Company, its successors or assigns, as respects the grading, paving, macadamizing planking and repairing or using of the aforesaid streets and avenues, shall at its own cost and expense keep sixteen feet in good repair and condition during all the time to which the privilege hereby granted shall extend, in accordance with the orders and regulations of the commissioner of public works of said city. And, when any new improvements, of any character, shall be ordered by the city council of said city said Calumet Electric Street Railway Company, its successors or assigns, at its own cost and expense shall, in the manner required by the city authorities, make such improvement for the width of sixteen feet, said sixteen feet to include the said tracks as laid in said streets and avenues. And, if the said Calumet Electric Street Railway Company, its successors or assigns, shall neglect or fail to make any repairs or improvements as aforesaid, for the space of twenty days after notice so to do from the commissioner of public works or other proper officer of said city to any officer, agent or employe of said Calumet Electric Street Railway Company, or its successors or assigns, then and in such case the city may at its option do the same at the cost and expense of said company.

¶ 13. **Reservation of rights.**] § 13. Nothing herein contained shall impair or abridge the right of the city to dig up or open said streets and avenues or any portion thereof, and to temporarily remove said tracks and roadbed for the purpose of laying sewers or water pipes or making any similar improvements, or of repairing the same.

¶ 14. **Running time—speed.**] § 14. This ordinance is granted upon the express condition that trains shall be run upon each track constructed by said Calumet Electric Street Railway Company, its successors or assigns, at least once per each half hour between the hours of six (6) a. m. and twelve (12) p. m., except when delay is caused through unavoidable accident, breakage of machinery or other cause beyond the control of said Calumet Electric Street Railway Company, its successors or assigns; and the speed of all trains to be operated by virtue of this ordinance shall be subject to control by ordinance of the city of Chicago and its successors regulating the speed of electric and cable railways.

¶ 15. **Indemnity clause.**] § 15. The said Calumet Electric Street Railway Company, its successors or assigns, shall defend and save harmless the city of Chicago of and from any and all damages, judgments, decrees and costs, connected therewith, which may be rendered against said city by reason of the granting of the rights and privileges herein contained, or which may in any way accrue or arise or grow out of the exercise by the said Calumet Electric Street Railway Company, or its successors or assigns, of the rights and privileges hereby granted.

¶ **16. Acceptance.**] § 16. This ordinance is passed upon the express agreement and understanding that the said company, before availing itself of any of the rights and privileges granted by this ordinance, shall file with the city clerk its acceptance of all the terms and conditions of this ordinance.

¶ **17. License fee.**] § 17. The said Calumet Electric Street Railway Company shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of fifty (50) dollars and no more, as an annual license fee for each and every car used by said company. In computing the number of cars upon which such license charge may be imposed, thirteen round trips, when one car is used in transportation of passengers, shall be taken as equivalent to one day's use of one car. One-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter. Such quotient shall be the number of cars subject to such license fee. The president or other chief officer of said company shall, under oath, make report quarter yearly, to the comptroller of the city of Chicago, of the whole number of cars run by said company and at the same time pay to said comptroller $12.50 for each car, to be ascertained as above prescribed in this section. The first quarter shall begin upon the first day upon which the company shall run a car for the carriage of passengers.

¶ **18. Bond.**] § 18. The said Calumet Electric Street Railway Company, its successors or assigns, shall, within thirty (30) days from the passage of this ordinance, execute a bond to the said city of Chicago in the penal sum of twenty-five thousand (25,000) dollars, with satisfactory sureties, conditioned to indemnify and save harmless the city of Chicago of and from all damages which may accrue or rise or grow out of the execise by the Calumet Electric Street Railway Company, its successors or assigns, of the privileges hereby granted, said bond to be subject to the approval of the city comptroller of the city of Chicago.

¶ **19. When in force—bond—acceptance.**] § 19. This ordinance shall take effect when the said Calumet Electric Street Railway Company, its successors or assigns, shall file with the city clerk the bond herein required and accept in writing the terms and conditions of this ordinance; Provided, that if the said Calumet Electric Street Railway Company, its successors or assigns, shall not file an aceptance in writing within thirty (30) days from the passage hereof, then this ordinance shall be of no force and effect and all rights herein granted shall absolutely cease and determine.

§ 424. Calumet Electric Street Railway company.

¶ 1. Grant.
¶ 2. Route.
¶ 3. Time of completion.
¶ 4. Conform to grades.
¶ 5. Style of rails—track, how laid.
¶ 6. Overhead contact wires—restoration of streets.
¶ 7. Feeder wires.
¶ 8. Passenger traffic—right of way.
¶ 9. Rate of fare—letter carriers to ride free.
¶ 10. Term of grant.
¶ 11. Restoration of streets.
¶ 12. Improvement and repair of streets.
¶ 13. Reservation of rights.
¶ 14. Running time—speed.
¶ 15. Indemnity clause—bond.
¶ 16. Acceptance.
¶ 17. License fee.
¶ 18. When in force.

An ordinance authorizing the Calumet Electric Street Railway company to extend its street railway on One Hundred Nineteenth (119th) street, from Emerald avenue west to Halsted street; thence south on Halsted street to One Hundred Twenty-first (121st) street. (Passed February 18, 1895. Accepted March 19, 1895.)

¶ 1. Grant.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby granted to the Calumet Electric Street Railway Company, its successors and assigns, to construct and operate a railroad with one or more tracks, not exceeding two, to be operated by electricity, with such tracks for turn-tables, turn-outs, side tracks and switches as said company may deem necessary, along and upon certain streets, or parts of streets, in the corporate limits in the city of Chicago hereinafter particularly mentioned, and to operate said railway in the manner, for the time, and upon the conditions hereinafter prescribed.

¶ 2. Route. § 2. The said the Calumet Electric Street Railway Company, or its successors or assigns, is hereby authorized to lay the tracks with all necessary turn-tables, turn-outs, side tracks and switches, as provided in the first section of this ordinance, along and upon the following streets in the city of Chicago: Beginning at the intersection of Emerald avenue and One Hundred Nineteenth (119th) street, thence west on said One Hundred Nineteenth (119th) street to its intersection with Halsted street, thence south on Halsted street to One Hundred Twenty-first (121st) street.

¶ 3. Time of completion.] § 3. All the tracks described in section 2 of this ordinance shall be laid, constructed and in operation within six (6) months from the date when this ordinance shall take effect.

If said company shall be restrained or prevented from proceeding with the work upon said railway by the order or writ of any court of competent jurisdiction, the time during which said company shall be

so delayed shall be added to the time prescribed for the completion of said work.

The city of Chicago shall, however, have the right to intervene in any suit for an injunction or order to restrain said company, as aforesaid, with all the rights of a party to such proceeding, and move for a dissolution of such injunction or order, and the time which may be added to the time limited for the completion of such work by reason of any delay as aforesaid shall be reckoned only from the time when said company shall have given notice in writing to the corporation counsel of the city of Chicago of the institution of such legal proceedings.

¶ **4. Conform to grades.**] § 4. The said Calumet Electric Street Railway Company, its successors or assigns, in the construction of the said railway shall conform to all grades in the streets to be so traversed by said railway as they now exist, or which may be hereafter adopted by the city of Chicago.

¶ **5. Style of rails—track, how laid.**] § 5. The tracks of said railway shall be constructed of side-bearing, or what may be termed flat rails, not to be elevated above the surface of the street, and shall be made of the standard gauge of four feet, eight and one-half inches, and said railway tracks, turn-outs, side tracks, switches and turn-tables shall be so laid that carriages and other vehicles can easily and freely cross said track or tracks at any and all points.

The said track or tracks shall be laid under the supervision of the commissioner of public works of the city of Chicago. It is further provided, that said track or tracks at all intersections of streets shall be planked between the rails.

¶ **6. Overhead contact wires—restoration of streets.**] § 6. The cars upon said railway shall be propelled by electric overhead contact wires, which, together with the necessary feed wires, shall be suspended from poles set within the curb limits of the street on either side thereof, or from bracket poles placed in the center of the streets and so adjusted as to obstruct the public use of the streets or sidewalks as little as possible. Said wires shall be suspended not less than eighteen and one-half feet above the rails, and the said poles and supports shall be placed on an average of not less than one hundred and fifteen feet apart, except at the intersection of streets and avenues or the crossings of railroad tracks when the said distance will place the poles or supports on intersecting streets or avenues, or at convenient distances for such crossings. And, in the event that some more favorable and practical method of furnishing electricity or other motive power for the operation of said road be discovered, said the Calumet Electric Street Railway Company, its successors or assigns, shall have the right or may be required by the city council of the City of Chicago to adopt such more favorable or practicable method of furnishing motive power in place of or in connection with the use of said electrical

overhead contact wires when the same is approved by the mayor and the commissioner of public works.

The said company shall have the right to connect the wires herein authorized with the wires on other of its lines, and also with the generators and power stations which it may be convenient to use in connection therewith, and from time to time alter and change such connections.

Before making any excavation or in any way interfering with the surface of any street or alley, said company shall obtain from the commissioner of public works a permit therefor, and shall also deposit with the treasurer of the city of Chicago a sum sufficient to cover the cost of restoring such street or alley to its former condition according to an estimate of the probable cost thereof, to be made by the commissioner of public works in each case.

¶ 7. **Feeder wires.**] § 7. Said Calumet Electric Street Railway Company, its successors or assigns, shall operate said railway by electric-motor power, except in case of accident to machinery making it necessary that said cars may be propelled by animal power for a period not exceeding thirty (30) days for any one accident, and to enable the said road to be operated, the said Calumet Electric Street Railway Company, its successors or assigns, shall have the right to connect the wires herein authorized with the generator or power station, or any station or car houses that may be erected along the line of said railway.

¶ 8. **Passenger traffic—right of way.**] § 8. The cars or carriages to be used on such railway shall be used for no other purpose than to carry passengers and their ordinary baggage, and the said cars shall be entitled to the track, and in all cases where any team or vehicle shall meet or be overtaken by a car upon said railway, such team or vehicle shall give way to said car.

¶ 9. **Rate of fare—letter carriers to ride free.**] § 9. The rates of fare for any continuous and regular trip from one point to another on the line of said railway shall not exceed five (5) cents, and United States letter carriers in uniform shall be permitted to ride free.

¶ 10. **Term of grant.**] § 10. The rights and privileges hereby granted the said Calumet Electric Street Railway Company, its successors or assigns, shall continue for a period of twenty (20) years from and after the time this ordinance shall take effect.

¶ 11. **Restoration of streets.**] § 11. The said Calumet Electric Street Railway Company, its successors or assigns, shall do no permanent injury to any street, sidewalk, alley or avenue, nor interfere with any water pipe, sewer or gas pipe, now or hereafter laid by the said city of Chicago, but in construction of the said railway shall restore the streets, pavements, sidewalk or ground or water pipe, sewer or gas pipe to a condition equally as good as before the laying of said

railway, at the expense of the Calumet Electric Street Railway Company, its successors or assigns, and if it, its successors or assigns, as the case may be, shall fail or refuse so to do, the same may be done by the city of Chicago, and it, or they, as the case may be, shall be liable for the cost thereof.

¶ 12. **Improvement and repair of streets.**] § 12. The said Calumet Electric Street Railway Company, its successors or assigns, as respects the grading, paving, macadamizing, planking and repairing or using of the aforesaid streets and avenues, shall at its own cost and expense keep sixteen (16) feet in good repair and condition during all the time to which the privilege hereby granted shall extend, in accordance with the orders and regulations of the commissioner of public works of said city. And when any new improvements of any character shall be ordered by the city council of said city, said Calumet Electric Street Railway Company, its successors or assigns, at its own cost and expense, shall, in the manner required by the city authorities, make such improvements for the width of sixteen (16) feet, said sixteen (16) feet to include the said tracks as laid in streets and avenues. And if the said Calumet Electric Street Railway Company, its successors or assigns, shall neglect or fail to make any repairs or improvements as aforesaid, for the space of twenty (20) days after notice so to do from the commissioner of public works or other proper officer of said city to any officer, agent or employe of said Calumet Electric Street Railway Company, or its successors or assigns, then and in such case the city may, at its option, do the same at the cost and expense of said company.

¶ 13. **Reservation of rights.**] § 13. Nothing herein contained shall impair or abridge the rights of the city to dig up or open said streets or avenues or any portion thereof, and to temporarily remove said tracks and roadbed for the purpose of laying sewers or water pipes, or making any similar improvements, or of repairing the same. And when the city shall for any cause thus remove said tracks and roadbed, the cost of such removal and of relaying the same shall be paid by said company, and the amount of such cost shall be deemed secured by the bond herein provided for.

¶ 14. **Running time—speed.**] § 14. This ordinance is granted upon the express condition that trains shall be run upon each track constructed by said Calumet Electric Street Railway Company, its successors or assigns, at least once per each half hour between the hours of six (6) a. m. and twelve (12) p. m., except when delay is caused through unavoidable accident, breakage of machinery, or other cause beyond the control of said Calumet Electric Street Railway Company, its successors or assigns; and the speed of all trains to be operated by virtue of this ordinance shall be subject to control by ordinance of the city of Chicago and its successors, regulating the speed of electric and cable railways.

¶ **15. Indemnity clause—bond.**] § 15. The said Calumet Electric Street Railway Company, its successors or assigns, shall defend and save harmless the city of Chicago of and from any and all damages, judgments, decrees and costs, connected therewith, which may be rendered against said city by reason of the granting of the rights and privileges herein contained, or which may in any way accrue or arise or grow out of the exercise by the said Calumet Electric Street Railway Company, or its successors or assigns, of the rights and privileges hereby granted.

Said company shall, within the time limited for the acceptance of this ordinance, file with the city clerk a bond payable to the city of Chicago in the penal sum of twenty-five thousand dollars ($25,000), with sureties to be approved by the mayor, conditioned for the faithful performance and observance by said company of all the conditions and provisions of this ordinance.

¶ **16. Acceptance.**] § 16. This ordinance is passed upon the express agreement and understanding that the said company, before availing itself of any of the rights and privileges granted by this ordinance, shall file with the city clerk its acceptance of all the terms and conditions of this ordinance.

¶ **17. License fee.**] § 17. The said Calumet Electric Street Railway Company shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of fifty dollars ($50) and no more, as an annual license fee for each and every car used by said company. In computing the number of cars upon which such license charge may be imposed, thirteen (13) round trips, when one car is used in transportation of passengers, shall be taken as equivalent to one day's use of one car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter. Such quotient shall be the number of cars subject to such license fee. The president or other chief officer of said company shall, under oath, make report quarter-yearly to the comptroller of the city of Chicago of the whole number of cars run by said company, and at the same time pay to said comptroller $12.50 for each car, to be ascertained as above prescribed in this section. The first quarter shall begin upon the first day upon which the company shall run a car for the carriage of passengers.

¶ **18. When in force.**] § 18. This ordinance shall take effect when the said Calumet Electric Street Railway Company, its successors or assigns, shall file with city clerk the bond herein required, and accept in writing the terms and conditions of this ordinance; provided, that if the said Calumet Electric Street Railway Company, its successors or assigns, shall not file an acceptance in writing within thirty (30) days from the passage hereof, then this ordinance shall be of no force and effect, and all rights herein granted shall absolutely cease and determine.

§ 425. Calumet Electric Street Railway company.

¶ 1. Grant—route.
¶ 2. Time of completion.
¶ 3. Conform to grades—paving and repair of streets.
¶ 4. Construction of tracks.
¶ 5. Overhead contact wires—feeder wires.
¶ 6. Service limited—right of way—heating of cars.
¶ 7. Rate of fares—transfers—carry police and firemen free.
¶ 8. Term of grant.
¶ 9. Restoration of streets.
¶ 10. Reservation of rights.
¶ 11. Indemnity clause.
¶ 12. License fee.
¶ 13. Acceptance—bond.

An ordinance authorizing the Calumet Electric Street Railway company to extend its line of street railway as follows: Beginning at a connection with the tracks of said company at the intersection of South Chicago avenue and Eighty-third street; thence east on Eighty-third street to its intersection with Bond avenue; thence north and northwesterly on Bond avenue to its intersection with Cheltenham place; thence northeasterly on Cheltenham place to an intersection with Lake avenue extended; thence northwesterly on Lake avenue extended, eight hundred and forty (840) feet to its intersecti n with Seventy-eighth street; thence southwesterly on Seventy-eighth street to its intersection with Railroad avenue; thence northwesterly on Railroad avenue to its intersection with Seventy-third street; thence west on Seventy-third street to its intersection with Stony Island avenue, making a connection with the tracks now on said avenue; also beginning at the intersection of the south line of Ninety-third street and Erie avenue, thence north on Erie avenue to Eighty-seventh street, thence northwesterly on Baltimore avenue to its intersection with Eighty-third street, making connection with the tracks herein provided for on Eighty-third street Also beginning at a connection with the tracks herein provided for at the intersection of Escanaba avenue, formerly Edwards avenue, and Eighty-third street; thence north on Escanaba avenue, formerly Edwards avenue, to its intersection with Railroad avenue; thence to a connection with the tracks herein provided for on Railroad avenue; also beginning at a connection with the tracks of the Calumet Electric Street Railway company at Commercial avenue and Ninety-first street; thence east on Ninety-first street to Mackinaw avenue, making connection with existing tracks of the Calumet Electric Street Railway company. Also beginning at a connection with the tracks on Seventy-fifth street at its intersection with St. Lawrence avenue; thence north on St. Lawrence avenue to its intersection with Sixty-sixth street; thence west on Sixty-sixth street to its intersection with South Park avenue. Also beginning at the intersection of Sixty-seventh street and South Park avenue; thence north on South Park avenue to its intersection with the South line of Sixty-third street, making connection with the tracks herein provided for on Sixty-sixth street; also beginning at a connection with the tracks on Seventy-fifth street at its intersection with Eggleston avenue, formerly Dickey street; thence west on Seventy-fifth street to its intersection with Parnell avenue, formerly Honore street; thence south on Parnell avenue to its intersection with Seventy-sixth street; thence west on Seventy-sixth street to the west line of Halsted street; also beginning at the intersection of Avenue "N" and Ninety-fifth street; thence south on Avenue "N" to its intersection with Ninety-eighth street; thence east on Ninety-eighth street to its intersection with Avenue "L."

¶ 1. Grant—route.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby granted to the Calumet Electric Street Railway Company, its successors and

assigns, to construct and operate, under the conditions hereinafter provided, an extension of its line of street railway, to be operated by electricity, with one or not to exceed two main tracks, and the necessary curves, connections with the tracks now existing and herein provided for, cross-overs and turn-outs over, along and upon the following streets and avenues in the city of Chicago, county of Cook and state of Illinois, to wit: Beginning at a connection with the tracks of said company at the intersection of South Chicago avenue and Eighty-third street; thence east on Eighty-third street to its intersection with Bond avenue; thence north and northwesterly on Bond avenue to its intersection with Cheltenham place; thence northeasterly on Cheltenham place to an intersection with Lake avenue extended; thence northwesterly on Lake avenue extended eight hundred and forty (840) feet to its intersection with Seventy-eighth street; thence southwesterly on Seventy-eighth street to its intersection with Railroad avenue; thence northwesterly on Railroad avenue to its intersection with Seventy-third street; thence west on Seventy-third street to its intersection with Stony Island avenue, making a connection with the tracks now on said avenue; also beginning at the intersection of the south line of Ninety-third street and Erie avenue, thence north on Erie avenue to 87th street; thence northwesterly on Baltimore avenue to its intersection with Eighty-third street, making connection with the tracks herein provided for on Eighty-third street. Also beginning at a connection with the tracks herein provided for at the intersection of Escanaba avenue, formerly Edwards avenue, and 83rd street; thence north on Escanaba avenue, formerly Edwards avenue, to its intersection with Railroad avenue; thence to a connection with the tracks herein provided for on Railroad avenue. Also beginning at a connection with the tracks of the Calumet Electric Street Railway Company at Commercial avenue and Ninety-first street; thence east on Ninety-first street to Mackinaw avenue, making connection with existing tracks of the Calumet Electric Street Railway Company. Also beginning at a connection with the tracks on Seventy-fifth street at its intersection with St. Lawrence avenue; thence north on St. Lawrence avenue to its intersection with Sixty-sixth street; thence west on Sixty-sixth street to its intersection with South Park avenue. Also beginning at the intersection of Sixty-seventh street and South Park avenue; thence north on South Park avenue to its intersection with the south line of Sixty-third street, making connection with the tracks herein provided for on Sixty-sixth street; also beginning at a connection with the tracks on Seventy-fifth street at its intersection with Eggleston avenue, formerly Dickey street; thence west on Seventy-fifth street to its intersection with Parnell avenue, formerly Honore street; thence south on Parnell avenue to its intersection with Seventy-sixth street; thence west on Seventy-sixth street to the west line of Halsted street; also beginning at the intersection of Avenue "N" and Ninety-fifth street; thence south on Avenue "N" to its intersection

with Ninety-eighth street; thence east on Ninety-eighth street to its intersection with Avenue "L"; thence south on Avenue "L" to its intersection with One Hundred and Eighth street; thence east on One Hundred and Eighth street to the Indiana state line. Also beginning at the intersection of Avenue "F," formerly "E," and One Hundred and Eighth street; thence north on Avenue "F," formerly "E," to its intersection with One Hundred and Third street; thence west on One Hundred and Third street to its intersection with Avenue "L"; also commencing at the intersection of Michigan avenue and One Hundred and Third street; thence west on One Hundred and Third street to its intersection with Vincennes road (also called Vincennes avenue) in the city of Chicago.

¶ 2. **Time of completion.**] § 2. All of the main tracks described by section 1 of this ordinance (except that on Eighty-third street and that on One Hundred and Third street west from Michigan avenue to said Vincennes road), shall be laid, constructed and in operation within one year from the date when this ordinance shall take effect. One of the main tracks described by section 1 of this ordinance, to be laid on Eigthy-third street, shall be laid within six months from the date when this ordinance shall take effect, and the other main track on Eighty-third street shall be laid as soon as the south half of Eighty-third street shall be open between Yates avenue and Jeffery avenue; said main tracks on One Hundred and Third street, from Michigan avenue west to said Vincennes road, shall be laid, constructed and in operation within four months from the date when this ordinance shall take effect: Provided, that if all the tracks authorized to be built by section 1 of this ordinance are not constructed within two years from the date of the acceptance of this ordinance, the right to lay the tracks not then constructed shall be forfeited; also provided, further, that if the said company, or its successors or assigns, shall be restrained or prevented by any court of competent jurisdiction from proceeding with the work upon the street wherein authority is hereby given to construct and operate a railroad, the time during which it may be so delayed shall be added to the time herein prescribed for the completion of such railroad tracks. The city of Chicago, however, shall have the right to intervene in any suits for injunction to restrain said company and move for the dissolution of an injunction in case suit shall be deemed collusive, or for the purpose of delay or extending the time for the completion of such railroad tracks.

¶ 3. **Conform to grades—paving and repair of streets.**] § 3. Said railroad shall conform to all grades of the streets so traversed by said railway tracks as such grades now exist, or as they may be hereafter adopted by the city of Chicago.

¶ 4. **Construction of tracks.**] § 4. The railroad tracks by this ordinance authorized to be laid shall be constructed of side-bearing, or what may be termed flat top or girder rail, not to be elevated above

the surface of the street; they shall be laid to the standard gauge of four feet eight and one-half inches; the said railway tracks, turn-outs, cross-overs, side-tracks, switches and turn-tables shall be so laid that carriages and other vehicles can easily and freely cross said tracks at any and all points.

All tracks at all intersections of streets shall be paved between the rails, and said track shall be laid under the supervision of the commissioner of public works of the city of Chicago.

The said company, as to the streets and parts of streets on which its said tracks may be laid, shall keep in good repair, and condition sixteen feet in width where its track shall be laid in accordance with whatever order, ordinance or regulation may be passed or adopted by the city of Chicago in relation to such repairing, and when any such street is, by the city, ordered to be paved, said company shall pave said width of sixteen feet where its tracks shall be laid, with such pavement as is required for the remainder of the street, and afterwards at all times keep the same in repair while said tracks shall occupy said street. Provided, however, that, with the consent of the commissioner of public works, said company may pave, with stone or vitrified brick, that part of the street which it is hereby required to pave.

¶ 5. **Overhead contact wires—feeder wires.**] § 5. The cars upon said railway shall be propelled by electric overhead contact wires, which, together with the necessary feed wires, shall be suspended from poles set within the curb limits of the street on either side thereof, or from bracket poles placed in the center of the streets, and so adjusted as to obstruct the public use of the streets or sidewalks as little as possible. Said wires shall be suspended not less than eighteen and one-half feet above the rails and the said poles and supports shall be placed on an average of not less than one hundred and fifteen feet apart, except at the intersection of streets and avenues or the crossings of railroad tracks, when the said distance will place the poles or supports on intersecting streets or avenues, or at convenient distances for such crossings. And in the event that some less objectionable and practicable method for furnishing electricity or other motive power for the operation of said road be discovered, said railroad company, its successors or assigns, shall have the right or may be required by the city council of the city of Chicago to adopt such less objectionable or practicable method of furnishing its motive power in place of or in connection with the use of said electrical over-head contact wires when the same is approved by the mayor and commissioner of public works.

The said company shall have the right to connect the wires herein authorized with the wires on other of its lines, and also with the generators and power station which it may be convenient to use in connection therewith, and from time to time to alter and change such connections.

¶ 6. **Service limited—right of way—heating of cars.**] § 6. The cars or carriages to be used on said railway shall be used for no other purpose than the carrying of passengers and their ordinary baggage, and the said cars shall be entitled to the track, and in all cases where any team or vehicle shall meet or be overtaken by a car upon said railway, such team or vehicle shall give way to said car.

The cars upon the railway hereby authorized shall be provided during the months of November to March, inclusive, of each year, with a heating apparatus to be selected by said company, which shall be reasonably effective in heating said cars, and said apparatus shall be operated at such times during said months as the weather shall require, and on all cars both day and night.

¶ 7. **Rate of fare—transfers—carry police and firemen free.**] § 7. The rate of fare shall not exceed 5 cents for one continuous trip from one point on the line of said railway company to another, and transfers shall be furnished free of charge to passengers who have paid fare at the intersection of all divisions of said railway lines; provided, that policemen, and firemen in the employ of the city of Chicago in uniform shall ride free.

¶ 8. **Term of grant.**] § 8. The rights and privileges hereby granted to said The Calumet Electric Street Railway Company, its successors or assigns, shall continue during the life of the ordinance heretofore granted to the Calumet Electric Street Railway Company.

¶ 9. **Restoration of streets.**] § 9. The said railway company, or its successors or assigns, shall do no permanent injury to said streets, sidewalks, alleys or avenues, or interfere with any water pipe, sewer or gas pipe now or hereafter laid by the city of Chicago, and in the construction of said line of railway, shall restore the streets, pavements, sidewalks and ground or water pipes, sewer or gas pipe, to a condition equally as good as before the laying of the said railroad at its own cost and expense, and if it, or its successors or assigns, as the case may be, shall fail or refuse so to do, the same may be done by the city of Chicago, and said company shall be liable for the cost thereof.

¶ 10. **Reservation of rights.**] § 10. Nothing herein contained shall impair or abridge the right of the city to dig up or open said streets or avenues or any portion thereof, and temporarily remove said tracks and road bed for the purpose of laying sewers or water pipes or making any similar improvements or repairing the same.

¶ 11. **Indemnity clause.**] § 11. The said street railway company, its successors or assigns, shall defend and save harmless the city of Chicago of and from all damages, judgments, decrees and costs connected therewith, that may be rendered against said city by reason of the granting of the rights and privileges herein granted to it, or which may in any manner accrue or arise or grow out of its exercise of the rights and privileges hereby granted.

¶ 12. **License fee.**] § 12. Said street railway company shall

be liable for and pay into the treasury of the city of Chicago, for the use of said city, the sum of fifty (50) dollars and no more, as an annual license fee for each and every car used by the said company. In computing the number of cars upon which such license charge may be imposed, thirteen round trips, when more than one car is used in the transportation of passengers, shall be taken as equivalent to one day's use of one car. One-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter, and the quotient shall be the number of cars subject to such license fee.

The president, or other officers of said company, shall, under oath, make reports quarter-yearly to the comptroller of the city of Chicago, of the whole number of cars run by it, and at the same time pay to said comptroller twelve dollars and fifty cents ($12.50) for each car, to be ascertained as above prescribed in this section. The first quarter shall begin on the first day upon which said company shall run a car or cars for the carriage of passengers.

¶ 13. Acceptance—bond.] § 13. The said, The Calumet Electric Street Railway Company shall within thirty days from the passage of this ordinance accept in writing the terms and conditions of this ordinance in relation to the tracks authorized to be constructed by the first section hereof, and shall within the said period of thirty days from the passage of this ordinance, execute and file with the city clerk, its bond with satisfactory sureties, approved by the city comptroller of the city of Chicago, in the penal sum of fifty thousand (50,000) dollars, conditioned to indemnify and save harmless the city of Chicago of and from all damages that may accrue, arise or grow out of the exercise by said company, or its successors or assigns, of the rights and privileges granted by the first section of this ordinance. Unless such written acceptance and such bond shall be filed within thirty days from the passage of this ordinance, all the rights and privileges granted by section 1, herewith, shall absolutely cease and determine and be null and void.

Note.—See following agreement.

Agreement of the Calumet Electric Street Railway Company, dated November 18th, 1895. Presented to the city council by the mayor and ordered published and placed on file on the 18th day of November, A. D. 1895.

THIS AGREEMENT

Made and entered into this 18th day of November, A. D. 1895, witnesseth.

That Whereas, On the 11th day of November, A. D. 1895, the city council of the city of Chicago passed an ordinance authorizing the Calumet Electric Street Railway Company to extend its line of street railway in, through and along certain public streets and highways of the city of Chicago, which are more particularly specified and set forth in said ordinance (said ordinance being published on pages 1253 to 1258 inclusive of the printed proceedings of said city council of November 11th, 1895); and

Whereas, Among other streets authorized in and by said ordinance to be

used for the purposes of said railway company is 103d street from its intersection with Michigan avenue to its intersection with Vincennes avenue; and

Whereas, It has been brought to the attention of the mayor of the city of Chicago that on May 2, 1893, the Englewood and Chicago Electric Street Railway Company under an ordinance passed by the city council of the city of Chicago on that day was given the right to construct and use one or more lines of street railway in said 103d street, between Vincennes avenue and Michigan avenue; and

Whereas, It is claimed by the said Calumet Electric Street Railway Company that the rights granted to said Englewood and Chicago Electric Street Railway Company have lapsed and no longer exist; and

Whereas, The mayor of the city of Chicago is unwilling that four street car tracks should be constructed and operated in and along said 103d street between the points named, and is unwilling that more than one company should have the right to use and occupy said street, or any portion thereof, between the points named for street railway purposes; and

Whereas, The said Mayor of the city of Chicago is unwilling to approve said ordinance without the same shall provide for a compensation to be paid to the city of Chicago for the privileges under said ordinance granted by said city to said company;

Now, therefore, In consideration that the said Mayor of the city of Chicago shall approve said ordinance of the Calumet Electric Street Railway Company, passed on November 11, 1895, and that he shall not return the same to the city council of the city without his approval, the said undersigned Calumet Electric Street Railway Company hereby covenants and agrees on its part to pay to the city of Chicago the sum of fifty thousand ($50,000) dollars in manner following, to-wit:

It will pay the sum of one thousand ($1,000) dollars on the first day of December, A. D. 1895, and a like sum on the first day of December of each and every year thereafter for the period of five (5) years, to wit; until five payments of one thousands ($1,000) dollars each have been made.

It will pay the sum of two thousand ($2,000) dollars on the first day of December, A. D., 1900, and a like sum on the first day of December of each and every year thereafter for the period of five (5) years, to-wit: until five payments of two thousand ($2,000) dollars each have been made.

It will pay the sum of three thousand ($3,000) dollars on the first day of December, A. D. 1905, and a like sum on the first day of December of each and every year thereafter for the period of five (5) years, to wit: until five payments of three thousand ($3,000) dollars each have been made.

It will pay the sum of four thousand ($4,000) dollars on the first day of December, A. D. 1910, and a like sum on the first day of December of each and every year thereafter for the period of five (5) years, to-wit: until five payments of four thousand ($4,000) dollars each have been made.

It is further expressly agreed that if there shall be any default in making payment of any of the above named sums on the day that the same become due, and if such default shall continue for the space of ninety (90) days then, and in that case, all the rights, privileges and immunities by said ordinance granted to said company shall at once absolutely cease and determine, and said ordinance shall thereafter have no further force or effect in favor of said company.

Said Calumet Electric Street Railway Company agrees to hold all rights attempted to be conferred upon it by said ordinance, so far as the same relate to 103d street, subject to whatever prior rights the said Englewood and Chicago Electric Street Railway Company has in and to said street under its ordinance passed May 2, 1893; and said Calumet Electric Street Railway Company agrees not to construct, or attempt to construct, any railroad tracks in said 103d street without the consent and permission of the commissioner of public works until it shall first be judicially and finally ascertained and determined that the rights of said Englewood and Chicago Electric Street

Railway Company in and to said street have lapsed and determined; but should the commissioner of public works determine to permit the construction in said street of the tracks of said Calumet Electric Street Railway Company before such adjudication shall be had, then said company agrees to at once remove said tracks upon any final judicial determination of the rights of said Englewood and Chicago Electric Railway Company in favor of said last named company, and in case said company shall refuse to remove such tracks, the commissioner of public works shall be, and is hereby, authorized to cause the same to be at once removed.

The undersigned further agrees that the second paragraph of section four (4) shall be construed and be made to read as follows, it being admitted that such is the true meaning of said paragraph:

"All tracks at all intersection of street shall be paved between the rails "and also between the tracks wherever there are two or more tracks at any "such street intersection.

"All tracks shall be laid and all paving shall be done under the super- "vision of the commissioner of public works of the city of Chicago."

In witness whereof, the said Calumet Electric Street Railway Company has caused these presents to be signed by its president and secretary, and to be attested by its corporate seal, the day and year first above written.

THE CALUMET ELECTRIC STREET RY. CO.
(Seal) By John Farson, President.
H. B. White, Secretary.

§ 426. Calumet Electric Street Railway company.

¶ 1. Extension—route.
¶ 2. Permission subject to ordinance of November 11, 1895.
¶ 3. Paving of Erie avenue.
¶ 4. When in force.

An ordinance authorizing the Calumet Electric Street Railway company to extend its line of street railway. (Passed March 8, 1897.)

¶ 1. Extension—route.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same is hereby granted to the Calumet Electric Street Railway Company, its successors and assigns, to construct and operate an extension of its line of street railway on Erie avenue, to-wit:

Beginning at a connection with the tracks of said company on Erie avenue, at its intersection at 93rd street, thence south on Erie avenue to a connection with the tracks of said company on South Chicago avenue, all in the city of Chicago.

¶ 2. Permission subject to ordinance of November 11, 1895.] § 2. The permission and authority hereby granted is subject to all the terms and conditions of an ordinance passed November 11th, A. D. 1895, granting said company permission and authority to construct and operate an electric street railway on sundry streets in the city of Chicago.

¶ 3. Paving of Erie avenue.] § 3. This ordinance is granted upon the express condition that before a permit is issued or any tracks laid, the said Calumet Electric Street Railway Company will pave, to the satisfaction of the commissioner of public works, Erie avenue, from 91st street to 93rd street.

¶ 4. When in force.] § 4. This ordinance shall be in force and take effect from and after its passage.

§ 426*. Calumet Electric Street Railway company.

¶ 1. Extension of grant.
¶ 2. Time of completion.
¶ 3. Subject to terms of ordinance of February 18, 1895.
¶ 3½. Rate of fare.
¶ 4. Acceptance and bond.
¶ 5. When in force.

An ordinance authorizing the Calumet Electric Street Railway company to extend its street railway from Halsted street east on One Hundred and Twentieth (120th) street to Butler street (formerly Canal street); thence north on Butler street (formerly Canal street) to One Hundred and Seventeenth (117th) street; thence east on One Hundred and Seventeenth (117th) street to the east line of Wentworth avenue. (Passed March 29, 1897.)

¶ 1. Extension of grant.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same is hereby granted to the Calumet Electric Street Railway Company, its successors and assigns, to construct and operate an extension of its line of street railway in the city of Chicago, county of Cook, and state of Illinois, on the following streets, to-wit:

Beginning at a connection with the tracks of said company on Halsted street at its intersection with One Hundred and Twentieth (120th) street; thence east on One Hundred and Twentieth (120th) street to Butler street (formerly Canal street); thence north on Butler street (formerly Canal street) to One Hundred and Seventeenth (117th) street; thence east on One Hundred and Seventeenth (117th) street to the east line of Wentworth avenue, making connection with tracks of said company heretofore authorized to be laid on Wentworth avenue.

¶ 2. Time of completion.] § 2. All the tracks described in section 1 of this ordinance shall be laid, constructed and in operation within six (6) months from the date when this ordinance shall take effect.

¶ 3. Subject to terms of ordinance of Feb. 18th, 1895.] § 3. The permission and authority hereby granted is subject to all terms and conditions of an ordinance passed by the city council of the city of Chicago February 18th, 1895, authorizing the Calumet Electric Street Railway Company to extend its street railway on One Hundred and Nineteenth (119th) street from Emerald avenue west to Halsted street; thence south on Halsted street to One Hundred and Twenty-first (121st) street, not inconsistent with terms of this ordinance, except as follows, viz.:

The wires used for operating the cars on the streets above described in section one (1) hereof shall be suspended from poles set within the curb lines of the street on either side thereof; and no bracket poles shall be set in the center of the street.

¶ 3½. Rate of fare.] § 3½. The rate for any continuous or

regular trip from one point to another on the line of said railway shall not exceed five cents (5c), and passengers on the railway herein authorized shall be entitled to a transfer at any point where said road connects with other lines of said railway.

¶ 4. **Acceptance and bond.**] § 4. This ordinance is passed upon the express agreement and understanding that the said company, before availing itself of any of the rights and privileges granted by the ordinance, shall file with the city clerk its acceptance of all the terms and conditions of this ordinance, and shall also file with said clerk a bond payable to the city of Chicago in the penal sum of $25,000, with sureties to be approved by the mayor, conditioned for the faithful performance and observance by said company of all the conditions and provisions of this ordinance.

¶ 5. **When in force.**] § 5. This ordinance shall be in force and take effect from and after its passage.

CHICAGO CITY RAILWAY COMPANY.

[Acts of the Legislature.]

§ 427. Chicago City Railway company.
¶ 1. Corporation of "The Chicago City Railway Company."
¶ 2. Franchise.
¶ 3. Capital stock.
¶ 4. Directors.
¶ 5. Extension of system—eminent domain.
¶ 6. Operation of roads—right of way.
¶ 7. Ordinances confirmed.
¶ 8. Steam power prohibited.
¶ 9. Two lines to be operated.
¶ 10. Corporators of "The North Chicago City Railway company."
¶ 11. Public act—judicial notice in force from and after passage.

An act to promote the construction of horse railways in the city of Chicago. (Approved February 14, 1859.)

¶ 1. **Corporation of "The Chicago City Railway Company."**] § 1. Be it enacted by the people of the state of Illinois, represented in the General Assembly: That Franklin Parmelee, Liberty Bigelow, Henry Fuller and David A. Gage, and their successors, be, and they are hereby created and constituted a body corporate and politic, by the name of "The Chicago City Railway Company," for the term of twenty-five years, with all the powers and authority incident to corporations, for the purposes hereinafter mentioned.

¶ 2. **Franchise.**] § 2. The said corporation is hereby authorized and empowered to construct, maintain and operate a single or double track railway, with all necessary and convenient tracks for turn-

outs, side tracks and appendages in the city of Chicago, and in, on, over and along such street or streets, highway or highways, bridge or bridges, river or rivers, within the present or future limits of the south or west divisions of the city of Chicago, as the common council of said city have authorized said corporators or any of them, or shall authorize said corporation so to do, in such manner and upon such terms and conditions, with such rights and privileges as the said common council has, or may by contract with said parties, or any or either of them, prescribe; but said corporation shall not be liable for the loss of any baggage carried on said railways, kept in and under the care of its owner, his servant or agent.

¶ 3. **Capital stock.**] § 3. The capital stock of said corporation shall be one hundred thousand dollars, and may be increased from time to time at the pleasure of said corporation. It shall be divided into shares of one hundred dollars each, and be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct.

¶ 4. **Directors.**] § 4. All the corporate powers of said corporation shall be vested in and exercised by a board of directors, and such officers and agents as said board shall appoint. The first board of directors shall consist of said Franklin Parmelee, Liberty Bigelow, Henry Fuller and David A. Gage, and thereafter of not less than three nor more than seven stockholders, who shall be chosen each and every year by the stockholders, at such time and in such manner as the said corporation shall by its laws prescribe. The said directors shall hold their offices until their successors are elected and qualified, and may fill any vacancies which may happen in the board of directors, by death, resignation or otherwise. They may also adopt such by-laws, rules and regulations for the government of said corporation and the management of its affairs and business, as they may think proper, not inconsistent with the laws of this state.

¶ 5. **Extension of system—eminent domain.**] § 5. The said corporation is hereby authorized to extend the several railways herein authorized to be built in the manner aforesaid to any point or points within the county of Cook in this state; and, to enable said corporation to construct any or all the railways herein authorized, or their appendages, the said corporation is hereby vested with power to take and apply private property for the purposes and in the manner prescribed by an act entitled "An act to amend the law condemning right of way, for purposes of internal improvement," approved June 22nd, 1852, and the several acts amendatory thereof, and may exercise all the powers conferred upon railroad corporations by the twenty-fifth and twenty-sixth sections of "An act to provide for a general system of railroad corporations," approved November 5th, 1849, ascertaining and making recompense for all damages sustained, agreeably to the provisions of the act hereinbefore first mentioned.

¶ 6. **Operation of roads—right of way.**] § 6. The said corporation is hereby authorized, with the assent of the supervisor of any township, to lay down and maintain its said railway or railways in, upon, over and along any common highway in said township, but in such manner as not to obstruct the common travel of the public over the same. In all cases where vehicles shall meet the cars or carriages of said railways, either in the city or country, said vehicles shall give way to the cars or carriages on the railway.

¶ 7. **Ordinances confirmed.**] § 7. All the rights and privileges granted, or intended so to be, to said Franklin Parmelee, Liberty Bigelow, Henry Fuller and their associates, in and by the ordinances of the common council and the amendments thereto, are hereby in all things affirmed, and shall pass to and become vested in the corporation hereby created.

¶ 8. **Steam power prohibited.**] § 8. Nothing herein contained shall authorize the construction of more than a single track, with the necessary turn-outs, which shall only be at street crossings upon State street between Madison and Twelfth streets, except by the consent of the owners of two-thirds of the property in lineal measurement, lying upon said State street between Madison and Twelfth streets aforesaid, nor shall anything herein contained be construed to authorize the company hereby incorporated to permit the cars of any other railroad company whatever, propelled by steam, to be run along or upon the railway of the company hereby incorporated.

¶ 9. **Two lines to be operated.**] § 9. The said company hereby incorporated shall, within two years from the passage of this act, erect, maintain and operate two railways; one from Lake street to the southern boundary of the city, and one from the south branch of the Chicago river on Madison street, to the western boundary of said city; and upon failure to do so this act, and all the privileges and franchises hereby conferred shall cease and determine.

¶ 10. **Corporators of "The North Chicago City Railway Company."**] § 10. All the grants, powers, privileges, immunities and franchises conferred upon, and all duties and obligations required of Franklin Parmelee, Liberty Bigelow, Henry Fuller and David A. Gage, by this act, for the south and west divisions of the city of Chicago and the county of Cook, are hereby conferred upon and required of William B. Ogden, John B. Turner, Charles V. Dyer, James H. Rees and Valentine C. Turner, by the name of "The North Chicago Railway Company," for the north division of said city and said county of Cook, as fully and effectually, to all intents and purposes, as if they had been by a separate act, incorporated with all of said grants, powers, privileges, immunities and franchises conferred upon them, and all of said duties and obligations imposed upon them; and the said last named corporation may take, hold, mortgage and convey real estate.

¶ 11. **Public act—judicial notice in force from and after pas-**

sage.] § 11. This act shall be deemed a public act, and noticed by all courts as such without pleading, and shall take effect from its passage.

§ 428. Chicago City Railway company.
¶ 1. Amending section 1 of foregoing act.
¶ 2. Amending section 2.
¶ 3. Ordinance of August 17, 1864, confirmed.
¶ 4. Authorized to purchase and hold real estate.
¶ 5. Public act—judicial notice in force from its passage.

An act concerning horse railways in the city of Chicago. (Passed over veto February 6, 1865.)

¶ 1. Amending section one of foregoing act.] § 1. Be it enacted by the people of the state of Illinois, represented in the General Assembly: That the first section of an act of said general assembly, entitled: "An act to promote the construction of horse railways in the city of Chicago," approved February 14th, 1859, and the first sections of a certain other act of said general assembly, entitled: "An act to authorize the extension of horse railways in the city of Chicago," approved February 21st, 1861, be and the same are hereby, so amended as that all the words in said respective sections after the word "company," therein, respectively, shall be, and read as follows, viz.: For ninety-nine years, with all the powers and authority hereinafter expressed, or pertaining to corporations, for the purposes hereinafter mentioned.

¶ 2. Amending section two.] § 2. That the second section of the act first above referred to by its title, and which section is included in and made a part of the act secondly above referred to by the title thereof, be, and the same is hereby, as to both of said acts, so amended as to read as follows, viz.: The said corporation is hereby authorized and empowered to construct, maintain and operate, a single or double track railway, with all necessary and convenient tracks for turn-outs, side tracks and appendages, in the city of Chicago, and in, on, over and along such street or streets, highway or highways, bridge or bridges, river or rivers, within the present or future limits of the south and west divisions of the city of Chicago, as the common council of said city have authorized said corporations, or any of them, or shall from time to time, authorize said corporations, or either of them, so to do, in such manner, and upon such terms and conditions, and with such rights and privileges, immunities and exemptions, as the said common council has, or may, by contract with said parties, or any or either of them, prescribe; and any and all acts or deeds of transfer of rights, privileges or franchises, between the corporations in said several acts named, or any two of them, and all contracts, stipulations, licenses and undertakings, made, entered into or given, and as made or amended by and between the said common council and any one or more of the said corporations, respecting the location, use or exclusion of railways in or upon the streets, or any of them, of said city, shall

be deemed and held and continued in force during the life hereof, as valid and effectual, to all intents and purposes, as if made a part, and the same are hereby made a part, of said several acts; Provided, that it shall be competent for the said common council, with the written consent or concurrence of the other party or parties, or their assigns, to any of said contracts, stipulations, licenses or undertakings, to amend, modify or annul the same. But said corporations shall not, or any or either of them, be liable for the loss of any property or thing carried on said railways, kept in and under the care of its owner, his servant or agent; Provided, that any contract hereafter made by the common council of the city of Chicago with either of the corporations referred to in this act, for a higher rate of fare than five cents, shall be subject to modification or repeal at any regular meeting of said common council, by a majority vote of all the aldermen elected, or by the general assembly of the state of Illinois.

¶ 3. **Ordinance of August 17th, 1864, confirmed.**] § 3. An ordinance of the common council of the city of Chicago, entitled "An ordinance concerning the maintenance and operation of the Chicago and Evanston Railroad in the limits of the city of Chicago," as passed on the 17th day of August, A. D. 1864, is hereby confirmed, and shall be deemed and held to confer on the Chicago and Evanston Railroad Company power and authority to construct and operate their road in the streets and over the bridge mentioned herein, until the same is altered, changed or amended by the common council, with the consent of said company. And such ordinance may, from time to time, be changed, altered or amended, and such other provisions be made as, to the common council may seem proper, and be agreed to by said company. The prohibition as to the use of certain streets in the second section of the charter of the Chicago and Evanston Railroad Company is hereby re-enacted, and shall remain in force until altered, released or amended by the common council of the city of Chicago and said company.

¶ 4. **Authorized to purchase and hold real estate.**] § 4. Each of said corporations shall be authorized to purchase, hold and convey real or personal estate, necessary for the use of said corporation, and to manufacture materials, machinery and rolling stock for the use of such corporation.

¶ 5. **Public act—judicial notice in force from its passage.**] § 5. This act shall be deemed a public act, and noticed by all courts as such, without pleading, and shall take effect from its passage.

HENRY FULLER, FRANKLIN PARMELEE, LIBERTY BIGELOW.

[Ordinances.]

§ 429. Henry Fuller, Franklin Parmelee, Liberty Bigelow.

¶ 1. Grant.
¶ 2. State, Archer, Madison streets.
¶ 3. Animal power.
¶ 4. Passenger service.
¶ 5. Tracks, how laid.
¶ 6. Rate of fare.
¶ 7. Street paving, cost.
¶ 8. Rights forfeited, when.
¶ 9. Rights extend to corporation.
¶ 10. Grant twenty-five years—right to purchase.
¶ 11. Time of purchase—payment.
¶ 12. Rights reserved.
¶ 13. Bond.
¶ 14. Repeal.

An ordinance authorizing the construction and operation of certain horse railways in the streets of the city of Chicago. (Passed August 16, 1858.)

¶ 1. Grant.] Be it ordained by the common council of the city of Chicago: § 1. That there is hereby granted to Henry Fuller, Franklin Parmelee, and Liberty Bigelow, and such other persons as may hereafter become associated with them, and to their executors, administrators and assigns, permission and authority and consent of the common council to lay a single or double track for a railway, with all necessary and convenient tracks for turnouts, side tracks and switches, in and along the course of certain streets in the city of Chicago hereinafter mentioned, and to operate railway cars and carriages thereon in the manner, and for the time and upon the conditions hereinafter prescribed; Provided, that said tracks shall not be laid within twelve feet of the sidewalks upon any of the streets.

¶ 2. State, Archer, Madison streets.] § 2. That said parties are hereby authorized to lay a single or double track for a railway in and along the course of the following streets in said city, and extending the same as follows: Commencing on State street, at the south side of Lake street; thence south to the present city limits. Also, commencing on State street, at the junction of Ringgold place; thence on Ringgold place to Cottage Grove avenue; thence on Cottage Grove avenue to the present limits of the city of Chicago. Also, commencing on State street, at the junction of the Archer road; thence along the said Archer road to the present limits of the city. Also, commencing on State street, at the intersection of Madison street, and extending west along said Madison street to the present city limits.

¶ 3. Animal power.] § 3. The cars to be used upon said tracks shall be operated with animal power only; and said railways shall not connect with any other railroad on which other power is used, and no railway car or carriage used upon any other railroad in this state shall be used or passed upon said tracks.

¶ 4. **Passenger service.**] § 4. The said tracks and railways shall be used for no other purpose than to transport passengers and their ordinary baggage, and the cars or carriages used for that purpose shall be of the best style and class in use on such railways. The common council shall have power at all times to make such regulations as to the rate of speed and time of running said cars or carriages as the public safety and convenience may require.

¶ 5. **Tracks, how laid.**] § 5. The tracks of said railways shall not be elevated above the surface of the street; shall be laid with modern improved rails, and shall be so laid that carriages and other vehicles can easily and freely cross said tracks at any and all points, and in any and all directions, without obstruction.

¶ 6. **Rate of fare.**] § 6. The rate of fare for any distance shall not exceed five cents, except when cars or carriages shall be chartered for a specific purpose.

¶ 7. **Street paving, cost.**] § 7. The said parties, their associates and successors, shall pay one-third of the cost of grading, paving, macadamizing, filling or planking on the streets or parts of streets on which they shall construct their said railways, and in the respects last mentioned shall keep such portion of the respective streets as shall be occupied by their said railways, or either of them, in good repair and condition during the whole time that the privileges hereby granted to said parties shall extend, in accordance with whatever orders may be passed in that behalf by the common council of the said city of Chicago; and said parties shall be liable for all legal or consequential damages which may be sustained by any person by reason of the carelessness, neglect or misconduct of any agent or servant of said parties, in the course of their employment in the construction or the use of the said tracks or railways, and said parties shall moreover pay to the property owners on any street so used by them as aforesaid for their said railways, which has since the first day of January, A. D. 1858, been paved, macadamized or planked, and at any time between said date last mentioned and the time of going into the occupation of either of said respective streets with the said railway by said parties, their associates or successors, may be paved, macadamized or planked, one-third of the reasonable cost and expense thereof so paid by said property owners respectively.

¶ 8. **Rights forfeited, when.**] § 8. The rights and privileges granted to said parties by virtue of this ordinance shall be forfeited to the city of Chicago, unless the construction of one of said railways shall be commenced on or before the first day of November, A. D. 1858; and unless the said railway commencing on the south side of Lake street and extending to Ringgold place, shall be fully completed and ready for use on or before the fifteenth day of October, A. D. 1859; and the Madison street railway, commencing at the intersection of State street, and running on said Madison street to the city lim-

its, completed and ready for use on or before the fifteenth day of October, A. D. 1860; and said railway from Ringgold place to Cottage Grove avenue, and along the same to the city limits, by the first day of January, A. D. 1861; and all the remaining railways hereinbefore mentioned, on or before the first day of January, A. D. 1863, the said railways, together with all improvements made upon the same, shall be forfeited to said city of Chicago, unless the common council of said city shall grant to said parties a further extension of time; Provided, that if said parties are delayed by the order or injunction of any court, the time of such delay shall be excluded, and the same time, in addition to the periods above prescribed, shall be allowed for the completion of said railways as that during which they may be so delayed.

¶ 9. **Rights extend to corporation.**] § 9. If the said parties, their associates or successors, shall hereafter become incorporated, the rights and privileges granted to them by virtue of this ordinance shall extend to such corporation for the time and upon the conditions herein prescribed, and when such act of incorporation shall have been obtained, such corporation shall have all the rights and privileges hereby granted, as the successors of said parties, without further action of the common council.

¶ 10. **Grant 25 years—right of purchase.**] § 10. The right to operate said railways shall extend to the full time of twenty-five years from the passage hereof, and at the expiration of said time the parties operating said railways shall be entitled to enjoy all of said privileges until the common council shall elect, by order for that purpose, to purchase said tracks of said railways, cars, carriages, station houses, station grounds, depot grounds, furniture and implements of every kind and description, used in the construction or operation of said railways, or any of the appurtenances in and about the same, and pay for the same in the manner hereinafter mentioned.

¶ 11. **Time of purchase—payment.**] § 11. Such order shall fix the time when said city of Chicago will take such railways and other property before mentioned, which shall not be less than six months after the passage of said order, and at the time of taking said railways and other property before mentioned the city of Chicago shall pay to the parties operating the same a sum of money to be ascertained by three commissioners, to be appointed for that purpose, as follows: One to be chosen from the disinterested freeholders of Cook county by the said common council; one in like manner by the said parties, their associates or successors; and the two persons so chosen, to choose the third from said freeholders.

¶ 12. **Rights reserved.**] § 12. All rights heretofore vested in the board of water commissioners and sewerage commissioners, or other corporations, are not to be impaired or affected by this ordinance, but the rights and privileges hereby granted are subject thereto.

¶ 13. **Bond.**] § 13. The said Henry Fuller, Franklin Parme-

lee and Liberty Bigelow shall enter into a good and sufficient bond with the city of Chicago, in the penal sum of twenty-five thousand dollars, for the faithful performance of all the terms and conditions herein contained in this ordinance, and that said railways herein mentioned shall be completed at the times and manner herein stated, unless delayed by the order or injunction of some court having jurisdiction of such matters, from so completing the same, and until such bond shall be so executed by said parties, this ordinance shall have no force or effect whatever.

¶ **14. Repeal.**] § 14. All ordinances or parts of ordinances heretofore passed, respecting the subject-matter of this ordinance (except that to which this is an amendment), or in conflict with this ordinance, or that to which the same is an amendment, is hereby repealed.

Note.—See following amendatory ordinance.

§ 430. Henry Fuller, Franklin Parmelee, Liberty Bigelow.

¶ 1. Amending sections 7 and 13 of the foregoing ordinance.

An ordinance to amend an ordinance, entitled "An ordinance authorizing the construction and operation of certain horse railways in the streets of the city of Chicago." (Passed December 20, 1858.)

¶ **1. Amending sections 7 and 13 of foregoing ordinance.**] Be it ordained by the common council of the city of Chicago: § 1. That sections seven and thirteen of the above entitled ordinance be so amended as to read as follows, viz: That section seven be so amended as to read: That said parties and their associates shall, as respects the grading, paving, macadamizing, filling or planking of the streets, or parts of streets upon which they shall construct their said railways, or any of them, keep so much of said respective streets as shall be occupied by the said railways, or either of them, in good repair and condition during all of the time to which the privileges hereby granted to said parties shall extend, in accordance with whatever orders or regulations respecting the ordinary repairs thereof may be passed or adopted by the common council of said city; and the said parties shall be liable for all the legal consequential damages which may be sustained by any person by reason of the carelessness or misconduct of any of the agents or servants of the said parties, in the course of their employment in the construction or use of the railways aforesaid, or either of them. And section thirteen be so amended as to read: The said Henry Fuller, Franklin Parmelee and Liberty Bigelow shall enter into a penal bond, in the sum of twenty-five thousand dollars, with the said city of Chicago, conditioned for the faithful performance of all the terms and conditions in the said above entitled ordinance, as hereby amended, are contained and set forth; and that the railways aforesaid shall be completed at the time and in the manner in the aforesaid ordinance specified, unless delayed by the order or injunction of some court of competent jurisdiction, from so completing the same. And the giving of the bond above mentioned shall supersede

the bond heretofore given by said parties under the original ordinance aforesaid, and the same shall be surrendered up and canceled.

§ 431. Henry Fuller, Franklin Parmelee, Liberty Bigelow.

¶ 1. Grant.
¶ 2. Route.
¶ 3. Time of completion.
¶ 4. Animal power only.
¶ 5. Passenger service only—power in council.
¶ 6. Track, how constructed.
¶ 7. Rate of fare.
¶ 8. Pave part of streets.
¶ 9. Rights forfeited when.
¶ 10. Other grants not affected.
¶ 11. Former ordinances confirmed.
¶ 12. Bond.

An ordinance authorizing the extension and operation of certain horse railways in the streets of the south and west divisions of Chicago. (Passed May 23, 1859.)

¶ 1. Grant.] Be it ordained by the common council of the city of Chicago: § 1. That under and by virtue of an act of the legislature of the state of Illinois, entitled "An act to promote the construction of horse railways in the city of Chicago," approved the fourteenth day of February, A. D. 1859, constituting Franklin Parmelee, Liberty Bigelow, Henry Fuller and David A. Gage, and their successors, a body corporate and politic, by the name of "The Chicago City Railway Company," and by virtue of the powers and authority in the said common council otherwise by law vested, consent, permission and authority are hereby unto the said "The Chicago City Railway Company," given, granted and duly vested, to lay a single or double track for a railway, with all necessary and convenient tracks for turn-outs, side tracks and switches, in and along the course of the streets and bridges of the south and west divisions of the city of Chicago hereinafter mentioned; and the same to keep, maintain and use, and to operate thereon railway cars and carriages, during all the term in the said act of the fourteenth of February, A. D. 1859, specified and prescribed, in the manner and upon the conditions hereinafter prescribed; Provided, that said tracks shall not be laid within twelve feet of the sidewalk upon any of the streets hereinafter mentioned, in any case wherein it is practicable to be avoided.

¶ 2. Route.] § 2. The said company is hereby, as above mentioned, authorized to lay a single or double track for such railways in and along the course of the following streets of said south and west divisions of Chicago, and to extend the same as follows:

Commencing on Lake street, at the intersection of said Lake street with the east line of Market street, and thence west, with a single or double track, in and along the course of said Lake street, to Lake street bridge; thence westerly, with a single or double track, over said

bridge, and in and along the course of said Lake street, to the present and future limits of the city.

Commencing on Randolph street, at the intersection with the State street railway, and thence west, with a single or double track, in and along the course of said Randolph street, to Union park; thence in and along Park street to intersect with the said Lake street track.

Commencing on Desplaines street and intersecting with the said Lake street track, and thence northerly, with a single or double track, in and along the course of said Desplaines street to Milwaukee avenue, and thence in and along the course of said Milwaukee avenue to the present and future city limits.

Commencing on Canal street, at the point of intersection with said Lake street track, and thence southerly, with a single or double track, in and along the course of said Canal street, to intersect with the track to be upon Polk street, as hereinafter mentioned.

Commencing on Harrison street, at the intersection with Canal street aforesaid, thence westerly, with a single or double track, in and along said Harrison street to the Southwestern plank-road.

Commencing on Market street, at the intersection with Lake street railway aforesaid, and thence southerly, with a single or double track, in and along the course of said Market street, to intersect with the Madison street railway.

Commencing on South Wells street, at the intersection with the said Randolph street track, and thence southerly, with a single or double track, in and along the course of said Wells street, to Polk street; thence westerly, with a like track, in and along the course of said Polk street, to Canal street, as aforesaid; and thence southerly, with a like track, in and along the course of said Canal street, to the Chicago, Burlington and Quincy Railroad.

Commencing on South Clark street, at a point intersecting said Randolph street track, and thence southerly, with a single or double track, in and along the course of said Clark street, to Polk street; and thence westerly, with a like track, in and along the course of said Polk street, to Wells street.

Commencing on State street, at the intersection of Van Buren street, thence westerly, on Van Buren street, and in and along said Van Buren street, to the Southwestern plank-road.

Commencing on Harrison street, at its intersection with Canal street, and thence, with a like track, in and along said Harrison street, to Blue Island avenue; and thence, with a like track, in and along the course of said Blue Island avenue, to the Chicago, Burlington and Quincy Railroad.

Commencing on Twelfth street, at the intersection with State street railway, and thence easterly, with a single or double track, in and along the course of said Twelfth street, to Wabash avenue; thence south, with a like track, in and along said Wabash avenue, to Old street; thence in and along said Old street to Indiana avenue, thence

in and along Indiana avenue, to intersect with the Cottage Grove railway.

Also, commencing on Twelfth street, at the intersection of State street, thence westerly, in and along said Twelfth street, with a like track, to the intersection of Blue Island avenue.

¶ 3. **Time of completion.**] § 3. The said railway upon Randolph street as aforesaid is to be completed from said State street to Union Park aforesaid within three months, and from said Union Park to Robey street, within five months after the passage of this ordinance. The said railway upon Lake street as aforesaid to be completed from said Market street to Union Park, as aforesaid; that upon South Wells street, as aforesaid, to be completed from Randolph to Polk street aforesaid; and that upon South Clark street as aforesaid is to be completed from said Randolph street to said Van Buren street, and in and along Van Buren street to the Southwestern plank-road, severally, within eighteen months from the passage of this ordinance. And the said railway upon Canal street is to be extended and completed to the Chicago, Burlington and Quincy Railroad, and the said railways on Harrison street to Blue Island avenue, and on Blue Island avenue southerly to Twelfth street, are to be completed within one year from the passage of this ordinance. And the said railways upon Desplaines street and Milwaukee avenue are to be extended and completed to the city limits before the first day of the next session of the legislature of this state. The other of said railways included in the second section aforesaid, and not above in this section specified, shall be completed as soon after the passage hereof as may be practicable; but, whenever the common council shall determine that the public interest requires any one of said railways last mentioned to be constructed or extended, and shall by ordinance direct that such railway shall be constructed or extended, as the case may be, then said company shall be required to complete such construction or extension in sixty days after being notified of such ordinance; Provided, however, that such ordinance shall include but one street only; that then there shall be an interval of at least three months between such ordinances, and that the same shall not be made at an unseasonable time of year for doing such work.

¶ 4. **Animal power only.**] § 4. The cars to be used upon said tracks shall be operated with animal power only; and shall not connect with any other railroad on which other power is used, and no railway car or carriage used upon any other railroad in this state shall be used upon any of said tracks.

¶ 5. **Passenger service only—power in council.**] § 5. The said tracks and railways shall be used for no other purpose than to transport passengers and their ordinary baggage; and the cars and carriages for that purpose shall be of the best style and class in use on such railways. The common council shall have power at all times

to make such regulations as to the rate of speed and time of running said cars or carriages as the public safety and convenience may require.

¶ 6. **Track—how constructed.**] § 6 The track of any such railways shall not be elevated above the surface of the street; shall be laid with modern improved rails, and shall be so laid that carriages and other vehicles can easily and freely cross said tracks, at any and all points, and in any and all directions, without obstruction; Provided, whenever the said railway company construct two tracks on the same street, that the said tracks shall be constructed perfectly parallel, as far as practicable.

¶ 7. **Rate of fare.**] § 7. The rate of fare for any distance shall not exceed five cents, except when cars or carriages shall be chartered for special purposes.

¶ 8. **Pave part of streets.**] § 8. The said company shall, as respects the grading, paving, macadamizing, filling or planking of the streets or parts of streets upon which they shall construct their said railways, or any of them, keep eight feet in width along the line of said railway, on all streets whereon one track is constructed, and sixteen feet in width along the line of said railway where two tracks are constructed, in good repair and condition during all the time to which the privileges hereby granted to said company shall extend, in accordance with whatever order or regulation respecting the ordinary repairs thereof, may be passed or adopted by the common council of said city. And the said company shall be liable for all legal consequential damages which may be sustained by any person by reason of the carelessness, negligence or misconduct of any of the agents or servants of said company in the course of their employment in the construction or use of the railways aforesaid, or any or either of them.

¶ 9. **Rights forfeited when.**] § 9. If the said company shall fail to complete any of the aforesaid railways, in said second section mentioned, at the time mentioned and provided, and according to the conditions prescribed in the third section of this ordinance, then the rights and privileges granted by virtue hereof respecting said railways, in the said second section mentioned, shall be forfeited, together with all or any improvements made upon any of the said railways, to the city of Chicago, unless the common council of said city shall grant to said company a further extension of time; Provided, that if said company is delayed by the order or injunction of any court, the time of such delay shall be excluded from the time above prescribed.

¶ 10. **Other grants not affected.**] § 10. All rights heretofore vested in the board of water commissioners and sewerage commissioners, or other corporations, are not to be impaired or affected by anything herein contained, but the rights and privileges hereby granted are subject thereto.

¶ 11. **Former ordinances confirmed.**] § 11. All the rights and privileges heretofore granted, or intended to be granted, to the

said Franklin Parmelee, Liberty Bigelow and Henry Fuller, by an ordinance entitled "An Ordinance authorizing the construction and operation of certain horse railways in the streets of the city of Chicago," or any amendment thereto, are hereby granted and confirmed to the said "The Chicago City Railway Company," and its successors.

¶ 12. **Bond.**] § 12. The said Franklin Parmelee, Liberty Bigelow, Henry Fuller and David A. Gage, shall enter into a bond with the city of Chicago in the penal sum of ——— dollars, conditioned for the faithful performance by said company, of all the terms and conditions of this ordinance, and that the railways aforesaid shall be completed at the time and in the manner in this ordinance specified, unless delayed by the order or injunction of some court of competent jurisdiction from so completing the same. And until such bond is made by the said parties, this ordinance is to have no force or effect whatever.

Note.—See following ordinance and resolution.

§ 431 a. Henry Fuller, Franklin Parmelee, Liberty Bigelow.

¶ 1. Extension of time for construction.

An ordinance amendatory of the ordinance entitled "An ordinance authorizing the extension and operation of certain horse railways in the streets of the south and west divisions of Chicago," passed May 23, 1859. (Passed February 13, 1860.)

¶ 1. **Extension of time for construction.**] Be it ordained by the common council of the city of Chicago: § 1. That the third section of the ordinance entitled "An ordinance authorizing the extension and operation of certain horse railways in the streets of the south and west divisions of Chicago," be and the same is hereby so amended that the time for the construction of the railway track on Clark street in said ordinance mentioned be extended for the period of ten years, and that the time for the construction of the several railways, and each and every one thereof in said section mentioned or referred to, be extended for the period of five years beyond the time mentioned in said ordinance for the completion thereof; Provided, however, that the Blue Island avenue and the Milwaukee avenue lines shall severally be completed within the period of two years from the passage of this ordinance.

§ 431 b. Henry Fuller, Franklin Parmelee, Liberty Bigelow.

¶ 1. Amendatory ordinance affirmed.

An ordinance to accept a certain resolution of the Chicago City Railway company. (Passed March 9, 1860.)

¶ 1. **Amendatory ordinance affirmed.**] Be it ordained by the common council of the city of Chicago: § 1. That the resolution of the Chicago City Railway Company, passed on the 18th day of February, 1860, tendered to this body (to which reference is hereby made), whereby the said company obligates itself to postpone the laying down

of its track on South Clark street, for and during the period of ten years, be, and the same is hereby, in all things accepted, and said amendatory ordinance therein mentioned affirmed.

RESOLUTION REFERRED TO IN FOREGOING ORDINANCE.

Resolved, That this company hereby accepts of the provisions of the ordinance of the common council of the city of Chicago, passed on the 13th day of February, 1860, amendatory of the third section of an ordinance entitled, "An ordinance authorizing the extension and operation of certain horse railways in the streets of the south and west divisions of Chicago," passed May 23, 1859. And in consideration thereof, and of the repealing by said council (to be notified by acceptance hereof) of the ninth and twelfth sections of the above entitled ordinance, this company, as to said South Clark street, will and hereby does agree to the postponement of laying down its track along said street, or any part thereof, for and during the time in said amendatory ordinance mentioned; Provided, that nothing herein contained shall prevent this company from using so much of said street as shall be necessary to make proper connections with the track of the North Chicago City Railway Company, in pursuance of any ordinance of the common council hereafter in that behalf to be passed.

Chicago City Railway Office, City of Chicago.—ss.

I, Geo. W. Fuller, secretary of the Chicago City Railway Company, do hereby certify that the above is a true copy of a resolution passed by the board of directors of said company, at a meeting of said board held on the 18th day of February, A. D., 1860.

Witness my hand and the corporate seal of said company, this 20th day of February, A. D. 1860.

(Seal) GEO. W. FULLER, Sec'y Chicago City Railway Co.

CHICAGO CITY RAILWAY COMPANY.

§ 432. Chicago City Railway company.

¶ 1. Grant—route.
¶ 2. Former ordinances amended.
¶ 3. Rights forfeited when.

An ordinance exempting Canal street and other streets from railway uses, by substitution, and for other purposes. (Passed November 18, 1861.)

¶ 1. Grant—route.] Be it ordained by the common council of the city of Chicago: § 1. That in consideration of the extending by the Chicago City Railroad Company of its railway upon West Lake street, from Robey street to the west limits of the city within ninety days from the passage hereof, and the release and surrender by said company of any and all right to lay down a railway track along the course of either Canal street, Harrison street or Lake street from the east line of Market street to the same line of Desplaines street, and which said streets so released the said city is to preserve and keep at

all times free from any such railway; authority and consent are hereby given and granted unto said company to lay down and use a single or double track for a railway with all necessary and convenient tracks for turn-outs and switches in and upon Desplaines street, from Lake street aforesaid to Randolph street, and in, upon and along Halsted street from said Lake street southerly to Blue Island avenue, and thence on Blue Island avenue to the city limits; but which last mentioned railway on said Halsted street and Blue Island avenue, said company shall not be required to construct at any time within three years from the passage hereof.

¶ 2. **Former ordinances amended.**] § 2. That the ordinance entitled "An ordinance authorizing the construction and operation of certain horse railways in the streets of the city of Chicago," passed August 16th, 1858, and also the ordinance entitled "An ordinance authorizing the extension and operation of certain horse railways in the streets of the south and west divisions of Chicago," passed May 23, 1859, and all amendments thereof, be, and the same are hereby so amended as that the time therein prescribed for the construction of the several railways therein mentioned, except said West Lake street from Robey to the city limits aforesaid, and also excepting the railway upon Desplaines street and Milwaukee avenue north of Lake street aforesaid, is extended for the period of five years. That both as to the construction and maintenance of each and every of the aforesaid railways, said company shall use suitable rails of not less than a five-inch flange (except on Lake street west of Robey street) for the purpose; shall avoid the unnecessary elevation of their tracks above the surface of the streets, and so lay, or where laid, so maintain the same as not necessarily to obstruct the passage of carriages or vehicles over them, or to impair the usefulness of the streets whereupon they are laid; shall run cars or carriages thereon of a suitable style and description, and at all such times and rate of speed as the public convenience and safety shall to it seem to require.

¶ 3. **Rights forfeited, when.**] § 3. That if the said company shall fail to construct any portion of the railways aforesaid within the time prescribed for doing the same, it shall thereupon forfeit all right to such portion; and if it fail to construct said railway on West Lake street from Robey street to the city limits within ninety days as aforesaid, it shall thereupon forfeit all and singular the rights, privileges and extension of time by this ordinance granted, conferred or intended, and all parts of the several ordinances aforesaid, inconsistent with any of the provisions of this ordinance, are hereby repealed; Provided, that if said company shall be delayed by the order or injunction of any court of competent jurisdiction from completing any of the railways aforesaid, the time of such delay shall be excluded from the period prescribed herein for completing the same.

RESOLUTION AND RELEASE REFERRED TO IN FOREGOING ORDINANCE.

Resolved, That upon the approval by the mayor of the city of Chicago, of an ordinance passed on the 18th day of November, 1861, by the common council of said city, entitled "An ordinance exempting Canal street and other streets from railway uses, by substitution, and for other purposes," the president and secretary of this company are authorized to sign, seal and deliver to the said city of Chicago, on behalf of this company, a release in the following form, that is to say:

Chicago City Railway Office, City of Chicago.—ss.

I, Geo. W. Fuller, secretary of the Chicago City Railway Company, do hereby certify that the above is a true copy of a resolution of record passed by the board of directors of said company, on the 19th day of November, A. D. 1861.

Witness my hand and the corporate seal of said company, this 19th day of November, A. D. 1861. GEO. W. FULLER,

(Seal) Secretary of the Chicago City R. W. Co.

Know all men by these presents, That the Chicago City Railway Company, for and in consideration of the passage by the common council, and the approval of the mayor of the city of Chicago, of a certain ordinance entitled "An ordinance exempting Canal street and other streets from railway uses, by substitution, and for other purposes," have and by these presents do hereby release and surrender unto the said city of Chicago, any and all right to lay down a railway track along the course of either Canal street, Harrison street, or Lake street, from the east line of Market street to the same line of Despaines street; Provided, however, that nothing herein contained shall be so construed as to affect the right of said railway company to cross said Canal street at the point of intersection therewith by any east and west street upon which said company has the right to a railway track, or to cross said Harrison street at the point of intersection therewith by Halsted street.

In Testimony Whereof, The said The Chicago City Railway Company has caused these presents to be signed by its president and secretary, and its corporate seal hereunto affixed, this 19th day of November, A. D. 1861.

(Seal) W. H. WAITE, President.
GEO. W. FULLER, Secretary.

§ 433. Chicago City Railway company.

¶ 1. Streets reserved specified.
¶ 2. Penalty.
¶ 3. Construction of the ordinance.
¶ 4. When to take effect.

An ordinance for the preservation of certain streets of Chicago from railway uses. (Passed November 16, 1863.)

¶ 1. Streets reserved, specified.] Be it ordained by the common council of the city of Chicago: § 1. That whereas, by an act of the general assembly of the state of Illinois, entitled, "An Act to promote the construction of horse railways in the city of Chicago," approved February 14, 1859, and by an ordinance of the common council of said city entitled "An ordinance authorizing the construction and operation of certain horse railways in the streets of the city of Chicago," passed August 16, 1858; and also by a certain other ordinance of said city, in pursuance of the act aforesaid, entitled "An ordinance authorizing the extension and operation of certain horse railways in

the streets of the south and west divisions of Chicago," passed May 23, 1859; and also by an ordinance of said city entitled "An ordinance exempting Canal street and other streets from railway uses by substitution, and for other purposes," passed November 18, 1861, authority and consent were and are duly granted to, vested in and accepted by the Chicago City Railway Company and its assigns, to construct single or double track horse railways in, upon and along certain streets of said city, and to use the same for the period in said ordinances mentioned, among which said streets so mentioned are Wabash avenue and Lake street: and whereas, it is deemed and considered by the common council of said city that the permanent interest and welfare of said city demand the exclusion of all such railways from said Wabash avenue and from all of said Lake street east of the east line of Peck street, and from certain other streets hereinafter named, and that the same should be kept at all times free from such railways, and that no other railways than those above authorized should be permitted upon the streets in said ordinances mentioned, or those wherein they are now in use; whereas also the Chicago West Division Railway Company, in pursuance of an act of said general assembly, entitled "An Act to authorize the extension of horse railways in the city of Chicago," approved February 21, 1861, has acquired by contract with the said Chicago City Railway Company, all such right to use said streets as was and hereby is granted to said last named company as aforesaid, as to all the streets in said west division, and certain of the streets in the south division of Chicago, in said ordinances mentioned; and the said respective railway companies are now willing to give up and effectually to surrender to the city of Chicago any and all right to construct or use any railway along the course of any portion of said Wabash avenue or of said Lake street, east of the east line of Peck street, and also each of said corporations to enter into covenant, under their respective corporate seals, to and with the city of Chicago, to absolutely refrain for all time hereafter from constructing or using any railway along the course of either of said streets as last named, or of Michigan avenue, Third avenue, Washington street, Monroe street, Adams street or West Jackson street (except necessary crossings of said streets), upon condition that the railways of all other persons or corporations shall likewise be excluded therefrom: now, therefore, in consideration of all and singular the premises of said release and surrender as aforesaid, and of the making of the covenant by the said respective railway companies as aforesaid, the said common council do by virtue and in pursuance of the said acts of the general assembly of the state of Illinois, and the powers therein otherwise vested by law, and for the promotion of the permanent interests of said city, ordain and declare that no railway track shall be constructed or used for or during the period of twenty years next hereafter, along the course of either Michigan avenue, Wabash avenue, Third avenue, Washington street, Lake

street east of the east line of Peck street, Monroe street, Adams street or West Jackson street, or along any part or portion of the course thereof, nor shall the railway of any person or corporation, other than those above named and authorized as aforesaid, be constructed or used in, upon or along any of the several streets in said ordinances mentioned.

¶ 2. **Penalty.**] § 2. That if any person or corporation shall enter upon either said Michigan avenue, Wabash avenue, Third avenue, Washington street, Lake street east of the east line of Peck street, Monroe street, Adams street or West Jackson street, or any portion of the same (except at their crossings), or dig up any portion of said several streets, or bring upon any portion thereof any timber, ties, rails or other materials, with the intention of constructing any railway track along the course, in or upon either of said streets, said person or corporation, and all who shall be aiding or abetting, shall be subject to a fine of one hundred dollars for each and every offense.

¶ 3. **Construction of the ordinance.**] § 3. This ordinance shall not be construed to create any obligation, either express or implied, which shall in any event render the said city of Chicago liable to any action or claim for damages at the suit of either of the horse railway companies hereinbefore mentioned, or their successors or assigns.

¶ 4. **When to take effect.**] § 4. This ordinance shall be in force and take effect as soon as the same shall have been duly accepted by the said Chicago City Railway Company and the Chicago West Division Railway Company, and the covenants hereinbefore mentioned shall have been duly executed by said companies respectively.

Note.—See following acceptances.

COVENANTS REFERRED TO IN FOREGOING ORDINANCE.

Whereas: At a regular meeting of the common council of the city of Chicago, held on the 16th day of November, A. D., 1863, an ordinance was passed, entitled, "An ordinance for the preservation of certain streets of Chicago from railway uses," to which reference is hereby made as a part hereof; and whereas, it is, amongst other things in substance recited in said ordinance,that the Chicago City Railway Company is willing to give up and effectually surrender to the city of Chicago any and all right to construct or use any railway along the course of any portion of Wabash avenue or of Lake street east of the east line of Peck street in said city; and also to enter into covenant under its corporate seal, to and with the city of Chicago, to absolutely refrain for all time hereafter from constructing or using any railway along the course of either of said streets last named, or of Michigan avenue, Third avenue, Washington street, Monroe street, Adams street or West Jackson street (except necessary crossings of said streets) upon certain conditions in said ordinance mentioned. Now, therefore, to signify the acceptance of the said ordinance by the said Chicago City Railway Company, and to cause the same to go into force and effect as therein provided, these articles of agreement, made and entered into this 21st day of November, A.

D. 1863, between the said the Chicago City Railway Company, the party of the first, and the city of Chicago, party of the second part, witness, that the party of the first part, in consideration of the passage by the common council of the said ordinance as aforesaid, and the conditions and provisions therein contained, and in pursuance of a resolution of the board of directors of the said party of the first part, this day duly passed, has, and hereby does give up, effectually surrender and release the said party of the second part, any and all right of the party of the first part to construct or use any railway along the course of any portion of Wabash avenue or of Lake street east of the east line of Peck street, in said city, and does hereby covenant and agree to and with the said party of the second part in pursuance of said ordinance, that it, the said party of the first part, will absolutely refrain for all time hereafter from constructing or using any railway along the course of either of said last named streets, or along the course of either Michigan avenue, Third avenue, Washington street, Monroe street, Adams street or West Jackson street (except necessary crossings of said streets) upon the conditions aforesaid; Provided that nothing herein contained shall be so construed as to in any manner affect any of the rights of the said party of the first part to construct or use a railway upon any street of said city not herein above specified.

Wherefore the said party of the first part has caused these presents to be signed by its president and secretary, and its corporate seal to be hereunto affixed, the day and year above written.

(Seal) D. A. GAGE, President Chicago City Railway Co.
GEO. W. FULLER, Sec'y Chicago City Railway Co.

Whereas: At a regular meeting of the common council of the city of Chicago, held on the 16th day of November, A. D. 1863, an ordinance was passed, entitled "An ordinance for the preservation of certain streets of Chicago from railway uses," to which ordinance reference is hereby made as a part hereof; and whereas, it is amongst other things in substance recited in said ordinance, that the Chicago West Division Railway Company is willing to give up and effectually surrender to the city of Chicago any and all right to construct or use any railway along the course of any portion of Wabash avenue or of Lake street east of the east line of Peck street in said city, and also to enter into covenant under its corporate seal to and with the city of Chicago, to absolutely refrain for all time hereafter, from constructing or using any railway along the course of either of said streets last named or of Michigan avenue, Third avenue, Washington street, Monroe street, Adams street or West Jackson street (except necessary crossings of said streets) upon certain conditions in said ordinance mentioned. Now, therefore, to signify the acceptance of the said ordinance by the said the Chicago West Division Railway Company, and to cause the same to go into force and effect as therein provided, these articles of agreement made and entered into this twenty-first day of November, A. D. 1863, between the said the Chicago West Division Railway Company, the party of the first part, and the city of Chicago, party of the second part, witness, that the party of the first part, in consideration of the passage by the common council of the said ordinance as aforesaid, and the conditions and provisions therein contained, and in pursuance of a resolution of the board of directors of the said party of the first part this day duly past has and hereby does give up, effectually surrender and release to the said party of the second part, any and all right of the party of the first part to construct or use any railway along the course of any portion of Wabash avenue or of Lake street east of the east line of Peck street in said city, and does hereby covenant and agree to and with the said party of the second part, in pursuance of said ordinance, that it, the said party of the first part, will absolutely refrain for all time hereafter from constructing or using any railway along the course of either of said last named streets, or along the course of either Michigan avenue, Third avenue, Washington street, Mon-

roe street, Adams street, or West Jackson street (except necessary crossings of said streets), upon the conditions aforesaid; Provided, that nothing herein contained shall be so construed as to in any manner affect any of the rights of the said party of the first part to construct or use a railway upon any street of said city not herein above specified.

Wherefore the said party of the first part has caused these presents to be signed by its president and secretary, and its corporate seal to be hereunto affixed, the day and year above written.

(Seal) J. R. JONES, President The Chicago West Division Ry. Co.

WM. H. OVINGTON, Sec'y The Chicago West Division Ry. Co.

CHICAGO CITY RAILWAY & NORTH CHICAGO RAILWAY COMPANY.

§ 434. Chicago City Railway & North Chicago Railway company.

An ordinance authorizing the connection of the tracks of the horse railways of the North Chicago City Railway and the Chicago City Railway companies on State street bridge. (Passed January 18, 1864.)

Note.—See North Chicago Railway company.

CHICAGO CITY RAILWAY COMPANY.

§ 435. Chicago City Railway company.

¶ 1. Grant, route.
¶ 2. Time of completion.
¶ 3. Tracks—paving and repair of streets.
¶ 4. Funeral cars.
¶ 5. Animal power only.
¶ 6. When in force.

An ordinance relating to horse railways in the south division of Chicago. (Passed August 22, 1864.)

¶ 1. Grant, route.] Be it ordained by the common council of the city of Chicago: § 1. That in consideration of the acceptance hereof, and the undertaking by the Chicago City Railway Company to comply with the provisions hereof, authority, permission and consent are hereby given, granted and duly vested in the said company, its successors and assigns, to construct, lay down, operate and maintain a single or double track railway, with all necessary turn-outs, side tracks and switches, in, upon and along Eighteenth street from State street railway to the east line of Wabash avenue; on State street from the south line of Lake street, northerly to the center of Chi-

cago river, and on Indiana avenue a single track, from Twenty-second street to the present or future city limits; Provided, that the consent of the owners of two-thirds of the property, by lineal measure, fronting upon said streets respectively, shall first be obtained.

¶ 2. **Time of completion.**] § 2. The said railway on Eighteenth street and Indiana avenue shall be constructed within fifteen months after the passage of this ordinance (unless restrained by a court of competent jurisdiction) and the residue thereof as soon after the passage hereof as may be practicable; but whenever the common council shall duly determine that the public interest requires any of said lines to be constructed, then said company may be required, by ordinance of said city, to construct the same within ninety days after the passage and actual notice of such ordinance.

¶ 3. **Tracks—paving and repair of streets.**] § 3. Said company shall construct said several railways of the kind of rail prescribed by the ordinance passed August 11th, 1864, entitled "An ordinance prescribing the gauge and rail to be used on horse railways in the city of Chicago," and all others hereafter passed on the subject of the kind of rails to be used by horse railways, and shall be subject to and governed by the ordinances of the common council of said city respecting horse railways in the south and west divisions in force, except as herein otherwise provided. The said railway company, its successors or assigns, as respects grading, paving, macadamizing, filling or planking, shall at their own expense, keep eight feet in width where a single track is used and sixteen feet in width where a double track is used, of said streets or parts thereof so occupied in good repair, so that wagons, carriages and other vehicles can pass and repass at any and all points, and in any and all directions, and when any new improvement, paving, repaving, planking or replanking, is ordered by the common council in any of said streets or parts of streets, the said railway company shall, in the same manner and with like material as required of the owners of property as to other contiguous parts of the street, make such new improvements, on eight feet in width where a single track is used, or sixteen feet in width where a double track is used; and if the said company shall refuse or neglect to make such new improvement within a reasonable time, to be fixed by the ordinance, the work may be done by the city, and the costs thereof assessed by the board of public works on said company, and collected as other assessments from any real or personal property of said company. But if the board of public works should deem it inexpedient that said new improvements on said streets should be made by said company, then the same shall be done by the city as in other cases, and the cost thereof assessed upon and collected of said company in manner as aforesaid. And if the said company shall refuse or neglect to make any necessary repairs as aforesaid, or the repairs required by any ordinance heretofore passed and

now in force in reference to the said railway company, after twenty days notice from the board of public works, the city may make the repairs and collect the costs thereof by suit at law in any court of competent jurisdiction.

¶ 4. **Funeral cars.**] § 4. Said railroad company shall keep on hand a sufficient number of cars adapted to funeral purposes, in which shall be suitable compartments for carrying the corpse by itself; and, on the application of any person, shall furnish not exceeding three cars, unless more shall be agreed upon, at some convenient point on the line of said roads, so it will not hinder or delay other cars thereon, to convey the corpse and persons attending the funeral, to any cemetery to which its lines or connections extend; Provided, that if its funeral cars shall be all engaged for funeral purposes before such application is made, the company shall not be bound to furnish the same until such prior engagement is fulfilled. And the said company shall make the best possible arrangement with the street railway companies whose lines do now or may hereafter extend to the cemeteries, to convey cars used for funeral purposes through to the cemeteries, so that the charge of conveying any corpse from points on said lines of railways through to the cemeteries, shall not exceed two dollars, and for each person attending such funeral not exceeding twenty-five cents for the round trip out and back.

¶ 5. **Animal power only.**] § 5. The cars to be used on said several railways shall be operated by animal power only. Said railways shall not, or any of them, except as herein otherwise provided, connect with any other railroad operated by other power; nor shall the railway cars or carriages of any other person or corporation be used or operated upon or along any of the said railways, or any or either of the above mentioned streets, except with the consent of the said company. The said company is hereby permitted to operate or use upon or along any of said railways the cars or vehicles of any other railway company, person or corporation for funeral processions.

¶ 6. **When in force.**] § 6. This ordinance shall be in full force from and after its passage.

Note.—See following amendatory ordinance.

§ 436. Chicago City Railway company.

¶ 1. Ordinance of August 22, 1864, amended.
¶ 2. Amending sections 1 and 2.

An ordinance authorizing the extension of the horse railway on Indiana avenue. (Passed November 13, 1871.)

¶ 1. **Ordinance of Aug. 22, 1864, amended.**] Be it ordained by the common council of the city of Chicago: § 1. That the first and second sections of "An ordinance relating to horse railways in the south division of Chicago," passed August 22, 1864, be and the same

are hereby so amended that the time for the construction of the single track railway, with necessary turn-outs, side tracks and switches in said ordinance mentioned, on Indiana avenue, be extended for the term of two years from the passage of this ordinance; Provided, however, that if said Chicago City Railway Company shall be delayed by the order or injunction of any court, the period of such delay shall be added to such extended time, and the right and authority of the said Chicago City Railway Company to maintain and use its track and tracks now existing on Indiana avenue and Eighteenth street, with all convenient turn-outs, side tracks, turn tables and switches, are hereby confirmed for the time provided in said ordinance.

¶ 2. **Amending sections 1 and 2.**] § 2. That said first and second sections of said ordinance relating to horse railways in the south division of Chicago, passed August 22, 1864, be and the same are hereby so amended that said Chicago City Railway Company may construct, lay down and operate, and maintain a double track railway upon said Indiana avenue, from the north line of Twenty-second street to the present and future city limits, in lieu of a single track, side tracks, switches and turn-outs; Provided, that the consent of the owners of the majority of the property by lineal measure, fronting upon said avenue between said Twenty-second street and said city limits shall be first obtained; Provided, also, that said tracks shall be laid as near in the center of said avenue as may be practicable, and shall not occupy more than fourteen feet in width; Provided, also, that said company, its successors or assignees, shall at its own expense keep eight feet in width where a single track is used, and sixteen feet in width where a double track is used of said avenue, or parts thereof so occupied, in good repair, so that wagons, carriages and other vehicles can pass and repass at any and all points and in any and all directions; and when any new improvements, paving, repairing, planking or replanking is ordered by the common council in said avenue, or any part thereof, the said company shall in like manner, and with like material as required of the property as to other contiguous parts of said avenue, make such new improvements on eight feet in width where a single track is used, or sixteen feet in width where a double track is used; and if the said company shall refuse or neglect to make such new improvement within a reasonable time, to be fixed by the ordinance, the work may be done by the city, and the cost thereof assessed by the board of public works on said company, and collected as other assessments from any real or personal property of said company. But if the board of public works should deem it inexpedient that said new improvements on said avenue should be made by said company, then the same shall be done by the city, as in other cases, and the cost thereof assessed upon and collected of said company in the manner as aforesaid. And if the said company shall refuse or neglect to make any necessary repairs as aforesaid, or the repairs required by any ordinances hereto-

fore passed and now in force in reference to the said railway company, after twenty days' notice from the board of public works, the city may make the repairs and collect the cost thereof by suit at law in any court of competent jurisdiction.

CHICAGO & CALUMET HORSE AND DUMMY RAILROAD COMPANY.

§ 437. Chicago & Calumet Horse and Dummy Railroad company.

¶ 1. Grant.
¶ 2. Location of railway.

Resolution relating to the Chicago & Calumet Horse & Dummy Railroad company. (Passed June 1, 1868.)

¶ 1. Grant.] Be it resolved, that the Chicago and Calumet Horse and Dummy Railroad Company may, and is hereby empowered, to locate a horse or dummy engine railroad and branches along and upon the following roads and highways, in the town of Hyde Park, to wit: Forty-first street, from the center of State street to the east line of Cottage Grove avenue; State street, from the limits of the city of Chicago to the southern terminus of said street; Indiana avenue, from the limits of said city to the south line of Forty-first street; Cottage Grove avenue, from the limits of said city to the southern terminus of said avenue; Fifty-fifth street, otherwise known as Elm street, from the center of State street to the eastern terminus of said Fifty-fifth street, or Elm street; Junction avenue, or Sixty-third street, from the center of State street to the eastern terminus of said Junction avenue; Jefferson street, from the north line of Elm street, or Fifty-fifth street to the south line of Willow street; Willow street, from the west line of Jefferson street to its terminus, and from thence any common highway to the Indiana state line, except Hyde Park avenue and Lake avenue, the same to be laid down, constructed and maintained in such manner as not to obstruct the common travel of the public over said highway. The line on Elm street, from Cottage Grove avenue to Hyde Park avenue, is to be constructed within five years from July 1, 1868.

Resolved by the board of trustees of the town of Hyde Park, That the foregoing resolution, presented by Mr. Hennessy, meets our approval, and we respectfully recommend the board of supervisors of Cook county to pass the same. The motion prevailed by the following vote: Ayes—Cady, Clark, Doyle, Ely, Higgins, Waite and Van Wyck—7.

Mr. Van Wyck moved and it was adopted:

¶ 2. **Location of railway.**] Resolved, That this board desires and requests that the Chicago and Calumet Horse and Dummy Railroad Company locate their road on Elm street, in Hyde Park, over the ditch at present excavated on said street, on the south side thereof. And also that said railroad company proceed to fill said ditch, the cost of same to be paid in town orders on account of Fifty-fifth street sewer fund. The value of such work to be estimated by the superintendent of public works.

CHICAGO CITY RAILWAY COMPANY.

§ 438. Chicago City Railway company.

¶ 1. Use of steam power, where.
¶ 2. Penalty for not complying.

An ordinance relating to the State street dummy. (Passed October 3, 1870.)

¶ 1. **Use of steam power, where.**] Be it ordained by the common council of the city of Chicago: § 1. That the Chicago City Railway Company be and it is hereby prohibited from using steam as a motive power on State street, north of Egan avenue, on and after the 31st day of December, A. D. 1871, and in the meantime may operate its dummy engine on its Stock Yard line, as it is now doing, from the city limits to Thirty-first street; Provided, it will, by resolution of its board of directors, signify its assent hereto and undertake to operate its said line with horses to said city limits from the said 31st day of December, with a sufficient number of cars drawn by horses to accommodate the public travel thereon; And provided, further, that during said period the fare for the whole distance between Randolph street and the said city limits shall not exceed the sum of five cents; And provided, further, that a copy of said resolution, duly certified by the secretary of said company, shall be filed in the office of the city clerk, within thirty days after the passage of this ordinance.

¶ 2. **Penalty for not complying.**] § 2. That in case the said Chicago City Railway Company shall fail, or refuse or neglect to discontinue the use of steam in propelling their said cars on the State street line, south of Thirty-first street and north of Egan avenue, as provided in section one of this ordinance, then the said company shall be liable to a fine of twenty-five dollars for each and every day, or part of a day, they may so violate the provisions of said section, to be recovered before any court of competent jurisdiction.

§ 439. Chicago City Railway company.

¶ 1. Extension of tracks.

An ordinance relating to the Chicago City Railway company. (Passed November 21, 1870.)

¶ 1. Extension of tracks.] Be it ordained by the common council of the city of Chicago: § 1. That the Chicago City Railway Company is hereby empowered to extend its track or tracks now authorized on South Clark street, from the terminus thereof on Polk street to Twenty-second street, and to operate and maintain the same; Provided, that said track or tracks shall be completed one year after the removal of existing railway tracks running through said street (unless restrained by the order of some court of competent jurisdiction.) But said track or tracks shall not be constructed south of Twelfth street until after the removal of existing railway tracks running through said street; and provided, further, that all ordinances now in force regulating the kind and description of rail to be used by street railways and the construction thereof, as well as those relating to the ordinary repairs of the streets used by said Chicago city railways, shall apply to said Clark street; And provided, further, that said track shall not be constructed south of Polk street until said company shall have constructed said track from Randolph street to that point.

§ 440. Chicago City Railway company.

¶ 1. Steam dummy for cleaning snow.

An ordinance authorizing the Chicago City Railway company to use steam dummy on its track, etc. (Passed January 16, 1871.)

¶ 1. Steam dummy for cleaning snow.] Be it ordained by the common council of the city of Chicago: § 1. That the Chicago City Railway Company is hereby authorized to use its steam dummy engines upon any of its tracks for the purpose of cleaning the same from snow; Provided, however, that such steam dummy engines shall be used only between the hours of twelve o'clock at night and five o'clock in the morning; And provided, further, that the right and authority hereby granted may be at any time withdrawn, and this ordinance repealed by the common council of said city.

CHICAGO CITY RAILWAY AND NORTH CHICAGO CITY RAILWAY COMPANY.

§ 441. Chicago City Railway and North Chicago City Railway company.

An ordinance authorizing the connection of the tracks of the horse railway of the North Chicago City Railway company and the Chicago City Railway company on Clark street bridge. (Passed November 20, 1871.)

CHICAGO CITY RAILWAY COMPANY.

§ 442. Chicago City Railway company.

¶ 1. Grant.
¶ 2. Streets designated.
¶ 3. Animal power.
¶ 4. Passenger service.
¶ 5. Tracks, how laid.
¶ 6. Pave between rails—indemnity clause.
¶ 7. Time of completion.
¶ 8. Ordinance construed.
¶ 9. Privileges subordinate to other rights.
¶ 10. Indemnity clause.
¶ 11. When in force—acceptance.

An ordinance authorizing the construction and operation of certain horse railways in the streets of the city of Chicago. (Passed December 21, 1874.)

¶ 1. Grant.] Be it ordained by the common council of the city of Chicago: § 1. That in consideration of the acceptance hereof, and the undertaking of the Chicago City Railway Company to comply with the provisions hereof, authority, permission and consent are hereby given, granted and duly vested in the said company, its successors and assigns, to construct, lay down, operate and maintain a double track railway, with all necessary turn-outs, turn-tables, side tracks and switches, in, upon and along the course of certain streets in the city of Chicago, hereinafter named, and to operate railway cars and carriages thereon in the manner and upon the conditions hereinafter prescribed; Provided, the tracks of said railway shall not be laid within twelve feet of the sidewalks upon any of the streets, except in turning street corners.

¶ 2. Streets designated.] § 2. That said railway company is hereby authorized to lay a single or double track for a railway in, along and upon the following streets in said city, to wit: Commencing on Twenty-second street, connecting with the railway tracks in said street at its intersection with Wabash avenue, thence north along Wabash avenue to Madison street, and thence west along Madison street to State street, and connecting with the railway tracks in said State street.

¶ 3. Animal power.] § 3. The cars to be used upon said tracks hereby authorized to be constructed upon said Wabash avenue and Madison street shall be operated with animal power only, and no steam railway car or carriage shall be used upon or passed over said tracks.

¶ 4. Passenger service.] § 4. The said tracks and cars operated thereon shall be used for no other purpose than to transport passengers and their ordinary baggage, and the cars or carriages used for that purpose shall be of the best style and class in use on such railways, and all new cars built and operated on said streets by said com-

pany shall be of that kind known as two-horse cars, with a driver and conductor, who shall be two separate persons.

¶ 5. **Tracks, how laid.**] § 5. The tracks of said railway shall not be elevated above the surface of the street, and shall be laid with modern improved rails, and shall be so laid that carriages and other vehicles can easily and freely cross said tracks, at every and all points, and in any and all directions, without obstruction.

¶ 6. **Pave between rails—indemnity clause.**] § 6. The said railway company, its successors and assigns, as respects grading and paving, shall at their own expense grade and pave the space between the rails, and keep the same in good repair and condition, in accordance with such ordinances, orders and regulations as have heretofore been passed or adopted, or may hereafter be passed or adopted by the common council of said city, such paving, grading and repairs to be subject to and done under the superintendence and direction and to the satisfaction of the board of public works of said city, or other board or officers of said city having charge and superintendence of the improvements and repairs of streets; and said railway company, its successors and assigns, shall he liable for all legal damages which may be sustained by any person by reason of the carelessness, neglect or misconduct of any agent or servant of said company, its successors and assigns, in the construction or the use of said tracks or railway, or by reason of the misconstruction or faulty or defective construction of said tracks, or any of them.

¶ 7. **Time of completion.**] § 7. The said railway shall be constructed from Madison street to Congress street within six months from the passage of this ordinance, and the residue as fast as said avenue shall be repaved, unless restrained by a court of competent jurisdiction.

¶ 8. **Ordinance construed.**] § 8. The passage of this ordinance shall not be construed as a ratification by the common council of any act of the general assembly of the state of Illinois concerning horse railways in the city of Chicago, passed February 6, 1865, or as a modification of the legal effect thereof.

¶ 9. **Privileges subordinate to other rights.**] § 9. No rights or powers heretofore vested in the city of Chicago, or in the board of water commissioners or sewerage commissioners, or in the board of public works of said city, or in any board, officer or officers of said city, or which may hereafter be so vested in respect to the water works or sewerage of said city, shall in any manner be impaired or affected by this ordinance or by reason of the privileges hereby granted, but the privileges hereby granted shall be exercised and enjoyed subject and subordinate to the exercise of all such rights and powers in respect to water, water works and sewerage.

¶ 10. **Indemnity clause.**] § 10. The permission and authority

hereby granted are upon the further condition, that the said "The Chicago City Railway Company" shall and will forever indemnify and save harmless the city of Chicago against any and all damages, judgments, decrees and costs and expenses of the same, which it may suffer or which may be recovered and obtained against said city for or by reason of the granting of such privilege and authority, or for or by reason of or growing out of, or resulting from the passage of this ordinance or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted.

¶ 11. **When in force—acceptance.**] § 11. This ordinance shall take effect and be in force as soon as the same shall have been duly accepted by the said The Chicago City Railway Company, such acceptance to be manifested by written acceptance duly executed by said company, and filed with the city clerk within sixty days after the approval of this ordinance.

§ 443. Chicago City Railway company.

¶ 1. Grant by supervisor.
¶ 2. Preamble.
¶ 3. Resolution rescinding grant.

Right of way given by A. Colvin to Chicago City Railway. (Passed October 23, 1875.)

¶ 1. **Grant by supervisor.**] The subscriber, supervisor of Lake township, in the county of Cook, state of Illinois, does hereby authorize and empower the Chicago City Railway Company, so far as my assent thereto may or can confer authority or empower to construct, lay down, and maintain its railways with a single or double track, and with all necessary and convenient switches, turn-outs and side tracks in, upon, over, and along any common highways within the township of Lake, represented by me. The same to be constructed, laid down and maintained in such manner as not to obstruct the common travel of the public over said highways; and I do hereby, as the said supervisor of the township of Lake, signify my assent to the laying down and maintaining of said railways by said company, in, upon, over and along any common highway within the said township of Lake, in the manner aforesaid.

Witness my hand as supervisor as aforesaid, this twenty-first (21st) day of July, A. D. 1866.

(Signed),
ALBERT COLVIN,
Supervisor of the town of Lake.

Note.—See following resolution.

RESOLUTION CONCERNING THE RIGHT OF WAY OF CHICAGO CITY RAILWAY COMPANY.

Passed October 23, 1875.

¶ 2. **Preamble.**] Whereas, it has come to the knowledge of this board that the Chicago City Railway Company claims to have the right and authority to construct, lay down, and maintain its railways with a single or double track, and with all necessary and convenient switches, turnouts and sidetracks in, upon, over and along any common highway within the township of Lake, by virtue of a certain pretended permission or authority, dated on or about July 21st, A. D. 1866, and signed by one Albert Colvin as supervisor of said town of Lake, and

Whereas said railway company is attempting to act under said pretended authority by laying down its track in said town of Lake, therefore,

¶ 3. **Resolution rescinding grant.**] Be it resolved by the board of trustees of the town of Lake, that this board does not recognize or acknowledge any right or authority in said railway company to lay any track whatever in said town of Lake, nor any right or authority to enter in or upon any street or highway of said town of Lake, for the purpose of laying or constructing any railway track, switches, connections or turn-outs whatever, and does not recognize or acknowledge the power or authority of said Albert Colvin, to give any such permission, and if any such exists, or if the said railway company has any such license or permission, the same is hereby revoked and annulled.

Resolved further, that the said Chicago City Railway Company is hereby forbidden, except by the authority and permission of the board of trustees of the town of Lake, to enter into or upon any highway, street or alley of the town of Lake, for the purpose of constructing or laying any railway track, switches, sidetrack, or connections within said town.

Resolved, that the clerk of the town of Lake is instructed to prepare and serve upon the president, clerk and superintendent of said railway company a certified copy of these resolutions.

§ 444. Chicago City Railway company.

¶ 1. Grant.
¶ 2. Route.
¶ 3. Animal power—passenger service.
¶ 4. Tracks.
¶ 5. Speed—power of council.
¶ 6. Rate of fare.
¶ 7. Paving and repair of streets.
¶ 8. Time of completion.
¶ 9. Acceptance.

Granting the right of way to the Chicago City Railway company. (Passed October 23, 1875.)

¶ 1. **Grant.**] Be it ordained by the board of trustees of the town of Lake: § 1. That there is hereby granted to the Chicago City Railway Company permission, or authority and consent of the board of trustees of the town of Lake, to lay a single track for a railway with all necessary and convenient tracks for turn-outs, sidetracks and switches, in and along the course of certain streets in the town of Lake, hereinafter mentioned, and to operate railway cars and carriages thereon in the manner and upon the conditions hereinafter prescribed; Provided, that said track shall not be laid within eight (8) feet of the center of the street nor upon that side of the street upon which the water pipe mains of the town of Lake are laid, upon any of the streets hereinafter mentioned.

¶ 2. **Route.**] § 2. That the said company is hereby authorized to lay a single track for a railway in and along the course of the following streets in said town, and extending the same as follows: Commencing on State street at the center line of Forty-first (41st) street, thence south on State to 61st street, thence west on 61st street to Wentworth avenue, thence south on Wentworth avenue to 63rd street, thence west on 63rd street to Stewart avenue, thence south on Stewart avenue to Normal Parkway.

¶ 3. **Animal power—passenger service.**] § 3. The cars to be used upon said tracks shall be operated by animal power only, and each car shall be provided with and accompanied by a conductor other than the driver, and the said tracks and railways shall be used for no other purpose than to transport passengers and their ordinary baggage, and the cars or carriages used for that purpose shall be of the best style and class in use on said railways, and said railway shall not connect with any other railroad on which other than animal power is used, and no railway car or carriage used upon any other railroad in this state shall be used or passed upon said track.

¶ 4. **Tracks.**] § 4. The tracks of said railway shall not be elevated above the surface of the street, shall be laid with modern improved rails, and shall be so laid that carriages and other vehicles can easily and freely cross said tracks at any and all points and in any and all directions.

¶ 5. **Speed—power of council.**] § 5. The board of trustees of the town shall have power at all times to make such regulations as to the rate of speed and time of running said cars or carriages as the public safety and convenience may require, and said company shall be subject to and be governed by the ordinances in force, or which may hereafter be passed, in respect to horse railways in the town of Lake, so far as the same may be applicable.

¶ 6. **Rate of fare.**] § 6. The rate of fare for any distance within the town of Lake shall not exceed five (5) cents, except where cars or carriages shall be chartered for a specific purpose.

¶ 7. **Paving and repair of streets.**] § 7. Whenever the board of trustees of the town of Lake shall order the grading, paving, macadamizing, planking, filling, or any other improvement whatsoever within the power of said board of trustees, of the said streets or parts of streets on which the Chicago City Railway Company is hereby authorized to construct its tracks, the said railway company shall pay the cost of eight feet in width of said improvement where a single track shall be laid, and the cost of sixteen (16) feet in width of the said improvement where a double track shall be laid, and shall be liable to be specially assessed therefor in case the said improvement shall be ordered to be made by special assessment, and in case the said improvement shall be ordered to be made otherwise than by special assessment, then, and in such case, the said company shall be liable to pay its proportion as aforesaid of the cost of said improvement to the said town of Lake, the same to be recoverable by suit against the said company, in any proper term of action. The said company shall also at all times keep in good repair and condition, in accordance with the ordinances of the said town of Lake now in force, or which may hereafter be passed, eight feet in width of such streets or parts of streets in which it shall construct a single track, and sixteen feet in width of such streets or part of streets in which it shall construct a double track; and in case the said railway company shall fail or refuse so to do for 10 days after proper notice so to do, then the same may be done by the said town of Lake, and the said company shall be liable for the costs and expenses thereof, the same to be recoverable by suit against said company in any court of competent jurisdiction.

¶ 8. **Time of completion.**] § 8. The right and privileges granted to said railway company by virtue of this ordinance shall be forfeited to the town of Lake, unless said railway shall be completed on State street to Sixty-first (61st) street within six months from the passage of this ordinance, and shall be fully completed on all of said streets or parts of streets, on or before the first day of October, 1876, unless delayed by the order or injunction of some court of competent jurisdiction.

¶ 9. **Acceptance.**] § 9. Said railway company shall, within twenty (20) days from the passage of this ordinance, file with the clerk of the town of Lake a written acceptance of the terms and conditions thereof, or forfeit all rights thereunder.

§ 444*. Chicago City Railway company.

¶ 1. Grant—Thirty-ninth street.
¶ 2. Animal power.
¶ 3. Passenger service—running time.
¶ 4. Tracks, how laid.
¶ 5. Rate of fare.
¶ 6. Subject to ordinances.
¶ 7. Repair of streets.

¶ 8. Condition of grant.
¶ 9. Rights forfeited, when.
¶ 10. Time of completion.
¶ 11. Running time.

An ordinance authorizing the Chicago City Railway company to lay down, maintain and operate a horse railway on certain streets. (Passed November 20, 1875.)

¶ 1. **Grant—39th street.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission and authority is hereby granted to the Chicago City Railway Company, its successors and assigns, to lay down, construct and use a single track for a horse railway, with all necessary and convenient tracks for switches and turn-tables in Egan avenue, or Thirty-ninth street, from the tracks now in Cottage Grove, or Fifteenth avenue, to the tracks now in State street or First avenue, connecting with the various lines of street railways between said avenues. The track shall be laid so that the north rail shall be two feet three inches south of the north boundary of the village of Hyde Park.

¶ 2. **Animal power.**] § 2. The cars to be used upon said track shall be operated with animal power only; and said track shall not connect with any other railroad on which other power is used; and no railway car or carriage used upon any other railroad in this state shall be used or passed upon said track.

¶ 3. **Passenger service—running time.**] § 3. The said track shall be used for no other purpose than to transport passengers and their ordinary baggage, and the cars and carriages used for that purpose, shall be of the best style and class in use on such railways. The president and board of trustees shall have power at all times to make such regulations as to the rate of speed and the time of running said cars or carriages as the public safety or convenience may require.

¶ 4. **Track, how laid.**] § 4. The track of said railroad shall not be elevated above the surface of the street, and shall be laid with modern improved rails, and shall be so laid that carriages and other vehicles can easily and freely cross said track at any point, and in any and all directions without obstruction.

¶ 5. **Rate of fare.**] § 5. The rate of fare for any distance on said track and to the Union Stock Yards, in the town of Lake, shall not exceed five cents, except where cars or carriages shall be chartered for a specific purpose.

¶ 6. **Subject to ordinances.**] § 6. The permission to lay the track is granted subject to all ordinances of the village of Hyde Park now in force, or that may hereafter be passed in relation to said railroads.

¶ 7. **Repair of streets.**] § 7. The Chicago City Railway, its successors and assigns, shall keep such portion of said Egan avenue as is occupied by its track and north of its rails, in good repair and condi-

tion during the whole time that the privilege hereby granted to said company shall extend, in accordance with whatever ordinances may be passed by said village of Hyde Park.

¶ 8. **Condition of grant.**] § 8. This ordinance shall take effect only on condition that said company at the same time build another single track like the one provided for in this ordinance, within the city of Chicago, upon said Thirty-ninth street, between said Cottage Grove avenue and State street, so that said two tracks shall form a complete double track.

¶ 9. **Rights forfeited, when.**] § 9. Said company, its assigns and successors, shall forfeit the rights herein granted if at any time and under any circumstances three tracks shall be laid in said Egan avenue, whether in that part of said avenue situated in the village of Hyde Park, or in the city of Chicago.

¶ 10. **Time of completion.**] § 10. It is hereby expressly provided and conditioned, that unless the single track mentioned in this ordinance is built according to the provisions herein contained within a year from the approval of this ordinance by the president of the board of trustees, that said company, its assigns and successors shall take no rights under this ordinance, but the same shall be null, and without effect.

¶ 11. **Running time.**] § 11. The said company, its assigns and successors, shall cause cars to be run along the full length of its line from said Cottage Grove avenue to State street, on said Egan avenue, as often as once every thirty minutes each way from 6 o'clock a. m., to 6 o'clock p. m., every day.

ENGLEWOOD HORSE AND DUMMY RAILROAD COMPANY.

§ 445. Englewood Horse and Dummy Railroad company.[1]
¶ 1. Grant—Wentworth avenue.
¶ 2. Animal power—style of car.
¶ 3. Gauge—style of rail.
¶ 4. Subject to ordinances.
¶ 5. Rate of fare.
¶ 6. Paving and street repairs.
¶ 7. Time of completion.
¶ 8. Indemnity clause.
¶ 9. Acceptance.

An ordinance granting right of way to Chicago and Englewood Horse and Dummy Railroad company. (Passed November 6, 1875. Accepted November 20, 1875.)

¶ 1. **Grant—Wentworth avenue.**] Be it ordained by the board of trustees of the town of Lake: § 1. That there is hereby granted to the Chicago and Englewood Horse and Dummy Railroad Company permission and authority and consent of the board of trustees of the town of Lake, to lay a single track for a railway, with all necessary and convenient tracks for turn-outs, side-track and switches, in and along the course of Wentworth avenue in the town of Lake, from 39th street to 61st street, and to operate railway cars and carriages thereon in the manner and upon the conditions hereinafter prescribed; Provided, that the inside rail of said track shall not be laid within eight feet of the center of the street, nor upon that side of the street upon which the town of Lake water-pipe mains are laid.

¶ 2. **Animal power—style of cars.**] § 2. The cars to be used upon said track shall be operated by animal power only, and each car shall be provided with and accompanied by a conductor other than the driver, and the said track and railway shall be used for no other purpose than to transport passengers and their ordinary baggage, and the cars or carriages used for that purpose shall be of the best style and class in use on such railways, and shall not exceed 16 feet in length, and said railway shall not connect with any other railroad on which any other than animal power is used, and no railway car or carriage used upon any other railway in this state shall be used or passed upon said track, and in case the said railway company shall violate any of the provisions of this section, it shall be liable to a fine of fifty (50) dollars for each and every day, or part of a day, that it may so violate the same, and shall forfeit to the town of Lake all the rights and privileges granted to them by this ordinance.

¶ 3. **Gauge—style of rails.**] § 3. The gauge of said railway shall be, and hereby is, fixed at four (4) feet eight and one-half (8½) inches. The rails used on said track shall be what is known as the tram rail, having a profile taken crosswise of the rail, such as is shown on the sketch following, marked "A."

The width of said rail shall be from outside to outside five (5) inches; the width of the tram shall be three (3) inches horizontal, the height along the wagon edge or the height from the tram to the highest part of the rail shall not be more than seven-eighths (⅞) of an inch; the upper part of the rail shall be laid below the level of the surface of the street, and so laid that carriages and other vehicles can safely and easily cross at any and all times and in any and all directions. The whole manner of constructing said railway so as to carry out the provisions of this ordinance, shall be under the direction of the superintendent of public works and engineer of the town of Lake.

¶ 4. **Subject to ordinances.**] § 4. The board of trustees of the town of Lake shall have power at all times to make such regulations as to the rate of speed and time of running said cars or carriages

as the public safety and convenience may require, and said company shall be subject to and be governed by the ordinances in force, or which may hereafter be passed in respect to horse railways in the town of Lake, as far as the same may be applicable.

¶ **5. Rate of fare.**] § 5. The rate of fare for any distance within the town of Lake shall not exceed five (5) cents, except when cars or carriages shall be chartered for a specific purpose, and the said company shall sell commutation tickets, on application, on the cars or at the company's office, so that the rate of fare shall not be more than four (4) cents for single passage.

¶ **6. Paving and street repair.**] § 6. Whenever the board of trustees of the town of Lake shall order the grading, paving, macadamizing, planking, filling, or any improvement whatsoever, within the power of said board of trustees, of the said streets or parts of streets on which the Chicago and Englewood Horse and Dummy Railway Company is hereby authorized to construct its tracks, the said railway company shall pay the costs of eight (8) feet in width of said improvement where a single track shall be laid, and the cost of sixteen (16) feet in width of the said improvement where a double track shall be laid, and shall be liable to be specially assessed therefor in case the said improvement shall be made by special assessment; and in case the said improvement shall be ordered to be made otherwise than by special assessment, then, and in such case, the said company shall be liable to pay its proportion as aforesaid of the cost of said improvement to the said town of Lake, the same to be recoverable by suit against the company in any proper form of action. The said company shall also at all times keep in good repair and condition, in accordance with the ordinances of the said town of Lake now in force, or which may hereafter be passed, eight (8) feet in width of such streets or parts of streets in which it shall construct a single track, and sixteen (16) feet in width of such streets or part of streets in which it shall construct a double track; and in case said railway company shall fail or refuse so to do for ten (10) days after proper notice so to do, then the same may be done by the town of Lake, and the said company shall be liable for the cost and expense thereof, the same to be recoverable by suit against said company in any court of competent jurisdiction.

¶ **7. Time of completion.**] § 7. The rights and privileges granted to said railway company by virtue of this ordinance shall be forfeited to the town of Lake, unless said railway shall be completed from 61st street to 47th street by January 15th, 1876, and the whole length of said Wentworth avenue from 39th street to Sixty-first street by May 15th, 1876, and shall have two cars at least, running on said portions as soon as completed respectively, unless delayed by the order or injunction of some court of competent jurisdiction.

¶ **8. Indemnity clause.**] § 8. The rights and privileges

granted by this ordinance, to the Chicago and Englewood Horse and Dummy Railway Company, are granted upon the express understanding and condition that the said railway company shall procure from the owners of the fee the right of way for said railway, where the fee of said street (Wentworth avenue) is not now vested in the town of Lake, and shall pay all damages to the owners of property abutting upon the streets, alleys, roads, highways or public grounds upon or over which said railway shall be constructed, which they may sustain by reason of the location or construction of said railway.

¶ 9. **Acceptance.**] § 9. Said railway company shall, within ten (10) days from the passage of this ordinance, file with the town clerk of the town of Lake a resolution of said company accepting the terms and conditions of this ordinance, and in default thereof shall forfeit all rights thereunder.

Note.—See following amendatory ordinance and repealing ordinance.

§ 446. Englewood Horse and Dummy Railroad company.

¶ 1. Amending section 1 of the foregoing ordinance.
¶ 2. Acceptance.

An ordinance granting additional rights to the Chicago and Englewood Horse and Dummy Railroad company. (Passed December 18, 1875. Accepted December 25, 1875.)

¶ 1. **Amending section 1 of foregoing ordinance.**] Be it ordained by the board of trustees of the town of Lake: § 1. That section of an ordinance passed by the board of trustees of the town of Lake on the sixth day of November, A. D. 1875, granting to the Chicago and Englewood Horse and Dummy Railway Company permission and authority to construct and operate a horse railway on Wentworth avenue from Thirty-ninth street to Sixty-first street in the town of Lake be, and the same is hereby, amended so as to read as follows, to wit:

"Section 1. That there is hereby granted to the Chicago and Englewood Horse and Dummy Railway Company permission or authority and consent of the board of trustees of the town of Lake to lay a single track for a railway with all necessary and convenient tracks for turn-outs, side-tracks and switches, in and along the course of Wentworth avenue in the town of Lake, from Thirty-ninth street to Sixty-third street, thence west on Sixty-third street to Stewart avenue, thence south on Stewart avenue to Normal parkway, and to operate railway cars and carriages thereon, in the manner and upon the conditions hereinafter prescribed, provided, that the inside rail of said track shall not be laid within six feet of the center line of the street on said Sixty-third street, nor within eight feet of the center of the street on said Wentworth and Stewart avenues, nor upon that side of the street upon which the town of Lake water-pipe mains are laid and that no

side-track, turn-out or switch shall be laid upon Sixty-third street, and that said tracks shall not be so laid as to obstruct or encroach upon the ditches or sewers in said streets."

¶ 2. **Acceptance.**] § 2. The said railway company shall, within ten days from the passage of this ordinance, file with the clerk of the town of Lake a written acceptance of the said amendment and the terms and conditions thereof, or the same shall be of no effect

§ 447. Englewood Horse and Dummy Railroad company.

¶ 1. Preamble.
¶ 2. Repeal.
¶ 3. Company ordered to remove tracks.
¶ 4. Notice to company.

An ordinance repealing an ordinance granting certain rights to the Chicago and Englewood Horse and Dummy Railroad company, passed November 6, 1875. (Passed May 6, 1876.)

¶ 1. **Preamble.**] Whereas, The Chicago and Englewood Horse and Dummy Railway Company has failed to comply with the conditions of an ordinance passed by the board of trustees of the town of Lake on the sixth day of November, A. D. 1875, granting to said railway company the right to build and operate a horse railroad on the line of Wentworth avenue in the town of Lake, subject to the conditions in said ordinance prescribed.

¶ 2. **Repeal.**] Therefore, be it ordained by the board of trustees of the town of Lake: § 1. That said ordinance be and the same is hereby repealed.

¶ 3. **Company ordered to remove tracks.**] § 2. That said railway company is hereby ordered to remove all obstructions, ties and stringers placed by them in and along Wentworth avenue in the town of Lake, within ten days from this date, and on failure so to do that the same be moved by the sergeant of police and road masters in the several districts of the town of Lake.

¶ 4. **Notice to company.**] § 3. The town clerk is instructed to deliver to the secretary of said railway company a certified copy of this ordinance.

§ 448. Englewood Horse and Dummy Railroad company.

¶ 1. Grant—Wentworth avenue.
¶ 2. Time of completion.
¶ 3. Paving and repair of streets.
¶ 4. Animal power—running time—rate of fare.
¶ 5. Funeral cars.
¶ 6. Time of completion.
¶ 7. Rights in city officers.
¶ 8. Acceptance—bond.
¶ 9. Term of grant.

An ordinance authorizing the Chicago and Englewood Horse and Dummy Railroad company to lay its tracks in Wentworth avenue. (Passed July 31, 1876.)

¶ 1. **Grant—Wentworth avenue.**] Be it ordained by the city council of the city of Chicago: § 1. That Samuel W. Allerton, George Schneider, Peter Wolf, D. Vaughn, John R. Walsh, Thos. Brennan and others, corporators and stockholders by and under their corporate name of the Chicago and Englewood Horse and Dummy Railroad Company, be authorized to lay a double track, of the form commonly used on street railroads in the city of Chicago, commencing on Wentworth avenue at its intersection with Thirty-ninth street, thence running north on Wentworth avenue to Twentieth street.

¶ 2. **Time of completion.**] § 2. The said Chicago and Englewood Horse and Dummy Railroad Company shall begin the construction of said tracks within six months after the passage of this ordinance, and shall complete the same within one year thereafter, unless delayed by the order or injunction of some court of competent jurisdiction.

¶ 3. **Paving and repair of streets.**] § 3. Whenever the city of Chicago or other competent authority of said city shall order the grading, paving, macadamizing, planking, filling or any improvement whatsoever within the power of said city, of the streets or part of streets on which it is hereby authorized to construct said tracks, the said Chicago and Englewood Horse and Dummy Railroad Company shall pay the cost of sixteen feet in width of such improvement, and shall be liable to be specially assessed therefor; in case the said improvement shall be ordered to be made otherwise than by special assessment, then and in such case the said company shall be liable to pay its proportion as aforesaid of the cost of said improvement to the said city, the same to be recoverable by suit against the said company in any proper form or action. The said company shall also at all times keep in good repair and condition, in accordance with the ordinances of said city now in force, or which may hereafter be passed, eight feet in width of such streets or parts of streets in which it shall construct a single track, and sixteen feet in width of such street or parts of streets in which it shall construct a double track; and in case the said railway company shall fail or refuse so to do, for ten days after proper notice so to do, then the same may be done by the said city, and the said company shall be liable for the cost and expense thereof, the same to be recoverable by suit against said company in any court of competent jurisdiction.

¶ 4. **Animal power—running time—rate of fare.**] § 4. The cars to be used on said railway tracks shall be operated by animal power only, and each car shall be provided with and accompanied by a conductor other than the driver, and the said tracks and railways shall be used for no other purpose than to transport passengers and their ordinary baggage, except as hereinafter provided. The city council shall have power, at all times, to make such regulations as to the rate of speed, and the times of running said cars or carriages,

as the public safety and convenience may require. The rate of fare for any distance shall not exceed five cents for which passengers have to be delivered from Randolph street to city limits or back, except when cars or carriages shall be chartered for a specific purpose, and the said company shall sell commutation tickets on application on the cars, or at the company's office, so that the rate of fare shall not be more than four cents for a single passage. The tracks of said company shall not be elevated above the surface of the street, and shall be laid with modern improved rails, and shall be so laid that carriages and other vehicles can easily and freely cross said tracks at any and all points, and in any and all directions, without obstruction. The said company shall be subject to and be governed by the ordinances now in force or which may hereafter be passed in respect to horse railways in the south division of said city, so far as the same may be applicable.

¶ 5. **Funeral cars.**] § 5. The said railway company shall keep on hand a sufficient number of cars adapted to funeral purposes, in which shall be suitable compartments for conveying the corpse by itself; and on application of any person shall furnish not exceeding three cars, unless more shall be agreed upon, at some convenient point on the line of its road, so as not to hinder nor delay other cars thereon, to convey the corpse and persons attending the funeral to any cemetery to which its lines or connections extend, and the said company shall make such arrangements with the steam or street railway companies whose lines do now or may hereafter extend to any cemetery, so that the charge for conveying any corpse from any point on said lines of railways through to any cemetery shall not exceed two dollars, and for each person attending such funeral not exceeding twenty-five cents for the round trip.

¶ 6. **Time of completion.**] § 6. The rights and privileges granted to said railroad by virtue of this ordinance shall be forfeited to the city of Chicago, unless the construction of said railroad on said Wentworth avenue shall be commenced within six months from the passage of this ordinance, and shall be fully completed within one year thereafter; Provided, said railroad company is not prevented from completing said railroad by order or injunction of any court, as provided in section two of this ordinance.

¶ 7. **Rights in city officers.**] § 7. All rights heretofore vested in the board of public works or other corporations are not to be impaired or affected by this ordinance, but the rights and privileges hereby granted are subject thereto.

¶ 8. **Acceptance—bond.**] § 8. Said company shall, within ten days from the passage of this ordinance, file a written acceptance of the terms and conditions of the same, or otherwise forfeit all benefit thereto, and shall file a satisfactory bond in the penal sum of twenty-five thousand dollars, guaranteeing the fulfillment of said conditions.

¶ 9. **Term of grant.**] § 9. This ordinance shall be in full force and effect from and after its passage, and the rights hereby conferred shall continue for the term of twenty years from the passage of this ordinance.

Note.—See following ordinance.

§ 449. Englewood Horse and Dummy Railroad company.

¶ 1. Time extended, section 6 of foregoing ordinance.
¶ 2. When in force.

An ordinance authorizing the extension of time within which the tracks shall be built on Wentworth avenue, between Twenty-ninth (29th) and Thirty-ninth (39th) streets, by the Chicago and Englewood Horse and Dummy Railroad company. (Passed July 23, 1877.)

¶ 1. **Time extended, section 6 of foregoing ordinance.**] Be it ordained by the city council of the city of Chicago: § 1. That the time within which the Chicago and Englewood Horse and Dummy Railway Company, was by ordinance of July 31st, 1876, required to construct its tracks between Twenty-ninth (29) street and Thirty-ninth (39) street, on Wentworth avenue, be, and the same is hereby extended for the space and time of six months after a sewer shall have been constructed on said Wentworth avenue, between Twenty-ninth (29) street and Thirty-ninth (39) street; Provided, however, that if said Chicago and Englewood Horse and Dummy Railway Company shall be delayed by the order or injunction of any court, the period of such delay shall be added to such extended time.

¶ 2. **When in force.**] § 2. This ordinance shall take effect and be in force from and after its passage.

CHICAGO CITY RAILWAY COMPANY.

§ 450. Chicago City Railway company.

¶ 1. Grant—Indiana avenue—Fifty-first street.
¶ 2. Cars to be used.
¶ 3. Paving and repair of streets.
¶ 4. Rate of fare.
¶ 5. Animal power—time of completion.
¶ 6. Reservation of rights.
¶ 7. Rights forfeited, when.
¶ 8. Term of grant.

An ordinance granting permission to the Chicago City Railway company to construct a street railway on Indiana avenue and Fifty-first street. (Passed and approved June 4, 1877. Accepted June 11, 1877.)

¶ 1. **Grant—Indiana avenue—51st street.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1.

That permission and authority is hereby granted to the Chicago City Railway Company, its successors and assigns, to construct, maintain and operate a double track street railway, with all necessary and convenient side-tracks, switches and turn-tables in streets and parts of streets, as follows, to wit: Commencing at the intersection of Indiana or Fourth avenue with Egan avenue or Thirty-ninth street, and connecting with the tracks now on those streets; thence south on Indiana or Fourth avenue to Fifty-first street; thence east on Fifty-first street to Grand Boulevard. Said double tracks shall be placed upon the center sixteen (16) feet of said Indiana or Fourth avenue and Fifty-first street.

¶ 2. **Cars to be used.**] § 2. The cars to be used upon said tracks shall be used only to transfer passengers and their ordinary baggage, and the cars and carriages used for that purpose shall be of the best style and class in use on street railways. The tracks of said railways shall not be elevated above the surface of the street, and shall be laid with modern improved rails, and shall be so laid that carriages and other vehicles can easily and freely cross said tracks at any point, in any and all directions without obstruction, and the damage, if any, done to private property by the construction and use of said tracks, shall be paid by the Chicago City Railway Company.

¶ 3. **Paving and repair of streets.**] § 3. The Chicago City Railway Company, its successors and assigns, shall keep sixteen (16) feet in width (being the sixteen feet occupied by said tracks) of said streets and parts of streets so occupied by its said tracks, in good order and condition during the whole time that said streets, or parts of streets, shall be so occupied by said tracks.

¶ 4. **Rate of fare.**] § 4. The rate of fare for any distance on said tracks shall not exceed five cents, except when cars or carriages shall be chartered for a specific purpose.

¶ 5. **Animal power—time of completion.**] § 5. The cars to be used upon said tracks shall be operated with animal power only, and said tracks shall not connect with any other railroad on which other power is used, and no car or carriage used upon any other railroad in this state shall be used or passed upon said tracks. The said railway company shall commence operating said road as soon as completed, and after two years from the passage of this ordinance, at least three trips each way shall be made each day over said double tracks, during the term for which these rights and privileges are granted.

¶ 6. **Reservation of rights.**] § 6. The village of Hyde Park, for itself and its citizens, reserves the right to put in sewerage, gas, water or any other improvements which may be required at any place in said avenue and street, using reasonable care and diligence, without any liability for damages to said Chicago City Railway Company, its successors and assigns, for so doing.

¶ 7. **Rights forfeited when.**] § 7. The said railway company, its successors and assigns, shall forfeit the rights herein conferred, should said double track road not be completed within six months after the passage and approval of this ordinance. This ordinance shall take effect only after service of notice of acceptance of this charter by the Chicago City Railway Company, upon the village clerk, within thirty days after the passage of this ordinance.

¶ 8. **Term of grant.**] § 8. The rights and privileges hereby granted shall continue for the time and space of twenty years from the passage and approval of this ordinance, and shall be subject to all the ordinances of the village of Hyde Park now in force in relation to horse railroads, and to all police regulations now existing, or which may hereafter be passed by said village.

§ 451. Chicago City Railway company.

¶ 1. Grant—Van Buren street.
¶ 2. Paving and repair of streets.
¶ 3. Term of grant.
¶ 4. Acceptance.

An ordinance authorizing the extension of railway tracks on Van Buren street, from State street to a point fifty (50) feet east of Wabash avenue. (Passed March 26, 1877.)

¶ 1. **Grant—Van Buren street.**] Be it ordained by the common council of the city of Chicago: § 1. That the Chicago City Railway Company is hereby authorized and permitted to lay down, maintain and operate a single or double track railway, with all necessary turn-outs, switches and side-tracks, on East Van Buren street from State street to a point fifty (50) feet east of the east line of Wabash avenue, connecting with the tracks now located on said State street and Wabash avenue.

¶ 2. **Paving and repair of streets.**] § 2. The said railway company, its successors or assigns, as respects grading, paving, macadamizing, filling or planking, shall at their own expense keep eight (8) feet in width where a single track is used, and sixteen (16) feet in width where a double track is used, of said street or parts thereof so occupied in good repair, so that wagons, carriages and other vehicles can pass and repass at any and all points and in any and all directions, and when any new improvement, paving, repaving, planking or replanking is ordered by the common council in any of said street or parts of street, said railway company shall, in the same manner and with like material as required of the owners of property as to other contiguous parts of the street, make such new improvements on eight (8) feet in width where a single track is used or sixteen (16) feet in width where a double track is used; and if the said company shall refuse or neglect to make such new improvements within a reasonable time to be fixed by the ordinance, the work may be done by the city, and the cost thereof assessed on the said company and

collected as other assessments from any real or personal property of said company.

¶ 3. **Term of grant.**] § 3. The rights and privileges hereby conferred shall continue for and during the term of twenty (20) years from and after the passage hereof.

¶ 4. **Acceptance.**] § 4. This ordinance shall take effect whenever it shall be accepted by said company, but unless accepted within thirty (30) days after the passage thereof, the same shall be null and void.

STREET RAILWAYS.

Annual license fees.

AMENDATORY ORDINANCE.

Street repairs.

The Calumet Electric Street Railway company.

Calumet Electric Street Railway company and the South Chicago City Railway company.

The Chicago City Railway company, North Chicago City Railway company.

AMENDATORY OF PRECEDING ACT.

Henry Fuller, Franklin Parmelee, Liberty Bigelow.

AMENDATORY ORDINANCE.

An ordinance authorizing the connection of the North Chicago City Railway and the Chicago City Railway on State street bridge.

An ordinance authorizing the Chicago City Railway company to operate a horse railway on certain streets.

An ordinance granting right of way to Chicago and Englewood Horse and Dummy Railroad company.

An ordinance repealing above.

An ordinance granting permission to the Chicago City Railway company to construct a street railway on Indiana avenue and Fifty-first street.

CHICAGO CITY RAILWAY COMPANY.

§ 452. Chicago City Railway company.

¶ 1. Grant—South Halsted street.
¶ 2. Tracks, how laid.
¶ 3. Animal power.
¶ 4. Passenger service—rate of fare—connections.
¶ 5. Paving and repair of streets.
¶ 6. Time of completion—failure to operate line.
¶ 7. Rights of city not affected.

¶ 8. Term of grant.
¶ 9. Purchase of tracks, etc.
¶ 10. How purchase consummated.
¶ 11. Acceptance—when in force.

An ordinance authorizing the construction and operation by the Chicago City Railway company, of a track on South Halsted street from Thirty-ninth (39th) street to the south branch of the Chicago river. (Passed July 9, 1877.)

¶ 1. **Grant—South Halsted street.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof, and the undertaking of the Chicago City Railway Company to comply with the provisions herein contained, permission and consent are hereby given, granted and duly vested in said company, its successors and assigns, to lay down, operate and maintain a double track railway with all necessary and convenient turnouts, turn-tables, side-tracks and switches, on South Halsted street, from Thirty-ninth (39th) street to the south branch of the Chicago river; the same shall not be constructed until the improvements of said street by filling, grading, paving, macadamizing or otherwise, shall by ordinance of the city council be authorized to be made continuously from Archer avenue to Thirty-ninth (39th) street.

Provided, that if said company shall be delayed by the order or injunction of any court of competent jurisdiction from completing said railway, the time of such delay shall be excluded from the period prescribed herein for completing the same.

¶ 2. **Tracks—how laid.**] § 2. The tracks of such railway shall be laid with such modern improved rails as may be prescribed by the city, and shall be laid level with the street, so that carriages and other vehicles can easily and freely cross said tracks, at any and all points, and in any and all directions, without obstruction.

¶ 3. **Animal power.**] § 3. The cars to be used upon said tracks shall be operated with animal power only.

¶ 4. **Passenger service—rate of fare—connections.**] § 4. The said tracks and railway shall be used for no other purpose than to transport passengers, and the cars and carriages for that purpose shall be of the best style and class.

The rate of fare for any distance on said track and its connections with other tracks shall not exceed five cents, except when cars or carriages shall be chartered for a specific purpose.

Said tracks shall be connected with the lines of the Chicago West Division Railway Company, now operating on Halsted street, and when the same shall be so connected the rate of fare over both lines shall not exceed five cents as provided by ordinance of October 2nd, 1876.

¶ 5. **Paving and repair of streets.**] § 5. Whenever the city council of Chicago or other competent authority of said city, shall order the grading, paving, macadamizing, planking, filling or any

other improvement of said street, the said Chicago City Railway Company shall pay the cost of sixteen (16) feet in width of said improvement, and shall keep the said 16 feet and their tracks at all times, at its own cost, in such good repair and condition that wagons, carriages and other vehicles can with ease and safety pass and repass, at any and all points, and in any and all directions, and as to said sixteen feet in width shall at its own cost, pave, repave, plank or replank, as may by ordinance be ordered at any time by the city council, on said South Halsted street so far as embraced in this ordinance.

¶ 6. **Time of completion—failure to operate line.**] § 6. If the said company shall fail to complete the said railway in this ordinance mentioned and provided within one year after the passage of an ordinance, authorizing the improvement of said street by macadamizing, planking or otherwise, and according to the conditions presented herein, then the rights and privileges granted by virtue hereof respecting said railway, shall be forfeited to the city of Chicago, unless the city council shall grant to said company a further extension of time; or if said company shall fail, at any time, to operate that portion of the line between Archer avenue and the south branch of Chicago river in the same manner, and as regularly as that portion of the line south of Archer avenue is operated, then the rights and privileges granted by this ordinance shall be forfeited to the city of Chicago.

¶ 7. **Rights of city not affected.**] § 7. All rights heretofore vested in other corporations, the board of public works, or water or sewerage departments, are not to be impaired or affected by anything herein contained, but the rights and privileges hereby granted are subject thereunto.

¶ 8. **Term of grant.**] § 8. The said company may keep, maintain, use and enjoy the right to operate thereon railway cars and carriages, upon the terms with the rights and subject to the conditions and restrictions mentioned in the act incorporating said company, and acts amendatory of the same, for the term and period of twenty years from the date and passage of this ordinance.

¶ 9. **Purchase of tracks, etc.**] § 9. The said company shall be entitled to enjoy all such rights and privileges hereby granted after the expiration of the time fixed in this ordinance, and until the city council shall thereafter elect by order for that purpose, to grant the privilege to some person, persons, party or parties, or company, to purchase said track or tracks, cars, carriages, furniture and implements and appurtenances of every kind and description used in the construction and operation of said railway, and pay for the same in the manner hereinafter mentioned.

¶ 10. **How purchase consummated.**] § 10. Such order to purchase shall fix the time when said person, persons, party, parties or

company will take such railway and other property before mentioned, which shall not be less than six months after the passage of said order, and at the time of taking such railway and other property before mentioned, the said person, party or company shall pay to the parties operating the same, a sum of money to be ascertained by three commissioners, to be appointed for that purpose as follows:

One to be chosen by said person or parties from the disinterested freeholders of Cook county, one in like manner by the said company, its associates or successors, operating said road, and the two persons so chosen to choose the third from said freeholders.

¶ 11. **Acceptance—when in force.**] § 11. This ordinance shall take effect and be in force as soon as the same shall be accepted by the company.

§ 453. Chicago City Railway company.

¶ 1. Remove tracks temporarily—right to relay.

An ordinance authorizing the Chicago City Railway company to remove temporarily their tracks in Eighteenth street, between Wabash avenue and State street. (Passed August 11, 1879.)

¶ 1. **Remove tracks temporarily—right to relay.**] Be it ordained by the common council of the city of Chicago: That authority and consent be, and the same are hereby granted to the Chicago City Railway Company to take up and remove temporarily their railway tracks on Eighteenth street, between State street and Wabash avenue, with the right to reconstruct and restore the same, with necessary curves and side tracks, whenever it shall be deemed by them desirable so to do; and afterward to maintain and use the said tracks upon the same terms and conditions, and with the same privileges, immunities and exemptions heretofore granted to said company under existing ordinances and contracts relating to the use of that portion of said street for railway purposes.

§ 454. Chicago City Railway company.

¶ 1. Running time on certain routes.
¶ 2. Penalty for failure to comply.
¶ 3. When in force.

An ordinance in regard to the time of running horse cars on South Halsted street and Archer avenue. (Passed December 27, 1880.)

¶ 1. **Running time on certain routes.**] Be it ordained by the city council of the city of Chicago: § 1. That the Chicago City Railway Company be and is hereby ordered and directed to run on South Halsted street, between Thirty-ninth street and the south branch of the Chicago river between the hours of 12 and 6 o'clock in the morning, Sundays excepted, at least one car every hour of each and every day, and the said Chicago City Railway Company is hereby further ordered and directed to run on Archer avenue, between the western terminus of its tracks and State street, a night car, at least one car

every hour, between 12 and 6 o'clock in the morning of each and every day, to connect with the night car on State street, between the same hours as aforesaid. That the Chicago West Division Railway Company be and it is hereby ordered and directed to run a night car between State street and the South Halsted street bridge, between the hours of 12 o'clock and 6 o'clock in the morning, Sundays excepted, at least one car every hour of each and every day.

¶ 2. **Penalty for failure to comply.**] § 2. That upon failure to comply with the provisions of the foregoing section, the said companies shall be subject to a fine of not less than five dollars nor more than fifty dollars for each and every violation thereof.

¶ 3. **When in force.**] § 3. This ordinance shall be in force and operation from and after its passage.

§ 455. Chicago City Railway company.

¶ 1. Cable grant.
¶ 2. Underground—width of aperture.
¶ 3. Number of cars—conductors.

An ordinance authorizing the Chicago City Railway company to operate its cars by other than animal power. (Passed January 17, 1881.)

¶ 1. **Cable grant.**] Be it ordained by the city council of the city of Chicago: § 1. That the said Chicago City Railway Company may hereafter operate its various lines of railways by stationary engine or engines, not located upon the streets or public places of the city, and propelled by other than animal power.

¶ 2. **Underground—width of aperture.**] § 2. Said Chicago City Railway Company may for said purpose make all needful and convenient trenches, excavations and sewer connections, and may place all needful and convenient endless cables and machinery therein on any streets upon which its railways are now constructed; Provided, that such cables and machinery shall be underground, shall not interfere with public travel, and shall be constructed in a substantial and workmanlike manner; Provided also, that if in the constructing of said trenches and excavations any damage or injury shall result to any of the sewers, water pipes or private drains, then said company shall pay and be held liable therefor; and if at any time, by reason of the permission hereby granted and the making of said trenches and running of said cables, any injury or damage shall result to any person or property, then said company shall be held liable therefor; And provided, further, that all needful and convenient connections with the motive power or engines shall be subject to the same restrictions; And provided, further, that the aperture opening into the said trenches shall not exceed five-eighths of an inch in width.

¶ 3. **Number of cars—conductors.**] § 3. As respects conductors and managers of its cars, said Chicago City Railway Company

may operate not exceeding two cars and the grappling car, with two persons in charge thereof; Provided, however, that nothing herein shall in any manner be construed into a waiver or relinquishment by the city of Chicago, or by the Chicago City Railway Company, of any rights or authority either may have under or in pursuance of any law or ordinance heretofore passed in reference to said Chicago City Railway Company, or in pursuance of any charter rights of said city, except as in terms stated in this ordinance.

§ 456. Chicago City Railway company.

¶ 1. Grant—Wabash avenue.
¶ 2. Authority to use tracks Chicago West Division Railway company.
¶ 3. Cable power—consent of Chicago West Division Railway company.
¶ 4. When in force; acceptance.

An ordinance granting permission to the Chicago City Railway company to lay down, maintain and operate certain railway tracks. (Passed July 11, 1881. Accepted July 23, 1881.)

¶ 1. Grant—Wabash avenue.] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof and the undertaking of the Chicago City Railway Company to comply with the provisions hereof, permission and authority and consent are hereby granted and given to and duly vested in said company to lay down, operate and maintain a single track railway on Wabash avenue, in the city of Chicago, from the south line of Madison street northward to Lake street, and connecting with the track of the Chicago West Division Railway Company, on Randolph street and on Lake street, and to operate thereon railway cars and carriages, in connection with its railways upon Wabash avenue, with each and all of the rights, duties and obligations under which said company now maintains and operates its street railway from said Madison street southwardly to Twenty-second (22nd) street on said Wabash avenue, except so far as is otherwise herein provided for.

¶ 2. Authority to use tracks C. W. D. Ry. Co.] § 2. That permission and authority be and they are hereby granted to said the Chicago City Railway Company to use for the passage of its cars the tracks of the Chicago West Division Railway Company upon said Lake street, in said city of Chicago, during and while the said Chicago West Division Railway Company has the right to maintain its railway on said Lake street.

¶ 3. Cable power—consent of Chicago West Division Railway Company.] § 3. That said Chicago City Railway Company be and it is hereby authorized and empowered to construct its said railway and operate its cars upon the portions of Wabash avenue and Lake street named in sections 1 and 2, by other than animal power, in the manner prescribed in the ordinance of January seventeenth (17th),

eighteen hundred and eighty-one, entitled an "Ordinance authorizing the Chicago City Railway Company to operate its cars by other than animal power," and subject to all the terms and conditions therein contained:

Provided, however, that the said the Chicago City Railway Company shall not have any right to use the said track of said the Chicago West Division Railway Company upon the said Lake street without first procuring the consent to such use of the last named company. The said company shall keep, maintain, use and enjoy the right to operate railway cars and carriages upon Wabash avenue, from Madison street to Lake street, under the terms and restrictions herein provided, for and during the term of twenty years from and after the passage of this ordinance, and until said city council elect by order for that purpose, to grant the privilege to some person or persons, corporation or company to purchase said tracks and substructure of said railway company, and the cars, carriages, furniture, apparatus, and implements of every kind and description then used by said company in the operation of said railway, and to pay for the same in the manner hereinafter mentioned. Such order to purchase shall fix the time when such person or persons, corporation or company will take such railway and other property hereinbefore mentioned, which shall not be less than six months after the passage of said order, and at the time of taking such railway and other property herein mentioned, the said person or persons, company or corporation shall pay to said railway company, its successors or assigns, operating said road, the sum of money to be ascertained by three commissioners, to be appointed for that purpose in the manner following: One to be chosen by said person or persons, company or corporation, from the disinterested freeholders of Cook county; one in like manner by said railway company, its successors or assigns operating said road, and a third in like manner, to be chosen by said two.

¶ 4. **When in force—acceptance.**] § 4. This ordinance shall be in force on and after its passage, and its acceptance by said railway company.

§ 457. Chicago City Railway company.

¶ 1. Grant—State street.
¶ 2. Passenger service—tracks—indemnity.
¶ 3. Paving and repair of streets.
¶ 4. Rate of fare.
¶ 5. Animal power—running time.
¶ 6. Reservation of rights.
¶ 7. Rights forfeited, when.
¶ 8. Term of grant.
¶ 9. Cable power.

An ordinance authorizing the Chicago City Railway company to operate a single track railway on State street. (Passed October 28, 1881. Accepted November 18, 1881.)

¶ 1. **Grant—State street.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission and authority is hereby granted to the Chicago City Railway Company, its successors and assigns, to construct, maintain and operate a single track street railway, which, with the single track to be constructed by said company in the town of Lake, shall form a double track, with all necessary and convenient side-tracks, switches and turn-tables, on State street, from Thirty-ninth street to Fifty-fifth street, connecting with the tracks now on said State street, the tracks to be placed on the center sixteen feet of said State street.

¶ 2. **Passenger service—tracks—indemnity.**] § 2. The cars to be used upon said track shall be used only to transport passengers and their ordinary baggage, and the cars and carriages used for that purpose shall be of the best style and class in use on street railways. The tracks of said railway shall not be elevated above the surface of the street, and shall be laid with modern improved rails, and shall be so laid that carriages and other vehicles can readily and freely cross said tracks at any point, in any and all directions without obstruction; and the damage, if any, done to private property by the construction and use of said tracks, shall be paid by the Chicago City Railway Company.

¶ 3. **Paving and repair of streets.**] § 3. The Chicago City Railway Company, its successors and assigns, shall keep sixteen feet in width, being the sixteen feet occupied by said tracks, of said streets and parts of streets so occupied by its said tracks, in good order and condition during the whole term that said street, or part of street, shall be occupied by said tracks.

¶ 4. **Rate of fare.**] § 4. The rate of fare for any distance on said tracks shall not exceed five cents, except when cars or carriages shall be chartered for a specific purpose.

¶ 5. **Animal power—running time.**] § 5. The cars to be used upon said tracks shall be operated with animal power only, except as is hereafter provided; and said tracks shall not connect with any other railroad on which other power is used, and no car or carriage used upon any other railroad in this state shall be used or passed upon said tracks. The said railway company shall commence operating said road as soon as completed, and after the passage of this ordinance, at least three trips each way shall be made each day over said track, during the term for which these rights and privileges are granted.

¶ 6. **Reservation of rights.**] § 6. The village of Hyde Park, for itself and its citizens, reserves the right to put in sewerage, gas, water or any other improvements which may be required at any place in said street, using reasonable care and diligence, without any liability for damages to said Chicago City Railway Company, its successors and assigns, for so doing; and said company shall not be liable

in any damages for any neglect to operate said railway when prevented from so doing by the works herein set forth.

¶ 7. **Rights forfeited, when.**] § 7. The said railway company, its successors and assigns, shall forfeit the rights herein conferred, should said road not be completed within one year after the passage and approval of this ordinance. This ordinance shall take effect only after service of notice of acceptance of this charter by the Chicago City Railway Company, upon the village clerk, within thirty days after the passage of this ordinance.

¶ 8. **Term of grant.**] § 8. The rights and privileges hereby granted shall continue for the time and space of twenty years from the passage and approval of this ordinance, and shall be subject to all the ordinances of the village of Hyde Park now in force in relation to horse railroads, and to all police regulations now existing, or which may hereafter be passed by said village.

¶ 9. **Cable power.**] § 9. That the said Chicago City Railway Company may hereafter operate its various lines of railway by stationary engine or engines not located upon the streets or public places of the village, and propelled by other than animal power. Said Chicago City Railway Company may, for said purpose, make all needful and convenient trenches, excavations and sewer connections, and may place all needful and convenient endless cables and machinery therein on any street upon which its railways are or may be constructed; Provided, that said cables and machinery shall be underground, shall not interfere with public travel and shall be constructed in a substantial and workmanlike manner; Provided, also, that if in the constructing of said trenches and excavations any damage or injury shall result to any of the sewers, water pipes or private drains, then said company shall pay and be held liable therefor; and if at any time, by reason of the permission hereby granted and the making of said trenches and running of said cables, any injury or damage shall result to any person or property, then said company shall be held liable therefor.

§ 458. Chicago City Railway company.

¶ 1. Grant—State street.
¶ 2. Passenger service—tracks—indemnity.
¶ 3. Paving and repair of streets.
¶ 4. Rate of fare.
¶ 5. Animal power.
¶ 6. Reservation of rights.
¶ 7. Time of completion.
¶ 8. Term of grant.
¶ 9. Cable power.

An ordinance granting rights to the Chicago City Railway company to lay down, operate and maintain certain railway tracks. (Passed July 27, 1882. Accepted August 10, 1882.)

¶ 1. **Grant—State street.**] Be it ordained by the president and

board of trustees of the village of Hyde Park: § 1. That permission and authority is hereby granted to the Chicago City Railway Company, its successors and assigns, to construct, maintain and operate a single track street railway, which, with the single track to be constructed by said company, in the town of Lake, shall form a double track with all necessary and convenient side-tracks, switches and turn-tables, on State street, from Fifty-fifth to Sixty-third street, on said State street; the said tracks to be placed on the center sixteen feet of said State street.

¶ 2. **Passenger service—tracks—indemnity.**] § 2. The cars to be used upon said track shall be used only to transport passengers and their ordinary baggage, and the cars and carriages used for that purpose shall be of the best style and class in use upon street railways. The tracks of said railways shall not be elevated above the surface of the street, and shall be laid with modern improved rails, and shall be so laid that carriages and other vehicles can readily and freely cross said tracks at any point, in any and all directions, without obstruction, and the damage, if any, done to private property by the construction and use of said tracks, shall be paid by the Chicago City Railway Company.

¶ 3. **Paving and repair of streets.**] § 3. The Chicago City Railway Company, its successors and assigns, shall keep sixteen feet in width of said street, being the sixteen feet occupied by its said tracks in good order and condition, during the whole term that said street or part of street shall be occupied by said tracks.

¶ 4. **Rate of fare.**] § 4. The rate of fare for any distance on said tracks shall not exceed five cents, except when cars or carriages shall be chartered for a specific purpose.

¶ 5. **Animal power.**] § 5. The cars to be used upon said tracks shall be operated with animal power only, except as is hereafter provided, and said tracks shall not connect with any other railroad on which other power is used, and no car or carriage used upon any other railroad in this state shall be used or passed upon said tracks. The said railway company shall commence operating said road as soon as completed, and after the passage of this ordinance, at least three trips each way shall be made each day over said track, during the term for which these rights and privileges are granted.

¶ 6. **Reservation of rights.**] § 6. The village of Hyde Park, for itself and its citizens, reserves the right to put in sewerage, gas, water or any other improvement which may be required at any place in said street, using reasonable care and diligence, without any liability for damages to said Chicago City Railway Company, its successors and assigns, for so doing, and said company shall not be liable in any damages for any neglect to operate said railways when prevented from so doing by the work herein set forth.

¶ 7. **Time of completion.**] § 7. The said railway company, its successors and assigns, shall forfeit the rights herein conferred, should said road not be completed within one year after the passage and approval of this ordinance. This ordinance shall take effect only after service of notice of acceptance of this charter by the Chicago City Railway Company, upon the village clerk, within thirty days after the passage of this ordinance.

¶ 8. **Term of grant.**] § 8. The rights and privileges hereby granted shall continue for the time and space of twenty years, from the passage and approval of this ordinance, and shall be subject to all the ordinances of the village of Hyde Park now in force in relation to horse railroads, and to all police regulations now existing, or which may hereafter be passed by said village.

¶ 9. **Cable power.**] § 9. That the said Chicago City Railway Company may hereafter operate its various lines of railway by stationary engine or engines, not located upon the streets or public places of the village, and propelled by other than animal power. Said Chicago City Railway Company may, for said purpose, make all needful and convenient trenches, excavations and sewer connections, and may place all needful and convenient endless cables and machinery therein, on any street upon which its railways are or may be constructed; Provided, that said cables and machinery shall be underground, shall not interfere with public travel, and shall be constructed in a substantial and workmanlike manner; Provided, also, that, if in the construction of said trenches and excavations, any damage or injury shall result to any of the sewers, water pipes or private drains, then said company shall pay and be held liable therefor, and if at any time, by reason of the permission hereby granted, and the making of said trenches and running of said cables, any injury or damage shall result to any person or property, then said company shall be liable therefor.

CHICAGO & CALUMET HORSE AND DUMMY RAILROAD COMPANY.

§ 459. Chicago & Calumet Horse and Dummy Railroad Company.

¶ 1. Grant—Cottage Grove avenue.
¶ 2. Construction of tracks.
¶ 3. Power—conditions of grant.

An ordinance granting permission to the Chicago & Calumet Horse and Dummy Railroad company to lay down and operate a street railway. (Passed April 5, 1884.)

¶ 1. **Grant—Cottage Grove avenue.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. Subject to the terms and conditions of this ordinance there is hereby granted to the Chicago and Calumet Horse and Dummy Railroad Company the right to lay down, operate and maintain a single track of railway from a point in the line of Cottage Grove avenue, distance sixty feet and six inches east of the southwest corner of the lot on the northwest corner of said Cottage Grove avenue and Oakwood boulevard, south across said Oakwood boulevard to a point twenty-seven feet and six inches east of the northeast corner of the lot, on the southwest corner of said Cottage Grove avenue and Oakwood boulevard, and north of 38th street.

¶ 2. **Construction of tracks.**] § 2. The tracks of said railroad shall be laid level with the surface from the said points of beginning and ending aforesaid, and shall be so laid that carriages or vehicles can easily and freely cross said tracks at any and all points, and in any and all directions.

¶ 3. **Power—conditions of grant.**] § 3. The rights and privileges hereby granted are upon the express condition that the cars to be used on said tracks shall be operated with animal power only, and upon the further express condition that permission and consent be first obtained by said company from the South Park Commission to lay down and maintain said track across said Oakwood boulevard, and upon the further express condition that the said company shall remove the switch in use by it in the line of said Cottage Grove avenue, south of Oakwood boulevard, so that the north line, or extension thereof, shall not extend to a point further north than one hundred and eighty feet south of said point, twenty-seven feet and six inches east of the northeast corner of the lot on the southwest corner of said Cottage Grove avenue and Oakwood boulevard aforesaid, and upon the further express condition that said company shall pave the space between its said track north of said point in the line of Cottage Grove avenue, distance sixty feet and six inches east of the southwest corner of the lot on the northwest corner of said Cottage Grove avenue and Oakwood boulevard, as aforesaid, to 39th street; together with a strip of said Cottage Grove avenue lying immediately east of and adjoining the said track thereon, four feet wide for said distance aforesaid, and shall perpetually maintain the same. Said pavement to be made with granite blocks, and under the supervision of the superintendent of public works of said village, and upon the further express condition that animal power only shall be used in operating the railroad of said company for the distance of one hundred and eighty feet south of said point, twenty-seven feet and six inches east of the northeast corner of the lot on the southwest corner of said Cottage Grove avenue and Oakwood boulevard aforesaid, and the failure to comply with any one of the conditions aforesaid shall work a forfeiture of the rights and privileges hereby granted.

CHICAGO CITY RAILWAY COMPANY.

§ 460. Chicago City Railway company.

¶ 1. Grant—streets designated.
¶ 2. Time of completion.
¶ 3. Animal power—cable system.
¶ 4. Paving of streets.
¶ 5. Rate of fare.
¶ 6. License.
¶ 7. Term of grant.
¶ 8. Subject to ordinances.

An ordinance authorizing the Chicago City Railway company to lay down, operate and maintain a street railway on certain streets. (Passed May 26, 1884. Accepted June 4, 1884.)

¶ 1. Grant—streets designated.] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof, and the undertaking by the Chicago City Railway Company to comply with the provisions of this ordinance, authority and consent is hereby given and granted unto the said the Chicago City Railway Company, its successors and assigns, to construct, lay down, operate and maintain a double track street railway, with the necessary side-tracks and switches, in the manner and upon and along the several streets hereinafter mentioned:

Commencing on Archer avenue at the present terminus of the tracks of said company, and running southwesterly along Archer avenue to Western avenue.

Commencing on Pitney avenue, from the center of Archer avenue southeasterly to Thirty-first street, thence along Thirty-first street to Lake Park avenue.

Commencing on Hanover street at the center of Archer avenue and running south to Twenty-ninth street, thence west on Twenty-ninth street to Butler street, thence south on Butler street to the center of Thirty-ninth street.

Commencing on Ashland avenue at the center of Archer avenue, and running south to the center of Thirty-ninth street.

Commencing on Thirty-fifth street at the center of Cottage Grove avenue, and running to the west side of Stanton avenue, and south on Stanton avenue from the center of Thirty-fifth street to the center of Thirty-ninth street.

¶ 2. Time of completion.] § 2. The various tracks herein named shall be built within ninety (90) days after the passage of this ordinance, except that the line on Butler street, south of Thirty-first street, shall be built at the same time that said portion of Butler street is paved.

Provided, that should the construction of any one or more of said lines be delayed by injunction of any court, the time so lost shall be added to the time herein specified within which the same shall be constructed.

¶ 3. **Animal power—cable system.**] § 3. The cars of said railway shall be operated only by animal power, except that it shall be lawful for said Chicago City Railway Company at any time within the term of this ordinance to adopt its so-called "cable system," on the lines herein named, the same to be constructed and operated as provided by and subject to the conditions of the ordinance of January 17, A. D. 1881, in the ordinance authorizing the Chicago City Railway Company to operate its cars by other than animal power.

¶ 4. **Paving of streets.**] § 4. As regards filling, grading and paving of the streets or parts of streets to be occupied by its tracks, as herein provided, the said company shall fill, grade and pave, and keep in repair, sixteen (16) feet in the center of said street so occupied, in manner provided by section 2 of the ordinance of July 30th, 1883, relating to street railways.

¶ 5. **Rate of fare.**] § 5. The rate of fare shall not exceed five (5) cents for any distance between Madison street and the terminus of each of said lines, and passengers on the Thirty-first street line shall be transferred, either way, to or from any of the north and south lines of said company which it crosses, without additional fare.

¶ 6. **License.**] § 6. As regards the license to be paid on the cars to be operated on the lines herein provided, the said company shall conform to section one of an ordinance passed July 30th, 1883, relating to street railways.

¶ 7. **Term of grant.**] § 7. The grant herein given shall extend for the term of twenty (20) years from the 30th day of July, 1883, provided the same shall be accepted by said company within thirty (30) days after its passage.

¶ 8. **Subject to ordinances.**] § 8. The privileges hereby granted are subject to all general ordinances of the city of Chicago, now in force or hereafter to be passed in reference to horse railways, and to all ordinances affecting the lines of railways of which the lines hereby authorized are extensions.

Note.—See following amendatory ordinance.

§ 461. Chicago City Railway company.

¶ 1. Amending foregoing ordinance.

An ordinance authorizing the Chicago City Railway company to construct a street railway on Wallace street. (Passed June 13, 1887.)

¶ 1. **Amending foregoing ordinance.**] Be it ordained by the city council of the city of Chicago: § 1. That the ordinance passed the 26th day of May, 1884, "authorizing the extension of street railways in the south division of the city of Chicago," be and the same is hereby amended by substituting Wallace street for Butler street, between Thirty-first street and Thirty-ninth street.

§ 462. Chicago City Railway company.

¶ 1. Grant—streets designated.
¶ 2. Tracks, how constructed.
¶ 3. Condition of tracks.
¶ 4. Gauge—indemnity clause.
¶ 5. Passenger traffic—animal or cable power.
¶ 6. Running time.
¶ 7. Compensation to city.
¶ 8. Time of completion.
¶ 9. Rate of fare—transfers.
¶ 10. Conductors.
¶ 11. When in force.

An ordinance authorizing the Chicago City Railway company to construct a street railway on Thirty-ninth street, Wentworth avenue and Sixty-third street. (Passed September 10, 1884. Accepted October 8, 1884.)

¶ 1. Grant—streets designated.] Be it ordained by the board of trustees of the town of Lake: § 1. That permission be and hereby is granted to the Chicago City Railway Company of Chicago, to lay down, maintain and operate a single track street railway, with all necessary and convenient side tracks and switches, on 39th street, from State street to Wentworth avenue, from 39th to 63d street; and a double track street railway, with all necessary side tracks, turnouts and switches, on Wentworth avenue, provided said tracks shall be laid under and subject to the direction of the engineer of said town, and provided said company shall improve and keep in repair eight (8) feet in width where single track is used, and sixteen (16) feet in width where double track is used, by its lines within the town of Lake, to the satisfaction of the trustees of said town, said company being hereby granted the privilege of using stone in making said improvements.

¶ 2. Tracks, how constructed.] § 2. The tracks shall be so constructed that the center line between the two tracks shall be the center line of the street upon which the same are laid, and that the rails used in the construction of any of said track or tracks shall be a tram rail. The width of said rail from outside to outside shall be five (5) inches; the width of the tram shall be three (3) inches horizontal; the height along the wagon edge from the tram to the top of the rail shall not be more than seven-eighths of an inch.

¶ 3. Condition of tracks.] § 3. The said Chicago City Railway Company shall at all times keep the tracks of their respective roads in such condition that said tracks shall not at any time be elevated above the surface of the street on which they are laid, so that vehicles can easily and freely at all times cross said tracks at all points and in any direction without obstruction.

¶ 4. Gauge—indemnity clause.] § 4. That the gauge of said railway tracks shall be four feet eight and a half inches, and that said company shall be liable for all the legal or consequential damages sustained by any person by reason of the carelessness or misconduct of any of the agents or servants of said company in the course of their

employment in the construction or use of the said railways aforesaid, or either of them.

¶ 5. **Passenger traffic—animal or cable power.**] § 5. The tracks and railways shall be used for no other purpose than to transport passengers and their ordinary baggage, and the cars or carriages used shall be of the most improved style and class in use on such railways; and the cars used upon said tracks shall be operated by animal or cable power only, and no car or cars operated by any other power but animal or cable shall be permitted to run over any of said tracks.

The said Chicago City Railway Company may at any time operate its various lines of railway in said town of Lake, by endless cables operated by stationary engine or engines not located upon the streets or public places of the town, and propelled by other than animal power, and for said purpose may make all needful and convenient trenches, excavations and sewer connections, and may place all needful and convenient endless cables and machinery therein, provided said cables and machinery shall be under ground, and not interfere with public travel, and shall be constructed in substantial and workmanlike manner.

¶ 6. **Running time.**] § 6. That the said company shall cause cars or carriages to be run for the accommodation of the public over all of said tracks in the town of Lake, at least once in every thirty (30) minutes, between the hours of 6 o'clock a. m. and 7 o'clock p. m. of each day, and at least once in every sixty (60) minutes between the hours of 7 o'clock p. m. and midnight, and oftener if the travel will warrant.

¶ 7. **Compensation to city.**] § 7. The said company shall, within thirty days after its tracks are laid on Wentworth avenue, between 55th and 63d streets, pay into the treasury of the town of Lake two dollars and forty cents ($2.40) per lineal foot for the improvement which has recently been made on said portion of said avenue.

¶ 8. **Time of completion.**] § 8. That said company shall construct its railway on 39th street, and on Wentworth avenue to 63d street, within ninety (90) days from the passage of this ordinance, unless the construction of said tracks shall be delayed by order or injunction of some court of competent jurisdiction, in which case the time lost by said delay shall be added to the time herein specified within which said tracks shall be constructed.

¶ 9. **Rate of fare—transfers.**] § 9. The rate of fare on said lines for one continuous trip shall be five (5) cents, and any person having paid fare to said company on State street, Wentworth avenue, or Halsted street, or 63d street, within said town, shall be entitled to transfer within said town, without additional fare, to the corner of Root and Halsted street, or to the corner of State and 39th streets, and vice versa; and that any person paying fare on Wentworth ave-

nue shall be carried on 63rd street to Halsted street; and any person paying fare on 63rd street, between Halsted street and Wentworth avenue, shall be carried via Wentworth avenue to 39th and State streets without any additional charge.

¶ **10. Conductors.**] § 10. That no car or carriages shall be permitted to run on any of the said railroad tracks without a conductor, at any time, excepting grip cars.

¶ **11. When in force.**] § 11. This ordinance shall be in force from and after its passage, provided said company shall, within thirty days from its passage, signify their willingness to construct and operate said tracks in accordance with the terms set forth in the foregoing ordinance.

§ 463. Chicago City Railway company.

¶ 1. Grant—Sixty-first street.
¶ 2. Space limited.
¶ 3. Animal power—rails.
¶ 4. Paving and repair of streets.
¶ 5. Rate of fare.
¶ 6. Time of completion.
¶ 7. Indemnity clause—comply with ordinances.
¶ 8. Rights forfeited, when.

An ordinance granting permission to the Chicago City Railway company to lay down, maintain and operate a street railway on Sixty-first street. (Passed June 3, 1885. Accepted June 6, 1885.)

¶ **1. Grant—Sixty-first street.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission and authority is hereby granted to the Chicago City Railway Company, its successors and assigns, to lay down, maintain and operate for and during a period of twenty years from the adoption of this ordinance, a double track street railway on Sixty-first street, from and connecting with said company's tracks on State street at the intersection of Sixty-first street, thence east on Sixty-first street to a point one thousand feet east of the east line of South Park avenue.

¶ **2. Space limited.**] § 2. Said tracks shall not occupy more than sixteen feet in width of said street, and shall be laid as near the center of said street as practicable.

¶ **3. Animal power—rails.**] § 3. The cars to be used on said tracks shall be operated only by animal power, or by underground cables as heretofore provided by ordinance of this village for other tracks of said company, adopted on the 27th day of July, A. D. 1882. Said tracks shall be laid with tramway rails, and the cars to be used thereon shall be street cars, and used only for the transportation of passengers and their ordinary baggage.

¶ **4. Paving and repair of streets.**] § 4. The said tracks shall not be elevated above the surface of the street, but shall be so laid, and thereafter constantly maintained, that carriages and other

vehicles can easily cross said track at any point in any direction without obstruction. The said Chicago City Railway Company shall, at its own cost and expense, keep the portion of said street so occupied by its tracks in good order and condition, and shall at its own cost and expense improve that portion of said Sixty-first street, so occupied with its tracks, in conformity with the improvement by the village of the portions of said street, along the line of said railway not occupied by said tracks.

¶ 5. **Rate of fare.**] § 5. The rate of fare to be charged by said railway company shall not exceed five (5) cents, between the eastern terminus of said tracks and State and Thirty-ninth streets, or State and Sixty-third streets.

¶ 6. **Time of completion.**] § 6. The said tracks herein provided for shall be laid and ready for the running of cars thereon within sixty (60) days from the approval of this ordinance (unless enjoined by the order of a court of competent jurisdiction), and shall thereafter be maintained and operated so as to reasonably accommodate the public in the matter of transportation of persons along said line.

¶ 7. **Indemnity clause—comply with ordinances.**] § 7. The privileges hereby granted are granted upon the express condition, that said company has obtained from the owners of the property abutting upon said street the necessary and requisite consent; that said company will pay all damages to owners of property abutting upon said Sixty-first street; that said company will save and keep harmless the said village of Hyde Park from all costs, expenses and damages by reason of the passage of this ordinance, and the construction, operation, and maintenance of said tracks; that said company will comply with the provisions of all general ordinances of the village, respecting the maintenance and operation of street railway lines, and will in writing accept of the provisions of this ordinance within thirty (30) days after its approval.

¶ 8. **Rights forfeited, when.**] § 8. If the said Chicago City Railway Company after the acceptance of this ordinance shall, for a period of sixty (60) days after notice to its officers or employes, fail to comply with any of the provisions of this ordinance, then and in such case all the rights herein granted shall be at an end, and the tracks of said company on said Sixty-first street shall thereupon be removed by said company at its own cost and expense, and in the absence of such removal, after notice given so to do as aforesaid, then the said village shall have the right to take up and remove said tracks at the cost and expense of said company.

§ 464. Chicago City Railway company.

¶ 1. Conditions.

An ordinance authorizing the supervisor to issue permit to the Chicago City Railway company to construct and operate a street railway on Forty-seventh street. (Passed April 9, 1886.)

¶ 1. **Conditions.**] Be it ordained by the board of trustees of the town of Lake: § 1. That the supervisor of said town be and he is hereby authorized and requested to issue a permit to the Chicago City Railway Company to construct and operate a double track street railway on Forty-seventh street, from Halsted street to Ashland avenue, upon the same conditions and with the same privileges and restrictions as were contained in the permit granted said company on the 10th day of September, A. D. 1884, except the payment of two dollars and forty cents ($2.40) per lineal foot contained in section 7 of the ordinance passed by this board and made a part of said permit.

§ 465. Chicago City Railway company.

¶ 1. Grant.
¶ 2. Cable power.
¶ 3. Space occupied.
¶ 4. Passenger service.
¶ 5. Pave and repair streets.
¶ 6. Reservation of rights.
¶ 7. Time of completion.
¶ 8. Rate of fare—running time.
¶ 9. Cease operating dummy, when.
¶ 10. When in force—acceptance.
¶ 11. No rights waived.
¶ 12. Subject to ordinances—power of council.
¶ 13. Frontage consent—indemnity.

An ordinance granting permission to the Chicago City Railway company to lay down, operate and maintain a street railway on Cottage Grove avenue and Fifty-fifth street. (Passed November 8, 1886. Accepted November 8, 1886.)

¶ 1. **Grant.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That consent be, and it is hereby given to the Chicago City Railway Company, its successors and assigns, to lay down, operate and maintain for the period of twenty (20) years from the passage of this ordinance a double track cable street railway in, over and along Cottage Grove avenue in the village of Hyde Park, from the north line of said village to the south line of Sixty-seventh street, and on Fifty-fifth street from the center of said Cottage Grove avenue to the center of Lake avenue, in the said village.

¶ 2. **Cable power.**] § 2. Said railways shall be cable railways, and shall be operated by stationary engine or engines not located upon the streets or public places of the village, and propelled by other than animal power. Said Chicago City Railway Company may for said purpose make all needful and convenient trenches, excavations and sewer connections, and may place all needful and convenient endless cables and machinery therein, upon any street upon which its railways shall be constructed hereunder; Provided, that said cables and machinery shall be underground, and shall not interfere with public travel, and shall be constructed in a substantial and workmanlike manner; Provided, also, that if in the construction of said trenches

and excavations any damage or injury shall result to any of the sewers, water pipes or private drains, then said company shall pay and be held liable therefor.

¶ 3. **Space occupied.**] § 3. Said railway tracks provided for in this ordinance, shall occupy the center sixteen (16) feet of the avenue and street above named.

¶ 4. **Passenger service.**] § 4. The cars to be operated upon said tracks shall be used only for the transfer of passengers and their ordinary baggage, and the cars and carriages used for that purpose shall be of the best style and class in use upon street railways. The tracks of said railway shall not be elevated above the surface of the street, and shall conform to the grades thereof which shall have been established by the village of Hyde Park at the time of laying said tracks, and shall be laid with Johnson patent or other improved rails, and shall be so laid that carriages and other vehicles can readily and freely cross said tracks at any point, in any and all directions without unnecessary obstruction.

¶ 5. **Pave and repair streets.**] § 5. Said Chicago City Railway Company, its successors and assigns, shall pave with granite blocks and keep in repair the sixteen (16) feet in width of said street occupied by it, during the whole time that said streets and avenues shall be occupied by said tracks.

¶ 6. **Reservation of rights.**] § 6. The village of Hyde Park, for itself and citizens, reserves the right to put in sewerage, gas, water and other improvements which it may deem proper, at any place in said streets and avenues, using reasonable care and diligence, without any liability for damages to said Chicago City Railway Company, its successors and assigns, for so doing. The said company shall not be liable to any forfeiture, or for any damages, for any neglect to operate said railways when prevented from so doing by the work in this section provided for.

¶ 7. **Time of completion.**] § 7. The said railway company, its successors and assigns, shall complete the railways hereby authorized, and shall operate the same as herein contemplated, within eighteen (18) months after the passage and approval of this ordinance; Provided, however, that if said company shall be delayed by ordinance or resolution of the village of Hyde Park, or by any suit, injunction or order or decree of any court of competent jurisdiction, then the period of any and all such delays shall be added to said eighteen months. But the village of Hyde Park shall have the right to intervene at its option in any such suit or proceeding in any court, and become a party thereto and move for the dissolution of any such injunction, or the vacation of any such order or decree.

¶ 8. **Rate of fare—running time.**] § 8. The rate of fare on said railway tracks hereby authorized shall not (except where cars

are chartered for a specified time and purpose) exceed five (5) cents for one trip or part of trip either way. Said company shall also sell family tickets at not to exceed the following commutation rates: Twenty (20) rides for $1, good between Madison street, Chicago, and Sixty-seventh street, on Cottage Grove avenue, and on Fifty-fifth street from said Madison street to the terminus, with transfer to Union Stock Yards at Halsted and Root streets, which shall be for sale at places convenient for the public. Said company shall operate cars between 39th street and Lake avenue, and between 39th street and 67th street, at intervals of not more than ten minutes from 6:30 to 8:30 a. m. and 4:30 to 6:30 p. m., and at other hours at intervals of not more than thirty minutes from 6 o'clock a. m. to 11 o'clock p. m. Cars shall stop to take on and let off passengers only at the farther crossing of street intersections.

¶ 9. **Cease operating dummy, when.**] § 9. Said Chicago City Railway Company shall, within thirty days after said cable system hereby authorized shall be in regular operation on Cottage Grove avenue from 39th street to said Fifty-fifth street, and on said Fifty-fifth street, remove and do away with the present dummy tracks and dummies, now being operated by the Chicago and Calumet Horse and Dummy Railway Company, and shall and will hold the village of Hyde Park forever harmless from said Chicago and Calumet Horse and Dummy Railway Company, and from all claims and demands by it of all kinds whatsoever.

¶ 10. **When in force—acceptance.**] § 10. This ordinance shall take effect and be in force when and as soon as said company shall file with the clerk of the village of Hyde Park its acceptance in writing of this ordinance, and if said company shall not file such acceptance with said clerk within sixty (60) days after the passage and approval of this ordinance, then this ordinance shall become and be void.

¶ 11. **No rights waived.**] § 11. This ordinance shall not in any way or manner impair or take away, or be held to impair or take away any rights and powers which said Chicago City Railway Company may now have or be entitled to on said streets and avenues, and by accepting and acting under this ordinance, said company shall not waive or lose, or be taken to waive or lose, any right or power which it now possesses nor shall it be construed as in any way a recognition by said village of any such rights or powers in said railway company, except such as are herein and hereby conferred.

¶ 12. **Subject to ordinances—power of council.**] § 12. The rights and privileges hereby granted shall be subject to all police regulations now existing, or which may hereafter be passed by said village. Should said company fail or neglect to complete and operate said railways in the manner and within the time herein designated, the board of trustees may order said tracks to be taken up and removed by said company and at said company's own cost and expense,

and if said company should fail so to remove said tracks, within ten days after such order being given, then the village may, at its option, remove the same or cause the same to be removed at the cost and expense of said company, and thereafter prevent such tracks from being laid or operated upon or along any part of the line aforesaid.

¶ 13. **Frontage consent—indemnity.**] § 13. The authority hereby granted is granted upon the further express condition, that the said company has obtained from the owners of property abutting upon said street and avenue the necessary and requisite consent, and will save and keep harmless the village from all costs, expenses and damages, by reason of the passage of this ordinance, and the construction and operation and maintenance of said street railway tracks.

§ 466. Chicago City Railway company.

¶ 1. Grant—Fifty-first street.
¶ 2. Tracks, how laid.
¶ 3. Paving and repair of streets.
¶ 4. Animal or cable system.
¶ 5. Term of grant—acceptance.

An ordinance granting permission to the Chicago City Railway company to operate and maintain a street railway on Fifty-first street. (Passed and approved May 17, 1886. Accepted June 7, 1886.)

¶ 1. **Grant—Fifty-first street.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission and authority is hereby granted to the Chicago City Railway Company, its successors and assigns, to construct, maintain and operate a double track street railway on Fifty-first street, from State street to Indiana avenue, connecting with the track now laid thereon, the said tracks to be placed on the center sixteen feet of said street.

¶ 2. **Tracks—how laid.**] § 2. The tracks of said railway shall not be elevated above the surface of the street, and shall be laid with modern improved rails, and shall be so laid that carriages and other vehicles can readily and freely cross said tracks at any point, and in any and all directions without obstruction.

¶ 3. **Paving and repair of streets.**] § 3. The Chicago City Railway Company, its successors and assigns, shall keep [the] sixteen feet occupied by said tracks in good order and condition during the whole time that the same shall be occupied by said tracks, and shall pave the same, when the balance of said street is paved, in the manner which may be directed by the said board of trustees.

¶ 4. **Animal or cable system.**] § 4. The cars on said tracks shall not be operated by other than animal power, except that said company may at any time during the term of this ordinance, adopt the so-called cable system thereon, subject to the same requirments and with the same privileges as have been permitted by the village of Hyde Park on other lines of said company.

¶ 5. Term of grant—acceptance.] § 5. The rights and privileges hereby granted shall continue for the time and space of twenty years from the passage and approval of this ordinance, and its acceptance by said company.

§ 467. Chicago City Railway company.

¶ 1. Grant—Jefferson avenue.
¶ 2. Cable power.
¶ 3. Passenger service—tracks.
¶ 4. Paving and repair of streets.
¶ 5. Reservation of rights.
¶ 6. Time of completion.
¶ 7. Rate of fare—running time.
¶ 8. Acceptance.
¶ 9. Ordinance construed.
¶ 10. Rights forfeited, when.
¶ 11. Frontage consent
¶ 12. Snow, removal of.

An ordinance granting permission to the Chicago City Railway company to operate and maintain a street railway on Jefferson avenue. (Passed January 10, 1887. Accepted January 10, 1887.)

¶ 1. Grant—Jefferson avenue.] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That consent be, and is hereby given to the Chicago City Railway Company, its successors and assigns, to lay down, operate and maintain, for the period of twenty years from the passage of this ordinance, a single track cable street railway in, over and along the center eight feet of Jefferson avenue, from the center of Fifty-fifth street, connecting by suitable curves with the south track thereon, to the right of way of said company, covering the south three feet of lots 37 and 12 and the north thirteen feet of lots 36 and 13 in block 67, connecting by suitable curves with the track to be laid along the center of said right of way, thence easterly from the east line of Jefferson avenue one hundred fifty-one and ninety-seven hundredths feet; thence northeasterly, on a curve having a radius of fifty feet, a distance of forty-two feet; thence northeasterly, with a curve of one hundred and four feet radius, a distance of fifty-nine feet; thence northerly on Lake avenue parallel with the center line thereof to Fifty-fifth street, and by suitable curve connect with the north track to be laid on said Fifty-fifth street.

¶ 2. Cable power.] § 2. Said railways shall be cable railways, and shall be operated by stationary engine or engines not located upon the streets or public places of the village, and propelled by other than animal power. Said Chicago City Railway Company may, for said purpose, make all needful and convenient trenches, excavations and sewer connections, and may place all needful and convenient endless cables and machinery therein, upon any street upon which its railways shall be constructed hereunder; Provided, that said cables and machinery shall be underground, and shall not interfere with public travel, and shall be constructed in a substantial and workmanlike

manner; Provided, also, that if in the construction of said trenches and excavations any damage or injury shall result to any of the sewers, water pipes or private drains, then said company shall pay and be held liable therefor.

¶ 3. **Passenger service—tracks.**] § 3. The cars to be operated upon said track shall be used only for the transfer of passengers and their ordinary baggage, and the cars and carriages used for that purpose shall be of the best style and class in use upon street railways. The track of said railway shall not be elevated above the surface of the street, and shall conform to the grades thereof which shall have been established by the village of Hyde Park at the time of laying said track, and shall be laid with Johnson patent or other improved rails, and shall be so laid that carriages and other vehicles can readily and freely cross said tracks at any point, in any and all directions without unnecessary obstruction.

¶ 4. **Paving and repair of streets.**] § 4. Said Chicago City Railway Company, its successors and assigns, shall pave with granite blocks and keep in repair, the eight (8) feet in width of said street occupied by it, during the whole time that said streets and avenues shall be occupied by said tracks.

¶ 5. **Reservation of rights.**] § 5. The village of Hyde Park, for itself and citizens, reserves the right to put in sewerage, gas, water or other improvements which it may deem proper at any place in said streets and avenues, using reasonable care and diligence, without any liability for damages to said Chicago City Railway Company, its successors and assigns, for so doing. The said company shall not be liable to any forfeiture, or for any damages, for any neglect to operate said railways when prevented from so doing by the work in this section provided for.

¶ 6. **Time of completion.**] § 6. The said railway company, its successors and assigns, shall complete the railway hereby authorized, and shall operate the same as herein contemplated, within eighteen (18) months after the passage and approval of this ordinance; Provided, however, that if said company shall be delayed by ordinance or resolution of the village of Hyde Park, or by any suit, injunction or order or decree of any court of competent jurisdiction, then the period of any and all such delays shall be added to said eighteen (18) months. But the village of Hyde Park shall have the right to intervene, at its option, in such suit or proceeding in any court, and become a party thereto, and move for the dissolution of any such injunction, or the vacation of any such order or decree.

¶ 7. **Rate of fare—running time.**] § 7. The rate of fare on said railway tracks hereby authorized shall not (except where cars are chartered for a specified time and purpose) exceed five cents for one trip, or part of trip, either way from the southern intersection of said

track with Lake avenue to either Thirty-ninth street or Sixty-seventh street on Cottage Grove avenue, and shall also sell family tickets at not to exceed one dollar for twenty rides between said point on Lake avenue and Madison street, Chicago, with transfer to Union Stock Yards at Halsted and Root streets, which shall be for sale at places convenient for the public. Said company shall operate cars over the track herein named at intervals of not over ten minutes from 6:30 to 8:30 a. m. and 4:30 to 6:30 p. m., and at all other hours at intervals of not more than thirty minutes from 6 o'clock a. m. to 11 o'clock p. m. Cars shall stop to take on and let off passengers only at farther crossing of street intersections.

¶ **8. Acceptance.**] § 8. This ordinance shall take effect and be in force, when and as soon as said company shall file with the clerk of the village of Hyde Park its acceptance in writing of this ordinance, and if said company shall not file such acceptance with said clerk within sixty (60) days after the passage and approval of this ordinance, then this ordinance shall become and be void.

¶ **9. Ordinance construed.**] § 9. This ordinance shall not in any way or manner impair or take away, or be held to impair or take away, any rights and powers which said Chicago City Railway Company may now have or be entitled to on said streets and avenues, and by accepting and acting under this ordinance, said company shall not waive or lose, or be taken to waive or lose, any right or power which it now possesses, nor shall it be construed as in any way a recognition by said village of any such rights or powers in said railway company, except such as are herein and hereby granted.

¶ **10. Rights forfeited, when.**] § 10. The rights and privileges hereby granted shall be subject to all police regulations now existing, or which may hereafter be passed by said village. Should said company fail or neglect to complete and operate said railways in the manner and within the time herein designated, the board of trustees may order said tracks to be taken up and removed by said company and at said company's own cost and expense, and if said company should fail so to remove said tracks within ten days after such order being given, then the village may at its option remove the same, or cause the same to be removed, at the cost and expense of said company, and thereafter prevent such tracks from being laid or operated upon or along any part of the line aforesaid.

¶ **11. Frontage consent.**] § 11. The authority hereby granted is granted upon the further express condition, that the said company has obtained from the owners of property abutting upon said avenues the necessary and requisite consent, and will save and keep harmless the village from all costs, expenses and damages by reason of the passage of this ordinance, and the construction and operation and maintenance of said street railway tracks.

¶ **12. Snow, removal of.**] § 12. The authority hereby granted

is upon the further express condition, that the said Chicago City Railway Company, in removing the snow from the tracks hereby authorized, shall not leave the same in such manner as to impede thereby the free and convenient use of such streets for public travel by carriages and other vehicles. And the sidewalk on the east side of Lake avenue, parallel with the line of said railway tracks and the crossings at street intersections, shall, when constructed, be always kept free and clear of obstruction by snow so removed as aforesaid from the tracks of said company.

§ 468. Chicago City Railway company.

¶ 1. Grant—Thirty-ninth street.
¶ 2. Cable system.
¶ 3. Time of completion.
¶ 4. Indemnity clause.

An ordinance authorizing the Chicago City Railway company to construct a street railway on Thirty-ninth street. (Passed February 2, 1887.)

¶ 1. Grant—Thirty-ninth street.] Be it ordained by the board of trustees of the town of Lake: § 1. That permission be and it is hereby granted to the Chicago City Railway Company, its successors and assigns, to lay down, maintain and operate a single track street railway on Thirty-ninth street, with necessary and convenient side tracks, turnouts and switches to connect its tracks on Wentworth avenue with its tracks on Halsted street, on condition that said company improve and keep in repair the eight (8) feet occupied by its said track in accordance with the direction of the town, using stone in so doing, and to the satisfaction of the trustees.

¶ 2. Cable system.] § 2. Said company shall have the right at any time to adopt its so called cable system on the track herein named, the same to be constructed under the direction of the engineer of said town.

¶ 3. Time of completion.] § 3. The tracks herein authorized shall be constructed within three (3) years from the passage hereof.

¶ 4. Indemnity clause.] § 4. Said company shall protect and save harmless the said town of Lake from all cost or damage because or growing out of the granting of this ordinance.

§ 469. Chicago City Railway company.

¶ 1. Grant—viaduct Sixty-first street.
¶ 2. Cable system.
¶ 3. Indemnity clause.

An ordinance authorizing the Chicago City Railway company to construct a street railway on Sixty-first street. (Passed February 2, 1887.)

¶ 1. Grant—viaduct 61st street.] Be it ordained by the board of trustees of the town of Lake: § 1. That permission be and is hereby granted to the Chicago City Railway Company, its successors and assigns, to lay down, maintain and operate a double track street

railway on, over and along the viaduct on Sixty-first street, to connect its tracks on State street with its tracks on Wentworth avenue, on condition that said company keep the horse paths of said tracks planked in accordance with the directions of the engineer of said town, and to the satisfaction of the trustees.

¶ 2. **Cable system.**] § 2. Said company shall have the right at any time to adopt its so-called cable system on the tracks herein named, the same to be constructed under the direction of the engineer of said town.

¶ 3. **Indemnity clause.**] § 3. Said company shall protect and save harmless the said town of Lake from all cost or damages because or growing out of the granting of this ordinance.

§ 470. Chicago City Railway company.

¶ 1. Grant—Forty-seventh street.
¶ 2. Tracks in center of street.
¶ 3. Tracks, how laid.
¶ 4. Gauge—indemnity.
¶ 5. Cable or animal power.
¶ 6. Running time.
¶ 7. Paving street.
¶ 8. Time of completion.
¶ 9. Rate of fare.
¶ 10. Conductors.
¶ 11. Acceptance.
¶ 12. Reservation of rights.
¶ 13. Sprinkle tracks.

An ordinance authorizing the Chicago City Railway company to construct a street railway on Forty-seventh street. (Passed February 2, 1887.)

¶ 1. **Grant—47th street.**] Be it ordained by the board of trustees of the town of Lake: § 1. That permission be and hereby is granted to the Chicago City Railway Company of Chicago, its successors and assigns, to lay down, maintain and operate a double track street railway, with all necessary and convenient side tracks and switches, on Forty-seventh street from Halsted street to State street; Provided, said tracks shall be laid under and subject to the direction of the engineer of the town, and provided said company shall improve and keep in repair sixteen (16) feet in width of the streets, where said tracks are laid, using stone in so doing, to the satisfaction of the trustees of said town.

¶ 2. **Tracks in center of street.**] § 2. The tracks shall be so constructed that the center line between the two tracks shall be the center of the streets upon which the same are laid, and that the rails used shall be tram rail similar to that now used by said company in said town.

¶ 3. **Tracks—how laid.**] § 3. The said company shall at all times keep the said tracks in such condition that they shall not at any time be elevated above the surface of the street on which they are laid,

so that vehicles can freely and easily cross said tracks at all points and in all directions without unnecessary obstruction.

¶ 4. **Gauge—indemnity.**] § 4. That the gauge of said tracks shall be four (4) feet eight and one-half (8½) inches, and that said company shall be liable for all the legal or consequential damages sustained by any person by reason of the carelessness or misconduct of any of the agents or servants of said company, in the course of their employment in the construction or use of the said railway, and shall protect said town from all damages because of the granting of this ordinance.

¶ 5. **Cable or animal power.**] § 5. The track shall be used for no other purpose than to transport passengers and their ordinary baggage, and the cars used shall be of the improved class in use on such railway, and the cars used upon said tracks shall be operated by animal or cable power only, and no car or cars operated by any other power than animal or cable shall be permitted to run over any of said tracks.

The Chicago City Railway Company, its successors or assigns, may at any time operate its various lines of railway in said town of Lake by endless cables operated by stationary engine or engines not located upon the streets, or public places of the town, and propelled by other than animal power, and for said purpose may make all needful and convenient trenches, excavations and sewer connections, and may place all needful and convenient endless cables and machinery therein, provided said cables and machinery shall be underground, and not interfere with public travel; and shall be constructed in substantial and workmanlike manner.

¶ 6. **Running time.**] § 6. That the said company shall cause cars or carriages to be run for the accommodation of the public over all of said tracks, at least once in every thirty (30) minutes between the hours of 6 o'clock a. m. and 7 o'clock p. m. of each day, and at least once in sixty (60) minutes between the hours of 7 o'clock p. m. and midnight of each day.

¶ 7. **Paving street.**] § 7. The said company shall on demand within thirty (30) days after its tracks are laid on Forty-seventh street as herein provided, refund to the owners of property abutting thereon the amount paid by them for macadamizing the sixteen (16) feet to be occupied by said tracks, between State street and Stewart avenue, and from Stewart avenue to Halsted street, shall fill, grade and macadamize the portion of said street between the tracks of said company and the curbs. The curbs to be furnished and set by the owners of property abutting thereon. The work to be done by said company to conform to the specifications of the engineer of said town.

¶ 8. **Time of completion.**] § 8. The said company shall construct all the tracks herein provided for within one year from the passage hereof, unless the construction of said tracks shall be delayed by

order or injunction of some court of competent jurisdiction, in which case the time lost by such delay shall be added to the time herein specified within which said tracks shall be constructed.

¶ **9. Rate of fare.**] § 9. The rate of fare on said line for one continuous trip shall be five (5) cents, and any person having paid fare on the line herein named shall be entitled to transportation to Thirty-ninth and State, or to Root and Halsted streets, or vice versa, without additional fare.

¶ **10. Conductors.**] § 10. That no car shall be permitted to run on said line without a conductor, excepting grip cars.

¶ **11. Acceptance.**] § 11. This ordinance shall be in force from and after its passage, providing said company shall within sixty (60) days from its passage signify its willingness to construct and operate said tracks in accordance with the terms set forth in the foregoing ordinance.

¶ **12. Reservation of rights.**] § 12. The town of Lake, for itself and citizens, reserves the right to put in sewerage, gas, water or other improvements which it may deem proper at any place in said street, using reasonable care and diligence, without any liability for damages to said Chicago City Railway Company, its successors and assigns, for so doing; Providing, that the said company shall not be liable to any forfeiture or for any damage for any neglect to operate said railway, when prevented from so doing by the work in this section provided for.

¶ **13. Sprinkle tracks.**] § 13. The said company shall keep its said right of way sprinkled, as it may be directed by the supervisor of the town.

§ 471. Chicago City Railway company.

¶ 1. Grant—streets designated.
¶ 2. Style of rails.
¶ 3. Tracks, how constructed.
¶ 4. Gauge—indemnity clause.
¶ 5. Animal or cable power.
¶ 6. Running time.
¶ 7. Time of completion.
¶ 8. Rate of fare.
¶ 9. Conductors.
¶ 10. Acceptance.
¶ 11. Reservation of rights.
¶ 12. Sprinkle tracks.

An ordinance authorizing the Chicago City Railway company to construct street railways. (Passed February 2, 1887)

¶ **1. Grant—streets designated.**] Be it ordained by the board of trustees of the town of Lake: § 1. That permission be and is hereby granted to the Chicago City Railway Company, of Chicago, its successors and assigns, to lay down, maintain and operate a single track street railway, with all necessary and convenient side tracks and

switches, on State street from Sixty-third street to Vincennes avenue, and a double track on Vincennes avenue to Sixty-ninth street, and on Sixty-ninth street from Vincennes avenue to Halsted street, on Halsted street from Sixty-third street to Sixty-ninth street, said tracks to be laid under and subject to the direction of the engineer of the town; and provided, said company shall improve and keep in repair eight (8) feet where single track is laid, and sixteen (16) feet in width of the streets where double tracks are laid, using stone in so doing, to the satisfaction of the trustees of said town.

¶ 2. **Style of rails.**] § 2. The tracks shall be so constructed that the center line between the two tracks shall be the center of the streets upon which the same are laid, and that the rails used shall be tram rails similar to those now used by said company in said town.

¶ 3. **Tracks—how constructed.**] § 3. The said company shall at all times keep the said tracks in such condition that they shall not at any time be elevated above the surface of the street on which they are laid, so that vehicles can freely and easily cross said tracks at all points and in all directions without unnecessary obstruction.

¶ 4. **Gauge—indemnity clause.**] § 4. That the gauge of said tracks shall be four (4) feet eight and one-half (8½) inches, and that said company shall be liable for all the legal or consequential damages sustained by any person by reason of the carelessness or misconduct of any of the agents or servants of said company, in the course of their employment in the construction or use of the said railways or either of them, and shall protect and hold harmless the said town from all costs, liability or damage growing out of the granting of this ordinance.

¶ 5. **Animal or cable power.**] § 5. The tracks shall be used for no other purpose than to transport passengers and their ordinary baggage, and the cars used shall be of the improved class in use on such railways, and the cars used upon said tracks shall be operated by animal or cable power only, and no car or cars operated by any other power than animal or cable shall be permitted to run over any of said tracks.

The Chicago City Railway Company, its successors or assigns, may at any time operate any of the said lines of railway by endless cables operated by stationary engine or engines not located upon the streets or public places of the town, and propelled by other than animal power; and for said purpose may make all needful and convenient trenches, excavations and sewer connections, and may place all needful and convenient endless cables and machinery therein; Provided, said cables and machinery shall be underground, and not interfere with public travel, and shall be constructed in substantial and workmanlike manner.

¶ 6. **Running time.**] § 6. The said company shall cause cars

or carriages to be run for the accommodation of the public over all of said tracks, at least once in every thirty (30) minutes, between the hours of 6 o'clock a. m. and 7 o'clock p. m. of each day, and at least once in sixty (60) minutes, between the hours of 7 o'clock p. m. and midnight of each day.

¶ 7. **Time of completion.**] § 7. The said company shall construct all the tracks herein provided for within one year from the passage hereof, unless the construction of any of said tracks shall be delayed by order or injunction of some court of competent jurisdiction, in which case the time lost by such delay shall be added to the time herein specified within which said tracks shall be constructed.

¶ 8. **Rate of fare.**] § 8. The rate of fare on said lines for one continuous trip shall be five (5) cents, and any person having paid fare on any of the lines herein named, shall be entitled to transportation to Thirty-ninth and State streets, or to Root street and Halsted street, or vice versa, without additional fare. But nothing herein contained shall require said company to operate its cars across the steam railroad tracks lying south of Sixty-third street on State street.

¶ 9. **Conductors.**] § 9. That no car shall be permitted to run on any of the said lines at any time without a conductor, excepting grip cars.

¶ 10. **Acceptance.**] § 10. This ordinance shall be in force from and after its passage, providing said company shall, within sixty (60) days from its passage, signify in writing its willingness to construct and operate said tracks in accordance with the terms set forth in this ordinance.

¶ 11. **Reservation of rights.**] § 11. The town of Lake, for itself and citizens, reserves the right to put in sewerage, gas, water or other improvements which it may deem proper at any place in said street, using reasonable care and diligence, without any liability for damages to said Chicago City Railway Company, its successors and assigns, for so doing: Provided, that the said company shall not be liable to any forfeiture or for any damages for any neglect to operate said railways when prevented from so doing by the work in this section provided for.

¶ 12. **Sprinkle tracks.**] § 12. The said company shall keep its said right of way sprinkled, as it may be directed by the supervisor of the town.

§ 472. Chicago City Railway company.

¶ 1. Grant—Ashland avenue.
¶ 2. Style of rail.
¶ 3. Tracks, how constructed.
¶ 4. Gauge—indemnity clause.
¶ 5. Animal or cable power.
¶ 6. Running time.
¶ 7. Time of completion.

¶ 8. Rate of fare.
¶ 9. Conductors.
¶ 10. Acceptance.
¶ 11. Reservation of rights.
¶ 12. Sprinkle tracks.

An ordinance authorizing the Chicago City Railway company to construct a street railway on Ashland avenue. (Passed February 2, 1887.)

¶ 1. **Grant—Ashland avenue.**] Be it ordained by the board of trustees of the town of Lake: § 1. That permission be and hereby is granted to the Chicago City Railway Company of Chicago, its successors and assigns, to lay down, maintain and operate a double track street railway, with all necessary and convenient side tracks and switches, on Ashland avenue from Thirty-ninth street to Fifty-fifth street: Provided, said tracks shall be laid under and subject to the direction of the engineer of the town, and, provided, said company shall improve and keep in repair sixteen (16) feet in width of the streets where said tracks are laid, using stone in so doing, to the satisfaction of the trustees of said town.

¶ 2. **Style of rail.**] § 2. The tracks shall be so constructed that the center line between the two tracks shall be the center of the streets upon which the same are laid, and that the rails used shall be tram rail similar to that now used by said company in said town.

¶ 3. **Tracks—how constructed.**] § 3. The said company shall at all times keep the said tracks in such condition that they shall not at any time be elevated above the surface of the street on which they are laid, so that vehicles can freely and easily cross said tracks at all points and in all directions without unnecessary obstruction.

¶ 4. **Gauge—indemnity clause.**] § 4. That the gauge of said tracks shall be four (4) feet eight and one-half (8½) inches, and that said company shall be liable for all the legal or consequential damages sustained by any person by reason of the carelessness or misconduct of any of the agents or servants of said company, in the course of their employment in the construction or use of the said railway, and shall protect said town from all damage because of the granting of this ordinance.

¶ 5. **Animal or cable power.**] § 5. The track shall be used for no other purpose than to transport passengers and their ordinary baggage, and the cars used shall be of the improved class in use on such railway, and the cars used upon said tracks shall be operated by animal or cable power only, and no car or cars operated by any other power than animal or cable shall be permitted to run over any of said tracks. The Chicago City Railway Company, its successors or assigns, may at any time operate its various lines of railway in said town of Lake by endless cables operated by stationary engine or engines, not located upon the streets or public places of the town, and propelled by other than animal power, and for said purpose may

make all needful and convenient trenches, excavations and sewer connections, and may place therein all needful and convenient endless cables and machinery: Provided, said cables and machinery shall be underground, and not interfere with public travel, and shall be constructed in substantial and workmanlike manner.

¶ 6. **Running time.**] § 6. That the said company shall cause cars or carriages to be run for the accommodation of the public over all of said tracks at least once in every thirty (30) minutes between the hours of 6 o'clock a. m. and 7 o'clock p. m. of each day, and at least once in sixty (60) minutes between the hours of 7 o'clock p. m. and midnight of each day.

¶ 7. **Time of completion.**] § 7. The said company shall construct all the tracks herein provided for within one year from the passage hereof, unless the construction of any of said tracks shall be delayed by order or injunction of some court of competent jurisdiction, in which case the time lost by such delay shall be added to the time herein specified within which said tracks shall be constructed.

¶ 8. **Rate of fare.**] § 8. The rate of fare on said line for one continuous trip shall be five (5) cents, and any person having paid fare on the line herein named shall be entitled to transportation to Thirty-ninth and State streets, or to Root and Halsted streets, or vice versa, without additional fare.

¶ 9. **Conductors.**] § 9. That no car shall be permitted to run on any of the said lines at any time without a conductor, excepting grip cars.

¶ 10. **Acceptance.**] § 10. This ordinance shall be in force from and after its passage, providing said company shall within sixty (60) days from its passage signify, in writing, its willingness to construct and operate said tracks in accordance with the terms set forth in this ordinance.

¶ 11. **Reservation of rights.**] § 11. The town of Lake, for itself and citizens, reserves the right to put in sewerage, gas, water or other improvements, which it may deem proper, at any place in said street, using reasonable care and diligence, without any liability for damages to said Chicago City Railway Company, its successors and assigns, for so doing: Provided, that the said company shall not be liable to any forfeiture or for any damages for any neglect to operate said railways when prevented from so doing by the work in this section provided for.

¶ 12. **Sprinkle tracks.**] § 12. The said company shall keep its said right of way sprinkled, as it may be directed by the supervisor of the town.

§ 473. Chicago City Railway company.

¶ 1. Grant—route.
¶ 2. Time of completion.
¶ 3. Animal or cable power.
¶ 4. Paving and repair of streets.
¶ 5. Rate of fare—transfers.
¶ 6. License fee.
¶ 7. Term of grant—acceptance.
¶ 8. Subject to ordinances.

An ordinance authorizing the extension of street railways in the south division of the city of Chicago. (Passed February 25, 1887. Accepted March 21, 1887.)

¶ 1. Grant—route.] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof, and the undertaking by the Chicago City Railway Company, to comply with the provisions of this ordinance, authority and consent is hereby granted and given unto the said the Chicago City Railway Company, its successors, assigns and lessees, to construct, lay down, operate and maintain a double track street railway, with the necessary side tracks and switches, in the manner and upon and along the several streets hereinafter mentioned:

On Twenty-second street, from the Illinois Central railroad tracks to the center of Indiana avenue, and from the center of State street to the south branch of the Chicago river.

On Twenty-sixth street, from the center of Halsted street to the center of Cottage Grove avenue.

On Thirty-fifth street, from the center of State street to the center of Ullman street.

On Ullman street, from the center of Thirty-fifth street to the center of Thirty-first street.

On Pitney avenue, from the center of Archer avenue to the right of way of the Chicago and Alton Railroad Company.

¶ 2. Time of completion.] § 2. The various tracks herein named shall be built within two (2) years after the passage of this ordinance.

Provided, that should the construction of any one or more of said lines be delayed by injunction of any court, the time so lost shall be added to the time herein specified, within which the same shall be constructed; and

Provided, that should any portion of any of the said lines be not completed within the time herein specified, that the rights herein granted shall be forfeited only on the unbuilt portion thereof.

¶ 3. Animal or cable power.] § 3. The cars of said railway shall be operated only by animal power, except that it shall be lawful for the Chicago City Railway Company at any time, within the term of this ordinance, to adopt its so-called "cable system," on any or all of the lines herein named, the same to be constructed and operated as

provided by and subject to the conditions of the ordinance of January 17th, A. D. 1881, authorizing the Chicago City Railway Company to operate its cars by other than animal power.

¶ **4. Paving and repair of streets.**] § 4. As regards filling, grading and paving of the streets, or parts of streets, to be occupied by its tracks, as herein provided, the said company shall fill, grade and pave, and keep in repair, sixteen (16) feet in the center of said street, so occupied, in manner provided by section two of the ordinance of July 30th, 1883, relating to street railways. The right to use granite blocks in paving all its lines on the streets herein named, is hereby expressly granted to said company.

¶ **5. Rate of fare—transfers.**] § 5. The rate of fare shall not exceed five (5) cents for any distance between Madison street and the terminus of each of said lines, and passengers on the Twenty-second street, Twenty-sixth street and Thirty-fifth street direct lines, shall be transferred either way, to or from any of the north or south lines of said company, which they cross, without additional fare.

¶ **6. License fee.**] § 6. As regards the license to be paid on the cars to be operated on the lines herein provided, the said company shall conform to section one of an ordinance passed July 30th, 1883, relating to street railways.

¶ **7. Term of grant—acceptance.**] § 7. The grant herein given shall extend for the term of twenty (20) years from the passage hereof, provided the same shall be accepted by said company within thirty (30) days after its passage.

¶ **8. Subject to ordinances.**] § 8. The privileges hereby granted are subject to all the general ordinances of the city of Chicago, now in force or hereafter to be passed, in reference to horse railways, and to all ordinances affecting the lines of railways of which the lines hereby authorized are extensions.

Note.—See following amendatory ordinance.

§ 474. Chicago City Railway company.

¶ 1. Amending foregoing ordinance.

An ordinance amending an ordinance passed February 25, 1887, authorizing the extension of street railways in the south division of the city of Chicago. (Passed October 8, 1888.)

¶ **1. Amending foregoing ordinance.**] Be it ordained by the city council of the city of Chicago: That, that part of section one granting to the Chicago City Railway Company the right to lay down and operate a double track railroad, with the necessary side tracks and switches, on Twenty-second street, from the Illinois Central Railroad tracks, to the center of Indiana avenue, embodied in an ordinance passed by the city council of the city of Chicago, February twenty-fifth (25th), A. D. 1887, and approved by the mayor of said city, Feb-

ruary twenty-eight (28th), of the same year, be and the same hereby is repealed.

This ordinance shall be in force from and after its passage.

§ 475. Chicago City Railway company.

¶ 1. Grant, Forty-third street—term.
¶ 2. Animal or cable power.
¶ 3. Sprinkle tracks—snow.
¶ 4. Tracks, how laid.
¶ 5. Paving.
¶ 6. Reservation of rights.
¶ 7. Time of completion.
¶ 8. Rate of fare—running time.
¶ 9. Acceptance.

An ordinance authorizing the Chicago City Railway company to construct a street railway on Forty-third street. (Passed and approved April 4, 1887. Accepted April 11, 1887.)

¶ 1. **Grant—43d street—term.**] Be it ordained by the president and board of trustees of the village of Hyde Park, Illinois, as follows: § 1. That consent be and it is hereby given to the Chicago City Railway Company, its successors and assigns, to lay down, maintain and operate for the period of twenty (20) years from the passage of this ordinance, a double track street railway in, over and along Forty-third street in the village of Hyde Park, from the right of way of the Illinois Central Railroad Company to the center of State street.

¶ 2. **Animal or cable power.**] § 2. The cars used upon said tracks shall be operated only by animal or cable power, and said company shall have the right at any time to adopt its so-called cable system on the said tracks. Said Chicago City Railway Company may for said purpose make all needful and convenient trenches, excavations and sewer connections, and may place all needful and convenient endless cables and machinery therein upon said street, upon which its railway shall be constructed hereunder: Provided, that said cables and machinery shall be underground, and shall not interfere with public travel, and shall be constructed in substantial and workmanlike manner: Provided, also, that if in the construction of said trenches and excavations any damage or injury shall result to any of the sewers, water pipes or private drains, then said company shall pay and be held liable therefor.

¶ 3. **Sprinkle tracks—snow.**] § 3. Said railway tracks provided for in this ordinance shall occupy the center sixteen (16) feet of the street above named, shall be sprinkled in the summer and cleared of snow in the winter.

¶ 4. **Tracks—how laid.**] § 4. The cars to be operated upon said tracks shall be used only for the transfer of passengers and their ordinary baggage, and the cars and carriages used for that purpose shall be of the best style and class in use upon street railways, and shall be warmed in the winter. The tracks of said railway shall not

be elevated above the surface of the street, and shall conform to the grades thereof, which shall have been established by the village of Hyde Park at the time of laying said tracks, and shall be laid with Johnson patent, or other improved rails, and shall be so laid that carriages and other vehicles can readily and freely cross said tracks at any point in any and all directions without unnecessary obstruction.

¶ **5. Paving.**] § 5. Said Chicago City Railway Company, its successors and assigns, shall improve and keep in repair the sixteen (16) feet in width of said street occupied by it, during the whole time that said street shall be occupied by said tracks, using stone in so doing.

¶ **6. Reservation of rights.**] § 6. The village of Hyde Park, for itself and citizens, reserves the right to put in sewerage, gas, water or other improvements, which it may deem proper, at any place in said street, using reasonable care and diligence, without any liability for damages to said Chicago City Railway Company, its successors and assigns, for so doing. The said company shall not be liable to any forfeiture or for any damages for any neglect to operate said railway when prevented from so doing by the work in this section provided for.

¶ **7. Time of completion.**] § 7. The said railway company, its successors and assigns, shall complete the railway hereby authorized within twelve (12) months after the passage and approval of this ordinance: Provided, however, that if said company shall be delayed by ordinance or resolution of the village of Hyde Park, or by any injunction, or order or decree of any court of competent jurisdiction, then the period of any and all such delays shall be added to said twelve (12) months.

¶ **8. Rate of fare—running time.**] § 8. The rate of fare on said railway tracks hereby authorized shall not (except where cars are chartered for a specified time and purpose) exceed five (5) cents for one trip or part of trip either way. Said company shall also transfer passengers without additional fare to the north and south lines of said company, which may be crossed by the tracks herein authorized, good to Madison street in the city of Chicago, or the stock yards at Halsted and Root streets, to holders of twenty ride family tickets. Said company shall operate cars at intervals of not more than ten minutes from 6:30 to 8:30 A. M. and 4:30 to 6:30 P. M., and at other hours at intervals of not more than thirty minutes from 6 o'clock A. M. to 11 o'clock P. M. Cars shall stop to take on and let off passengers only at the farther crossing of street intersections.

¶ **9. Acceptance.**] § 9. This ordinance shall take effect and be in force when, and as soon as said company shall file with the clerk of the village of Hyde Park its acceptance in writing of this ordinance, and if said company shall not file such acceptance with

said clerk within sixty (60) days after the passage and approval of this ordinance, then this ordinance shall become and be void.

§ 476. Chicago City Railway company.

¶ 1. Grant—State street—term.
¶ 2. Animal or cable power.
¶ 3. Position of tracks.
¶ 4. Passenger service—tracks.
¶ 5. Paving and repair of streets.
¶ 6. Reservation of rights.
¶ 7. Completion of road.
¶ 8. Rate of fare—running time.
¶ 9. When in force—acceptance.

An ordinance authorizing the Chicago City Railway company to construct a street railway on State street. (Passed and approved April 4, 1887. Accepted April 11, 1887.)

¶ 1. Grant—State street—term.] Be it ordained by the president and board of trustees of the village of Hyde Park, Illinois, as follows: § 1. That consent be and it is hereby given to the Chicago City Railway Company, its successors and assigns, to lay down, maintain and operate for the period of twenty (20) years from the passage of this ordinance, a single track street railway in, over and along State street, in the village of Hyde Park, from Sixty-third street to the center of Vincennes avenue, but nothing herein shall require said company to operate its cars across the steam railway tracks immediately south of Sixty-third street.

¶ 2. Animal or cable power.] § 2. The cars used upon said tracks shall be operated only by animal or cable power, and said company shall have the right at any time to adopt its so-called cable system on the said tracks. Said Chicago City Railway Company may for said purpose make all needful and convenient trenches, excavations and sewer connections, and may place all needful and convenient endless cables and machinery therein upon said street, upon which its railway shall be constructed hereunder: Provided, that said cables and machinery shall be underground, and shall not interfere with public travel, and shall be constructed in a substantial and workmanlike manner: Provided, also, that if in the construction of said trenches and excavations, any damage or injury shall result to any of the sewers, water pipes or private drains, then said company shall pay and be held liable therefor.

¶ 3. Position of track.] § 3. Said railway track provided for in this ordinance shall occupy with a single track to be laid in the town of Lake, the center sixteen (16) feet of the street above named.

¶ 4. Passenger service—tracks.] § 4. The cars to be operated upon said tracks shall be used only for the transfer of passengers and their ordinary baggage, and the cars and carriages used for that purpose shall be of the best style and class in use upon street railways. The track of said railway shall not be elevated above the surface of

the street, and shall conform to the grades thereof, which shall have been established by the village of Hyde Park at the time of laying said track, and shall be so laid that carriages and other vehicles can readily and freely cross said track at any point in any and all directions without unnecessary obstruction.

¶ 5. **Paving and repair of streets.**] § 5. Said Chicago City Railway Company, its successors and assigns, shall improve and keep in repair the sixteen (16) feet in width of said street occupied by it, during the whole time that said street shall be occupied by said track, using stone in so doing.

¶ 6. **Reservation of rights.**] § 6. The village of Hyde Park, for itself and citizens, reserves the right to put in sewerage, gas, water or other improvements, which it may deem proper, at any place in said street, using reasonable care and diligence, without any liability for damages to said Chicago City Railway Company, its successors and assigns, for so doing. The said company shall not be liable to any forfeiture, or for any damages for any neglect to operate said railway, when prevented from so doing by the work in this section provided for.

¶ 7. **Completion of road.**] § 7. The said railway company, its successors and assigns, shall complete the railway hereby authorized within twelve (12) months after the passage and approval of this ordinance: Provided, however, that if said company shall be delayed by ordinance or resolution of the village of Hyde Park, or by any injunction or order or decree of any court of competent jurisdiction, then the period of any and all such delays shall be added to said twelve (12) months.

¶ 8. **Rate of fare—running time.**] § 8. The rate of fare on said railway track hereby authorized shall not (except where cars are chartered for a specified time and purpose) exceed five (5) cents for one trip or part of trip either way. Said company shall also transfer passengers without additional fare north to Thirty-ninth street. Said company shall operate cars at intervals of not more than one hour from 6:30 A. M. to 6:30 P. M. Cars shall stop to take on and let off passengers only at the farther crossing of street intersections.

¶ 9. **When in force—acceptance.**] § 9. This ordinance shall take effect and be in force when, and as soon as said company shall file with the clerk of the village of Hyde Park its acceptance in writing of this ordinance, and if said company shall not file such acceptance with said clerk within sixty (60) days after the passage and approval of this ordinance, then this ordinance shall become and be void.

§ 477. Chicago City Railway company.

¶ 1. Grant, Sixty-third street—term.
¶ 2. Animal or cable power.
¶ 3. Position of tracks.
¶ 4. Passenger service.
¶ 5. Paving and repair of streets.
¶ 6. Reservation of rights.
¶ 7. Completion of tracks.
¶ 8. Rate of fare—running time.
¶ 9. Acceptance.

An ordinance authorizing the Chicago City Railway company to construct a street railway on Sixty-first and Sixty-third streets. (Passed and approved April 4, 1887. Accepted April 11, 1887.)

¶ 1. **Grant—63d street—term.**] Be it ordained by the president and board of trustees of the village of Hyde Park, Illinois, as follows: § 1. That consent be and it is hereby given to the Chicago City Railway Company, its successors and assigns, to lay down, maintain and operate for the period of twenty (20) years from the passage of this ordinance a double track street railway in, over and along Sixty-third street in the village of Hyde Park, from the right of way of the Illinois Central Railroad Company to the center of Cottage Grove avenue, and on Sixty-first street from the center of Cottage Grove avenue west to the present terminus of said company's tracks on said Sixty-first street.

¶ 2. **Animal or cable power.**] § 2. The cars used upon said tracks shall be operated only by animal or cable power, and said company shall have the right at any time to adopt its so-called cable system on the said tracks. Said Chicago City Railway Company may for said purpose make all needful and convenient trenches, excavations and sewer connections, and may place all needful and convenient endless cables and machinery therein upon said street, upon which its railways shall be constructed hereunder: Provided, that said cables and machinery shall be underground, and shall not interfere with public travel, and shall be constructed in a substantial and workmanlike manner: Provided, also, that if in the construction of said trenches and excavations, any damage or injury shall result to any of the sewers, water pipes or private drains, then said company shall pay and be held liable therefor.

¶ 3. **Position of tracks.**] § 3. Said railway tracks provided for in this ordinance shall occupy the center sixteen (16) feet of the street above named.

¶ 4. **Passenger service.**] § 4. The cars to be operated upon said tracks shall be used only for the transfer of passengers and their ordinary baggage, and the cars and carriages used for that purpose shall be of the best style and class in use upon street railways. The tracks of said railway shall not be elevated above the surface of the street, and shall conform to the grades thereof, which shall have been

established by the village of Hyde Park at the time of laying said tracks, and shall be so laid that carriages and other vehicles can readily and freely cross said tracks at any point in any and all directions without unnecessary obstruction.

¶ 5. **Paving and repair of streets.**] § 5. Said Chicago City Railway Company, its successors and assigns, shall improve and keep in repair the sixteen (16) feet in width of said street occupied by it, during the whole time that said street shall be occupied by said tracks, using stone in so doing.

¶ 6. **Reservation of rights.**] § 6. The village of Hyde Park, for itself and citizens, reserves the right to put in sewerage, gas, water or other improvements, which it may deem proper, at any place in said street, using reasonable care and diligence, without any liability for damages to said Chicago City Railway Company, its successors and assigns, for so doing. The said company shall not be liable to any forfeiture, or for any damages for any neglect to operate said railway, when prevented from so doing by the work in this section provided for.

¶ 7. **Completion of tracks.**] § 7. The said railway company, its successors and assigns, shall complete the railway hereby authorized within twelve (12) months after the passage and approval of this ordinance. Provided, however, that if said company shall be delayed by ordinance or resolution of the village of Hyde Park, or by any injunction, or order or decree of any court of competent jurisdiction, then the period of any and all such delays shall be added to said twelve (12) months

¶ 8. **Rate of fare—running time.**] § 8. The rate of fare on said railway tracks hereby authorized shall not (except where cars are chartered for a specified time and purpose) exceed five (5) cents for one trip or part of trip either way. Said company shall also transfer passengers without additional fare to the north and south lines of said company, which may be crossed by the tracks herein authorized (and the extension thereof in the town of Lake) good as far north as Thirty-ninth street. Said company shall operate cars at intervals of not more than one hour from 6:30 a. m. to 6:30 p. m. Cars will stop to take on and let off passengers only at farther crossing of street intersections.

¶ 9. **Acceptance.**] § 9. This ordinance shall take effect and be in force when, and as soon as said company shall file with the clerk of the village of Hyde Park its acceptance in writing of this ordinance, and if said company shall not file such acceptance with said clerk within sixty (60) days after the passage and approval of this ordinance, then this ordinance shall become and be void.

§ 478. Chicago City Railway company.

¶ 1. Grant—Wallace street.
¶ 2. Same provisions as ordinance of June 13, 1887.

An ordinance granting permission to the Chicago City Railway company to operate and maintain a street railway in Wallace street, from Twenty-sixth to Thirty-first street. (Passed October 24, 1887. Accepted November 28, 1887.)

¶ 1. Grant—Wallace street.] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof and the undertaking by the Chicago City Railway Company to comply with the provisions of this ordinance, authority and consent is hereby granted and given unto the said Chicago City Railway Company, its successors and assigns, to construct, lay down, operate and maintain a double track street railway on Wallace street, between 26th street and 31st street, connecting with the lines of railway of said company on said streets.

¶ 2. Same provisions as ordinance of June 13, 1887.] § 2. The right herein granted shall be subject to the same restrictions and privileges as are contained in the ordinance granting the right for street railway on said Wallace street, between 31st and 39th streets, passed by the city council of said city June 13th, 1887.

§ 479. Chicago City Railway company.

¶ 1. Grant—Sixty-ninth street—improvement of streets.
¶ 2. Paving and repair of streets.
¶ 3. Gauge—indemnity clause.
¶ 4. Passenger service—animal or cable power.
¶ 5. Running time.
¶ 6. Time of completion.
¶ 7. Rate of fare—transfers.
¶ 8. Conductors.
¶ 9. Repair work.
¶ 10. Reservation of rights.
¶ 11. Acceptance.

An ordinance authorizing the Chicago City Railway company to construct a street railway on Sixty-ninth street. (Passed November 20, 1888. Accepted November 27, 1888.)

¶ 1. Grant—69th street—improvement of streets.] Be it ordained by the president and board of trustees of the town of Lake as follows: § 1. That permission be, and is hereby granted to the Chicago City Railway Company of Chicago, its successors and assigns, to lay down, maintain and operate a double track street railway with all necessary and convenient switches and with such sidetracks as the president and board of trustees of said town may hereafter, from time to time, grant permission to lay on Sixty-ninth street from Halsted street to Ashland avenue; Provided, said company shall improve and keep in repair sixteen feet in width of the street where said tracks are laid using for that purpose crushed stone until such time as said portion of 69th street shall be macadamized or otherwise

improved then using for the purpose of improving and keeping in repair said sixteen feet granite block pavements or Ottawa paving blocks.

¶ 2. **Paving and repair of streets.**] § 2. The said company shall at all times keep the said tracks in such condition that they shall not at any time be elevated above the surface of the street on which they are laid so that vehicles can freely and easily cross said tracks at all points and in all directions without unnecessary obstruction; and as soon as said portion of 69th street shall be macadamized or otherwise improved the said railway company shall keep its right of way herein granted sprinkled as it may be directed by the superintendent of the department of public works of said town.

¶ 3. **Gauge—indemnity clause.**] § 3. That the gauge of said tracks shall be four (4) feet eight and one-half (8½) inches and that said company shall be liable for all the legal and consequential damages sustained by any person by reason of the carelessness or misconduct of any of the agents or servants of said company in the course of their employments in the construction or use of the said railway and shall protect and hold harmless the said town from all costs, liability, or damage arising from, growing out of, or resulting from the granting of this ordinance.

¶ 4. **Passenger service—animal or cable power.**] § 4. The tracks shall be used for no other purpose than to transport passengers and their ordinary baggage, and the cars used shall be of the improved class in use upon such railways, and the cars used upon said tracks shall be operated by animal or cable power only, and no car or cars operated by any other power than animal or cable power shall be permitted to run over said tracks, The Chicago City Railway Company, its successors or assigns, may at any time, operate said lines of railway by endless cables operated by stationary engine or engines not located upon the street or public places of the town and propelled by other than animal or cable power and for said purpose may make all needful and convenient trenches, excavations and sewer connections, and may place all needful and convenient endless cables and machinery therein, provided said machinery and cable shall be underground and not interfere with public travel and shall be constructed in a substantial and workmanlike manner.

¶ 5. **Running time.**] § 5. The said company shall cause cars or carriages to be run for the accommodation of the public over said tracks at least once in every thirty minutes between the hours of six o'clock a. m. and seven o'clock p. m. of each day and at least once in sixty minutes between the hours of seven o'clock p. m. and midnight of each day.

¶ 6. **Time of completion.**] § 6. The said company shall construct all the tracks herein provided within one year from the pas-

sage hereof; unless the construction of said tracks shall be delayed by order or injunction of some court of competent jurisdiction, in which case the time lost by such delay shall be added to the time herein specified within which said tracks shall be constructed.

¶ 7. **Rate of fare—transfers.**] § 7. The rate of fare on said line for one continuous trip shall be five cents, and any person having paid fare on said line shall be entitled to transportation to State and 39th streets, or to Root and Halsted streets, or vice versa, without additional fare; but nothing herein contained shall require said company to operate its cars across the steam railroad tracks lying south of 63rd street on State street.

¶ 8. **Conductors.**] § 8. That no car shall be permitted to run on said line without a conductor, excepting grip cars.

¶ 9. **Repair work.**] § 9. All work and repairs done by said company under or by virtue of the authority herein contained shall be done to the satisfaction of the superintendent of public works of said town.

¶ 10. **Reservation of rights.**] § 10. The town of Lake, for itself and citizens reserves the right to put in sewerage, gas, water or other improvements which it may deem proper at any place in said street using reasonable care and diligence without any liability for damages to said Chicago City Railway Company, its successors and assigns, for so doing, provided that said company shall not be liable to any forfeiture or for any damages for any neglect to operate said railways when prevented from so doing by the work in this section provided for.

¶ 11. **Acceptance.**] § 11. This ordinance shall not be in force until its written acceptance by said company has been filed in the office of the clerk of the town of Lake; and unless such acceptance shall be filed in said clerk's office within sixty days after the passage hereof, this ordinance and the rights and privileges herein granted shall be null and void; and any failure on the part of said company to fulfill and observe each and every of the terms and conditions of this ordinance shall work a forfeiture hereof and of the rights and privileges herein granted.

§ 480. Chicago City Railway company.

¶ 1. Grant—paving and repair of streets—compensation to property owners.
¶ 2. Tracks, position of.
¶ 3. Tracks, how constructed.
¶ 4. Gauge—indemnity clause.
¶ 5. Passenger service—horse or cable.
¶ 6. Running time.
¶ 7. Time of completion.
¶ 8. Rate of fare—transfers.
¶ 9. Conductors.
¶ 10. Reservation of rights.

¶ 11. Sprinkle tracks.
¶ 12. Acceptance.

An ordinance authorizing the Chicago City Railway company to construct a street railway on Wentworth avenue. (Passed December 4, 1888.)

¶ 1. Grant—paving and repair of streets—compensation to property owners.] Be it ordained by the president and board of trustees of the town of Lake as follows: § 1. That permission and authority be and the same are hereby granted to the Chicago City Railway Company, of Chicago, its successors and assigns, to lay down, maintain and operate a double track street railway with all necessary and convenient switches and with such side tracks as the president and board of trustees of said town may hereafter, from time to time, grant permission to lay on Wentworth avenue in the town of Lake, county of Cook, and state of Illinois, from the center line of 63rd street to the intersection of said Wentworth avenue with Vincennes avenue and on Vincennes avenue from said intersection to the north line of 81st street; Provided, said tracks, sidetracks and switches shall be laid under and subject to the direction and supervision of the superintendent of the department of public works of said town; and provided further, said company shall improve and keep in repair sixteen (16) feet in width of the street or streets where said tracks are laid, using for that purpose granite block pavement, or Ottawa paving blocks, to the satisfaction of the superintendent of the department of public works of said town, that portion of the right of way herein granted which lies between 63rd street and 73rd street shall be paved at the time the tracks are laid, and that portion of the right of way herein granted which lies between 73rd and 81st streets shall be paved as soon as Vincennes avenue is improved, the last mentioned portion of said right of way to be improved with crushed stone, immediately upon the laying of said tracks and as the work progresses under the direction and supervision and to the satisfaction of the superintendent of the department of public works of said town, until said Vincennes avenue is improved as aforesaid; and provided further, said Chicago City Railway Company shall first, and before the commencement of any work under this ordinance, pay into the treasury of said town for the benefit of the property owners, the sum of one dollar per foot for each and every foot of ground on each side of the street, fronting, siding or abutting on said Wentworth avenue between the south line of 63rd street and the north line of 73rd street, except street crossings or intersections.

¶ 2. Tracks, position of.] § 2. The tracks shall be so constructed that the center line between the two tracks shall be the center of the street upon which the same are laid, and the rails used shall be rails similar to those now used by said Chicago City Railway Company in said town.

¶ 3. Tracks, how constructed.] § 3. The said company shall

at all times keep the tracks in such condition that they shall not at any time be elevated above the surface of the street on which they are laid, so that vehicles can freely and easily cross said tracks at all points and in all directions without unnecessary obstruction.

¶ 4. **Gauge—indemnity clause.**] § 4. The gauge of said tracks shall be four feet (4 ft.) eight and one-half (8½) inches and said company shall be liable for all the legal or consequental damages sustained by any person or persons by reason of the carelessness or misconduct of any of the officers, agents, employes, or servants of said company in the course of their employment in the construction or use of the said railway, and shall protect said town from all damages or claims for damages arising from, growing out of, or resulting from the granting of this ordinance, and the said company shall have no claims against said town for damages on account of any matter or thing connected with or growing out of the granting of this ordinance.

¶ 5. **Passenger service—horse or cable.**] § 5. The said tracks shall be used for no other purpose than to transport passengers and their ordinary baggage, and the cars used shall be of an improved class in use on said company's railway and the cars used upon said tracks shall be operated by animal or cable power only, and no cars operated by any other power than animal or cable power shall be permitted to run over any of said tracks. The Chicago City Railway Company, its successors and assigns, may at any time operate the aforesaid line of railway in said town of Lake by endless cables operated by stationary engine or engines not located upon the streets or public places of the town, and for said purpose may make all needful and convenient trenches, excavations and sewer connections, and may place therein all needful and convenient endless cables and machinery; Provided, said cables and machinery shall be underground and shall not interfere with public travel, and shall be constructed in a substantial and workmanlike manner under the direction and supervision of the superintendent of the department of public works of said town, and to his satisfaction.

¶ 6. **Running time.**] § 6. The said company shall cause cars to be run for the accommodation of the public over all of said tracks at least once every fifteen minutes between the hours of six o'clock a. m. and seven o'clock p. m. of each day, and at least once in every thirty minutes between the hours of seven o'clock p. m. and midnight of each day.

¶ 7. **Time of completion.**] § 7. The said company shall construct all the tracks herein provided for, and have the same in operation as herein provided, within one year from the passage hereof, unless the construction of any of said tracks shall be delayed by order or injunction of some court of competent jurisdiction, in which case the time lost by such delay shall be added to the time herein specified within which said tracks shall be constructed. And it is hereby

further provided, that the work of laying and constructing the tracks herein provided for in any given block shall be completed within sixty (60) days from the commencement of the laying and constructing of said tracks in said block.

¶ **8. Rate of fare—transfers.**] § 8. The rate of fare on said line for one continuous trip shall not be more than five cents, and any person having paid fare on the line herein named shall be entitled to transportation without additional fare or compensation on any line or lines of railway in the town of Lake, village of Hyde Park or city of Chicago, owned, operated or controlled by said Chicago City Railway Company, for a distance equal to the distance that passengers are transported or carried on any other line or lines of railway owned, operated or controlled by said Chicago City Railway Company and in any event, to any point in said town of Lake on any line of railway which now is or may hereafter be owned, controlled or operated by said Chicago City Railway Company.

¶ **9. Conductors.**] § 9. No car, excepting grip cars, shall be permitted to run on any of the said lines at any time without a conductor.

¶ **10. Reservation of rights.**] § 10. The town of Lake, for itself and citizens, reserves the right to put in a viaduct or viaducts, sewerage, gas, water or other improvements, which it may deem proper or advisable, at any place in said streets, using reasonable care and diligence, without any liability for damages to said Chicago City Railway Company, its successors and assigns, for so doing: Provided, that the said company shall not be liable to any forfeiture or for any damages for any neglect to operate said railway when prevented from so doing by the work in this section provided for. And provided, further, that in case the president and board of trustees of said town shall, at any time hereafter, consider it necessary to construct a viaduct or viaducts along the line of the right of way herein granted, then and in that event the said Chicago City Railway Company shall and will pay one-third of the cost and expense of the approaches thereto.

¶ **11. Sprinkle tracks.**] § 11. The said company shall keep its right of way sprinkled as it may be directed by the superintendent of the department of public works of said town.

¶ **12. Acceptance.**] § 12. This ordinance shall not be in force until its written acceptance by said company has been filed in the office of the clerk of the town of Lake; and unless such acceptance shall be filed in said clerk's office within sixty days after the passage hereof, this ordinance, and the rights and privileges herein granted, shall be null and void; and any failure on the part of said company to fulfill and observe each and every of the terms and conditions of this ordinance shall work a forfeiture hereof and of the rights and privileges herein granted.

§ 481. Chicago City Railway company.

¶ 1. Grant, Twenty-first street.
¶ 2. Position of tracks—use of tracks.
¶ 3. Animal power.
¶ 4. Term of grant.
¶ 5. Subject to ordinances.

An ordinance granting permission to the Chicago City Railway company to lay tracks on Twenty-first street. (Passed February 25, 1889. Accepted May 4, 1889.)

¶ 1. **Grant—Twenty-first street.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof and the undertaking by the Chicago City Railway Company to comply with the provisions of this ordinance, and the general ordinances of the city, authority and consent is hereby given unto the said Chicago City Railway Company, its successors and assigns, to construct, lay down, operate and maintain a single track street railway, with the necessary side track and switches, in the manner and upon and along the streets hereinafter named: On Twenty-first street, from the center of State street, or sufficiently near the center thereof, to connect with the tracks of said company on said street to Dearborn street, thence north on Dearborn street to Twentieth street, with necessary turn off on said street to the barn of said company.

¶ 2. **Position of tracks—use of tracks.**] § 2. The permission herein granted is upon the express condition that the single track herein authorized shall be located and laid on that side of the street adjacent to the property of said company, and upon the further condition that the cars of said company shall not be permitted to stand on said track, and that said track shall only be used for transferring cars into the shop or barn of said company.

¶ 3. **Animal power.**] § 3. The cars of said railway upon said track shall only be operated by animal power.

¶ 4. **Term of grant.**] § 4. The permission herein given shall extend for the term of twenty (20) years from the thirtieth day of July, A. D. 1883.

¶ 5. **Subject to ordinances.**] § 5. The privileges hereby granted are subject to all the general ordinances of the city of Chicago now in force or hereafter to be passed in reference to horse railways, and to all ordinances affecting the line of railways of which the line hereby authorized is a part.

§ 482. Chicago City Railway company.

¶ 1. Grant, Cottage Grove avenue—term.
¶ 2. Cable power—same requirements as ordinance of November 8, 1886.

An ordinance concerning cable railway on Cottage Grove avenue, from Sixty-seventh street to the right of way of the Lake Shore & Michigan Southern Railroad company. (Passed June 5, 1889.)

¶ 1. **Grant—Cottage Grove avenue—term.**] It is hereby ordained by the president and board of trustees of the village of Hyde Park, Ill., as follows: § 1. That consent be and it is hereby granted to the Chicago City Railway Company, its successors and assigns, to lay down, maintain and operate for the period of twenty (20) years from passage of this ordinance, a double track cable street railway in, over and along Cottage Grove avenue in the village of Hyde Park from 67th street to the right of way of the Lake Shore and Michigan Southern Railroad Company.

¶ 2. **Cable power—same requirements as ordinance of Nov. 8, 1886.**] § 2. The tracks herein authorized shall be constructed within two (2) years from the date of passage hereof, and the construction and operation of said tracks shall be subject to the same requirements and privileges as the cable railway of said company now in operation on Cottage Grove avenue are constructed under ordinance of the village of Hyde Park, passed on the 8th day of Nov., 1886.

§ 483. Chicago City Railway company.

¶ 1. Grant—extension of track on Sixty-ninth street.
¶ 2. Time of completion.
¶ 3. Indemnity clause.

An ordinance authorizing the Chicago City Railway company to construct a street railway on Sixty-ninth street, from Ashland avenue to Leavitt street. (Passed June 18, 1889.)

¶ 1. **Grant—extension of track on 69th street.**] Be it ordained by the president and board of trustees of the town of Lake, as follows: § 1. That permission be and it is hereby granted to the Chicago City Railway Company of Chicago, its successors and assigns, to extend the double track now owned by said company on 69th street from its present terminus westwardly along 69th street to Leavitt street, provided said company shall improve and keep in repair sixteen (16) feet in width of the street where said tracks are laid, using for that purpose stone, and to the satisfaction of the said board of trustees.

¶ 2. **Time of completion.**] § 2. Tracks herein authorized shall be constructed within two (2) years from the passage of this ordinance.

¶ 3. **Indemnity clause.**] § 3. Said Chicago City Railway Company shall protect and hold harmless the said town of Lake from all cost, liability or damage arising from or growing out of, or resulting from the granting of this ordinance.

§ 484. Chicago City Railway company.

¶ 1. Grant, Wentworth avenue—improvement and repair of street.
¶ 2. Position of tracks.
¶ 3. Construction of tracks.
¶ 4. Gauge—indemnity clause.

¶ 5. Passenger service—animal or cable power..
¶ 6. Running time.
¶ 7. Time of completion.
¶ 8. Rate of fare—transfer.
¶ 9. Conductors.
¶ 10. Reservation of rights.
¶ 11. Sprinkle tracks.
¶ 12. Acceptance.

An ordinance authorizing the Chicago City Railway company to construct a street railway on Wentworth avenue, from Sixty-third street to the intersection of said Wentworth avenue with Vincennes avenue, and on Vincennes avenue to the north line of Eighty-first street. (Adopted January 29, 1889. Accepted June 25, 1889.)

¶ 1. Grant—Wentworth avenue—improvement and repair of street.] Be it ordained by the president and board of trustees of the town of Lake, as follows: § 1. That permission and authority be and the same are hereby granted to the Chicago City Railway Company of Chicago, its successors and assigns, to lay down, maintain and operate a double track street railway with all necessary and convenient switches and with such side tracks as the president and board of trustees of said town may hereafter from time to time grant permission to lay on Wentworth avenue, in the town of Lake, county of Cook, and state of Illinois, from the center line of 63d street to the intersection of said Wentworth avenue with Vincennes avenue, and on Vincennes avenue from said intersection to the north line of 81st street, provided said tracks, side tracks, and switches shall be laid under and subject to the direction and supervision of the superintendent of the department of public works of said town; and provided further, said company shall improve and keep in repair sixteen (16) feet in width of the street or streets where said tracks are laid, using for that purpose granite block pavement or Ottawa paving blocks to the satisfaction of superintendent of the department of public works of said town that portion of the right of way herein granted which lies between 63d street and 73d street, shall be paved at the time the tracks are laid and that portion of the right of way herein granted which lies between 73d street and 81st street, shall be paved as soon as Vincennes avenue is improved, the last mentioned portion of said right of way to be improved with crushed stone immediately upon the laying of said tracks, and as the work progresses under the direction and supervision and to the satisfaction of the superintendent of the department of public works of said town until said Vincennes avenue is improved as aforesaid, and provided further, said Chicago City Railway Company, shall within sixty (60) days after said tracks are laid down and operated, pay into the treasury of said town for the benefit of the property owners, the sum of one dollar per foot, for each and every foot of ground, on each side of the street, fronting, siding or abutting on said Wentworth avenue, between the south line of 63d street and the north line of 73d street, except street crossings or intersections.

¶ **2. Position of tracks.**] § 2. The tracks shall be so constructed that the center line between the two tracks shall be the center of the street upon which the same are laid and the rails used shall be rails similar to those now used by said Chicago City Railway Company in said town.

¶ **3. Construction of tracks.**] § 3. The said company shall at all times keep the said tracks in such condition that they shall not at any time be elevated above the surface of the street on which they are laid, so that vehicles can freely and easily cross said tracks at all points and in all directions without unnecessary obstruction.

¶ **4. Gauge—indemnity clause.**] § 4. The gauge of said tracks shall be four feet (4 ft.) eight and one-half inches (8½) and said company shall be liable for all the legal or consequental damages sustained by any person or persons by reason of the carelessness or misconduct of any of the officers, agents, employes, or servants of said company in the course of their employment in the construction or use of the said railway, and shall protect said town from all damages or claims for damages arising from, growing out of, or resulting from the granting of this ordinance, and the said company shall have no claim against said town for damages on account of any matter or thing connected with, or growing out of the granting of this ordinance.

¶ **5. Passenger service—animal or cable power.**] § 5. The said tracks shall be used for no other purpose than to transport passengers and their ordinary baggage, and the cars used shall be of an improved class in use on said company's railway, and the cars used upon said tracks shall be operated by animal or cable power only, and no cars operated by any other power than animal or cable power shall be permitted to run over any of said tracks. The Chicago City Railway Company, its successors and assigns, may at any time operate the aforesaid line of railway in said town of Lake by endless cable operated by stationary engine or engines not located upon the streets or public places of the town, and for said purpose may make all needful and convenient trenches, excavations and sewer connections, and may place therein all needful and convenient endless cables and machinery, provided said cables and machinery shall be underground and shall not interfere with public travel and shall be constructed in a substantial and workmanlike manner under the direction and supervision of the superintendent of the department of public works of said town and to his satisfaction.

¶ **6. Running time.**] § 6. The said company shall cause cars to be run for the accommodation of the public over all of said tracks at least once every fifteen minutes, between the hours of 6 o'clock a. m. and 7 o'clock p. m. of each day, and at least once in every thirty minutes between the hours of 7 o'clock p. m. and midnight of each day.

¶ 7. **Time of completion.**] § 7. The said company shall construct all the tracks herein provided for, and have the same in operation as herein provided, within one year from the passage hereof, unless the construction of any of said tracks shall be delayed by order of injunction of some court of competent jurisdiction, in which case the time lost by such delay shall be added to the time herein specified within which said tracks shall be constructed; and it is hereby further provided that the work of laying and constructing the tracks herein provided for in any given block shall be completed within sixty (60) days from the commencement of the laying and constructing of said tracks in said block.

¶ 8. **Rate of fare—transfer.**] § 8. The rate of fare on said line for one continuous trip shall not be more than five cents, and any person having paid fare on the line herein named shall be entitled to transportation without additional fare or compensation to Thirty-ninth (39th) and State streets, or to Root and Halsted streets, or vice versa.

¶ 9. **Conductors.**] § 9. No car, excepting grip cars, shall be permitted to run on any of the said lines at any time without a conductor.

¶ 10. **Reservation of rights.**] § 10. The town of Lake for itself and citizens reserves the right to put in a viaduct or viaducts, sewerage, gas, water, or other improvements which it may deem proper or advisable at any place in said streets, using reasonable care and diligence without any liability for damages to said Chicago City Railway Company, its successors and assigns, for so doing: Provided, that the said company shall not be liable to any forfeiture or for any damages for any neglect to operate said railway when prevented from so doing by the work in this section provided for.

¶ 11. **Sprinkle tracks.**] § 11. The said company shall keep its right of way sprinkled as it may be directed by the superintendent of the department of public works of said town.

¶ 12. **Acceptance.**] § 12. This ordinance shall not be in force until its written acceptance by said company has been filed in the office of the clerk of the town of Lake, and unless such acceptance shall be filed in said clerk's office within sixty days after the passage hereof, this ordinance and the rights and privileges herein granted shall be null and void, and any failure on the part of said company to fulfill and observe each and every of the terms and conditions of this ordinance shall work a forfeiture hereof and of the rights and privileges herein granted.

§ 485. Chicago City Railway company.

¶ 1. Grant, Cottage Grove avenue—term.
¶ 2. Time of completion.
¶ 3. Construction of tracks.
¶ 4. Rate of fare.
¶ 5. Animal or cable power—acceptance.

An ordinance granting permission to the Chicago City Railway company to construct a street railway on Cottage Grove avenue from the north line of the right of way of the Lake Shore & Michigan Southern Railroad company to Seventy-fifth street. (Passed and approved July 1, 1889.)

¶ 1. **Grant—Cottage Grove avenue—term.**] It is hereby ordained by the president and board of trustees of the village of Hyde Park, Ill., as follows: § 1. That consent be and it is hereby granted to the Chicago City Railway Company, its successors and assigns, to lay down, maintain and operate for the period of twenty (20) years from passage of this ordinance, a double track street railway in, over and along Cottage Grove avenue, in the village of Hyde Park, from the north line of the right of way of the Lake Shore and Michigan Southern Railroad Company to the center of 75th street.

¶ 2. **Time of completion.**] § 2. The tracks herein authorized shall be constructed within two (2) years from the passage of this ordinance, and the said railway company shall be required to improve and keep in repair sixteen (16) feet of said street to be occupied by its tracks, using stone in so doing and to the satisfaction of the board of trustees of said village.

¶ 3. **Construction of tracks.**] § 3. The track of said railway company shall not be elevated above the surface of the street, and shall be laid with modern improved rails, and shall be so laid that carriages and other vehicles can easily and freely cross said track at any point, and in any and all directions without unnecessary obstruction.

¶ 4. **Rate of fare.**] § 4. The rate of fare for any distance on said track shall not exceed five (5) cents, and, for this amount passengers shall be entitled to transportation as far north as 39th street, or as far east as Lake avenue and 55th street.

The said Chicago City Railway Company shall protect and save harmless the said village of Hyde Park from any damage or loss because of or in any manner growing out of the passage of this ordinance; and nothing herein contained shall prevent the village of Hyde Park from carrying out of any public improvements in said street, the laying of water pipes or sewers, the operation of the cars to be hindered thereby as little as possible.

¶ 5. **Animal or cable power—acceptance.**] § 5. The cars on said track shall be operated only by animal power, except that the Chicago City Railway Company shall have the right at any time to adopt its so-called cable system thereon; the same to be constructed and operated the same as other portions of its cable system in said village of Hyde Park.

This ordinance shall take effect and be in force from and after its passage, and the acceptance in writing hereof by said Chicago City Railway Company.

§ 486. Chicago City Railway company.

¶ 1. Grant, South Chicago avenue—term.
¶ 2. Time of completion.
¶ 3. Construction of tracks.
¶ 4. Rate of fare—indemnity clause.
¶ 5. Animal or cable system—acceptance

An ordinance granting permission to the Chicago City railway company to operate a street railway on South Chicago avenue, from Cottage Grove avenue to the Illinois Central railroad. (Passed and approved July 1, 1889. Accepted July 1, 1889.)

¶ 1. **Grant—South Chicago avenue—term.**] It is hereby ordained by the president and board of trustees of the village of Hyde Park, Illinois, as follows: § 1. That consent be and it is hereby given to the Chicago City Railway Company, its successors and assigns, to lay down, maintain and operate for the period of twenty (20) years from passage of this ordinance, a double track street railway, in, over and along South Chicago avenue in the village of Hyde Park, from the center of Cottage Grove avenue, to the tracks of the Illinois Central Railroad Company.

¶ 2. **Time of completion.**] § 2. The tracks herein authorized shall be constructed within two (2) years from the passage of this ordinance. And the Chicago City Railway Company shall be required to improve and keep in repair sixteen (16) feet of said street to be occupied by its tracks, using stone in so doing and to the satisfaction of the board of trustees.

¶ 3. **Construction of tracks.**] § 3. The track of said railway company shall not be elevated above the surface of the street, and shall be laid with modern improved rails, and shall be so laid that carriages and other vehicles can easily and freely cross said track at any point, and in any and all directions without unnecessary obstruction.

¶ 4. **Rate of fare—indemnity clause.**] § 4. The rate of fare for any distance on said track shall not exceed five cents (5 cts.) and for this amount passengers shall be entitled to transportation as far north as 39th street, or as far east as Lake avenue and 55th street, the said Chicago City Railway Company shall protect and save harmless the said village of Hyde Park from any damage or loss because of or in any manner growing out of the passage of this ordinance, and nothing herein contained shall prevent the village of Hyde Park from carrying out of any public improvement in said street, the laying of water pipes or sewers, the operation of the cars to be hindered thereby as little as possible.

¶ 5. **Animal or cable system—acceptance.**] § 5. The cars on said track shall be operated only by animal power, except that the Chicago City Railway Company shall have the right at any time to adopt its so-called cable system thereon; the same to be constructed and operated the same as other portions of its cable system in said village of Hyde Park.

This ordinance shall take effect and be in force from and after its passage and the acceptance in writing hereof by said Chicago City Railway Company.

§ 487. Chicago City Railway company.

¶ 1. Grant, Halsted street—paving and repair.
¶ 2. Cable system.
¶ 3. Time of completion.
¶ 4. Indemnity clause.

An ordinance authorizing the Chicago City Railway company to construct a street railway on Halsted street, from Sixty-ninth street to Seventy-ninth street. (Passed July 1, 1889.)

¶ 1. Grant—Halsted street—paving and repair.] Be it ordained by the board of trustees of the town of Lake: § 1. That permission be and it is hereby granted to the Chicago City Railway Company, its successors or assigns, to lay down, maintain and operate a double track street railway on Halsted street from 69th street to 79th street, with all necessary and convenient cut-offs, on condition that said company improve and keep in repair sixteen (16) feet of said street to be occupied by its tracks and in accordance with the directions of the town, using stone in so doing and to the satisfaction of the trustees.

¶ 2. Cable system.] § 2. Said company shall have the right at any time to adopt its so-called cable system on the tracks herein named, the same to be constructed under the direction of the engineer of said town.

¶ 3. Time of completion.] § 3. The tracks herein authorized shall be constructed within one year from passage hereof.

¶ 4. Indemnity clause.] § 4. Said company shall protect and save harmless the said town of Lake from all cost or damage caused or growing out of the granting of this ordinance.

Note.—See following amendatory ordinance.

§ 488. Chicago City Railway company.

¶ 1. Extending time limit.

An ordinance extending the time limit of the ordinance authorizing the Chicago City Railway company to construct a street railway on Halsted street, from Sixty-ninth street to Seventy-ninth street. (Passed May 19, 1890.)

¶ 1. Extending time limit.] Be it ordained by the city council of the city of Chicago: § 1. That the time within which street railway track on Halsted street, between 69th and 79th streets, shall be constructed by the Chicago City Railway Company be extended until sixty days after the completion of the sewer now being constructed by the city of Chicago on said portion of said street.

§ 489. Chicago City Railway company.

¶ 1. Grant, Vincennes avenue and Seventy-ninth street.
¶ 2. Right to put in cable.
¶ 3. Time of completion.
¶ 4. Indemnity clause.

An ordinance authorizing the Chicago City Railway company to construct a street railway on Vincennes avenue, from Sixty-ninth street to Seventy-ninth street, and on Seventy-ninth street, from Vincennes avenue to Halsted street. (Passed July 1, 1889.)

¶ 1. Grant—Vincennes avenue and 79th street.] Be it ordained by the board of trustees of the town of Lake: § 1. That permission be and it is hereby granted to the Chicago City Railway Company, its successors or assigns, to lay down, maintain and operate a double track street railway on Vincennes avenue from 69th street to 79th street, and on 79th street from Vincennes avenue to Halsted street, with all necessary and convenient cut-offs, on condition that said company improve and keep in repair sixteen (16) feet of said streets to be occupied by its tracks and in accordance with the directions of the town, using stone in so doing, and to the satisfaction of the trustees.

¶ 2. Right to put in cable.] § 2. Said company shall have the right at any time to adopt its so-called cable system on the tracks herein named, the same to be constructed under the direction of the engineer of said town.

¶ 3. Time of completion.] § 3. The tracks herein authorized shall be constructed within four months from passage hereof.

¶ 4. Indemnity clause.] § 4. Said company shall protect and save harmless the said town of Lake from all cost or damage caused or growing out of the granting of this ordinance.

§ 490. Chicago City Railway company.

¶ 1. Grant—extension of Ashland avenue tracks.
¶ 2. Time of completion.
¶ 3. Indemnity clause.

An ordinance authorizing the Chicago City Railway company to construct a street railway on Ashland avenue, from Sixty-third street to Sixty-ninth street. (Passed July 8, 1889.)

¶ 1. Grant—extension of Ashland avenue tracks.] Be it ordained by the president and board of trustees of the town of Lake, as follows: § 1. That permission be and it is hereby granted to the Chicago City Railway Company of Chicago, its successors and assigns, to extend the double track now owned by said company on Ashland avenue from 63rd street south along Ashland avenue to 69th street, provided said company shall improve and keep in repair sixteen (16) feet in width of the street where said tracks are laid, using for that purpose stone and to the satisfaction of the said board of trustees.

¶ 2. Time of completion.] § 2. Tracks herein authorized

shall be constructed within one (1) year from the passage of this ordinance.

¶ 3. **Indemnity clause.**] § 3. Said Chicago City Railway Company shall protect and hold harmless the said town of Lake from all cost, liability or damage arising from or growing out of, or resulting from the granting of this ordinance.

§ 491. Chicago City Railway company.

¶ 1. Grant, Wentworth and Vincennes avenues—paving, etc.
¶ 2. Position of tracks.
¶ 3. Construction of tracks.
¶ 4. Gauge—indemnity clause.
¶ 5. Animal or cable power.
¶ 6. Running time.
¶ 7. Time of completion.
¶ 8. Rate of fare—transfers.
¶ 9. Conductors.
¶ 10. Reservation of rights.
¶ 11. Sprinkle tracks.
¶ 12. Acceptance.

An ordinance authorizing the Chicago City Railway company to construct a street railway on Wentworth avenue. (Passed December 4, 1889.)

¶ 1. **Grant—Wentworth and Vincennes avenues—paving, etc.**] Be it ordained by the president and board of trustees of the town of Lake, as follows: § 1. That permission and authority be, and the same are hereby granted to the Chicago City Railway Company of Chicago, its successors and assigns, to lay down, maintain and operate a double track street railway with all necessary and convenient switches, and with such side tracks as the president and board of trustees of said town may hereafter, from time to time, grant permission to lay, on Wentworth avenue in the town of Lake, county of Cook and state of Illinois, from the center line of 63rd street to the intersection of said Wentworth avenue with Vincennes avenue, and on Vincennes avenue from said intersection to the north line of 81st street; Provided said tracks, side tracks and switches shall be laid under and subject to the direction and supervision of the superintendent of the department of public works of said town; and provided further, said company shall improve and keep in repair sixteen (16) feet in width of the street or streets where said tracks are laid, using for that purpose granite block pavement, or Ottawa paving blocks, to the satisfaction of the superintendent of the department of public works of said town. That portion of the right of way herein granted which lies between 63rd street and 73rd street shall be paved at the time the tracks are laid, and that portion of the right of way herein granted which lies between 73rd and 81st streets shall be paved as soon as Vincennes avenue is improved, the last mentioned portion of said right of way to be improved with crushed stone, immediately upon the laying of said tracks and as the work progresses, under the direction and supervision and to the

satisfaction of the superintendent of the department of public works of said town, until said Vincennes avenue is improved as aforesaid; and provided further, said Chicago City Railway Company shall first, and before the commencement of any work under this ordinance, pay into the treasury of said town, for the benefit of the property owners, the sum of one dollar per foot for each and every foot of ground, on each side of the street, fronting, siding, or abutting on said Wentworth avenue between the south line of 63rd street and the north line of 73rd street, except street crossings or intersections.

¶ **2. Position of tracks.**] § 2. The tracks shall be so constructed that the center line between the two tracks shall be the center of the street upon which the same are laid, and the rails used shall be rails similar to those now used by said Chicago City Railway Company in said town.

¶ **3. Construction of tracks.**] § 3. The said company shall at all times keep the said tracks in such condition that they shall not at any time be elevated above the surface of the street on which they are laid, so that vehicles can freely and easily cross said tracks at all points and in all directions without unnecessary obstruction.

¶ **4. Gauge—indemnity clause.**] § 4. The guage of said tracks shall be four feet (4 ft.) eight and one-half inches (8½), and said company shall be liable for all the legal or consequential damages sustained by any person or persons by reason of the carelessness or misconduct of any of the officers, agents, employes or servants of said company in the course of their employment in the construction or use of the said railway and shall protect said town from all damages, or claims for damages arising from, growing out of, or resulting from the granting of this ordinance; and the said company shall have no claim against said town for damages on account of any matter or thing connected with or growing out of the granting of this ordinance.

¶ **5. Animal or cable power.**] § 5. The said tracks shall be used for no other purpose than to transport passengers and their ordinary baggage, and the cars used shall be of an improved class in use on said company's railway, and the cars used upon said tracks shall be operated by animal or cable power only, and no cars operated by any other power than animal or cable power shall be permitted to run over any of said tracks.

The Chicago City Railway Company, its successors and assigns, may at any time operate the aforesaid line of railway in said town of Lake by endless cables operated by stationary engine or engines not located upon the streets or public places of the town, and for said purpose may make all needful and convenient trenches, excavations and sewer connections, and may place therein all needful and convenient endless cables and machinery, provided said cables and machinery shall be underground and shall not interfere with public travel, and shall be constructed in a substantial and workmanlike manner under

the direction and supervision of the superintendent of the department of public works of said town and to his satisfaction.

¶ 6. **Running time.**] § 6. The said company shall cause cars to be run, for the accommodation of the public, over all of said tracks at least once in every fifteen minutes between the hours of six o'clock a. m. and seven o'clock p. m. of each day, and at least once in every thirty minutes between the hours of seven o'clock p. m. and midnight of each day.

¶ 7. **Time of completion.**] § 7. The said company shall construct all the tracks herein provided for, and have the same in operation as herein provided, within one year from the passage hereof, unless the construction of any of said tracks shall be delayed by order or injunction of some court of competent jurisdiction, in which case the time lost by such delay shall be added to the time herein specified within which said tracks shall be constructed. And it is hereby further provided, that the work of laying and constructing the tracks herein provided for in any given block shall be completed within sixty (60) days from the commencement of the laying and constructing of said tracks in said block.

¶ 8. **Rate of fare—transfers.**] § 8. The rate of fare on said line for one continuous trip shall be not more than five cents, and any person having paid fare on the line herein named shall be entitled to transportation, without additional fare or compensation, on any line or lines of railway in the town of Lake, village of Hyde Park or city of Chicago, owned, operated or controlled by said Chicago City Railway Company, for a distance equal to the distance that passengers are transported or carried on any other line or lines of railway owned, operated or controlled by said Chicago City Railway Company; and, in any event, to any point in said town of Lake on any line of railway which now is, or may hereafter be, owned, controlled or operated by said Chicago City Railway Company.

¶ 9. **Conductors.**] § 9. No car, excepting grip cars, shall be permitted to run on any of the said lines at any time without a conductor.

¶ 10. **Reservation of rights.**] § 10. The town of Lake, for itself and citizens, reserves the right to put in a viaduct or viaducts, sewerage, gas, water or other improvements, which it may deem proper or advisable at any place in said streets, using reasonable care and diligence, without any liability for damages to said Chicago City Railway Company, its successors and assigns, for so doing; Provided, that the said company shall not be liable to any forfeiture or for any damages for any neglect to operate said railway when prevented from so doing by the work in this section provided for; and provided further, that in case the president and board of trustees of said town shall, at any time hereafter, consider it necessary to construct a viaduct or viaducts along the line of the right of way herein granted, then and in that

event the said Chicago City Railway Company shall and will pay one-third of the cost and expense of the approaches thereto.

¶ 11. Sprinkle tracks.] § 11. The said company shall keep its right of way sprinkled as it may be directed by the superintendent of the department of public works of said town.

¶ 12. Acceptance.] § 12. This ordinance shall not be in force until its written acceptance by said company has been filed in the office of the clerk of the town of Lake, and unless such acceptance shall be filed in said clerk's office within sixty days after the passage hereof, this ordinance, and the rights and privileges herein granted, shall be null and void, and any failure on the part of said company to fulfill and observe each and every of the terms and conditions of this ordinance, shall work a forfeiture hereof and of the rights and privileges herein granted.

§ 492. Chicago City Railway company.

¶ 1. Connection authorized.

An ordinance authorizing the Chicago City Railway company to connect its tracks on Jefferson avenue with its tracks on Lake avenue. (Passed November 10, 1890.)

¶ 1. Connection authorized.] Be it ordained by the city council of the city of Chicago: § 1. That consent be and is hereby given to the Chicago City Railway Company, its successors and assigns, upon its moving its present track on its right of way on lots twelve (12), thirteen (13), thirty-six (36) and thirty-seven (37) in block sixty-seven (67) in the town of Hyde Park, and lying between Jefferson and Lake avenues, and between Fifty-sixth and Fifty-seventh streets eight (8) feet further south than as at present located, at any time thereafter, to connect its track so removed with its present tracks on Jefferson and Lake avenues, north thereof, by the necessary extension and curve on Jefferson avenue and by a curve commencing about one hundred forty-seven and twenty-two one-hundredths (147.22) feet east of the east line of Jefferson avenue, thence northeasterly on a curve, having a radius of fifty-one feet, a distance of about forty-four (44) feet, thence northeasterly, on a straight line tangent to such curve, ten (10) feet to the center of the street, there connecting with the present curve on Lake avenue; and to operate the same, when so constructed, as a part of its railway upon Jefferson and Lake avenues. Said changes upon said avenues shall be made subject to the supervision of the board of public works.

§ 493. Chicago City Railway company.

¶ 1. Grant—route
¶ 2. Time of completion.
¶ 3. Motive power.
¶ 4. Improvement and repair of streets.
¶ 5. Term—acceptance.

¶ 6. Subject to general ordinances.
¶ 7. Rate of fare.

An ordinance authorizing the Chicago City Railway company to lay and operate an additional railway track on Thirty-ninth street, from Wentworth avenue to Halsted street. (Passed October 26, 1891. Accepted November 10, 1891.)

¶ 1. **Grant—route.**] Be it ordained by the city council of the city of Chicago: § 1. That, whereas, by permission and authority of the board of trustees of the town of Lake, duly granted February 5, 1887, and accepted by the Chicago City Railway Company, the said railway company did lay down and now operates one car track, with necessary switches and side tracks, along said 39th street, between Wentworth avenue and Halsted street, to connect its tracks on said last named streets; and, whereas, said single track is laid and occupies the space on and along said 39th street immediately south of the center line of said street. Now, in consideration of the acceptance hereof and the undertaking of the Chicago City Railway Company to comply with the provisions of this ordinance, authority and consent is hereby given and granted unto the said Chicago City Railway Company, its successors and assigns, to construct, lay down, operate and maintain an additional railway track, with necessary side tracks and switches, in the manner and upon and along 39th street as hereinafter mentioned—commencing on Wentworth avenue at the present terminus of the tracks on 39th street and running thence west on 39th street to Halsted street, one single track with necessary switches and side tracks, so as to connect with the tracks of said company on Wentworth avenue, Halsted and 39th streets.

¶ 2. **Time of completion.**] § 2. The said additional track herein contemplated shall be laid parallel with the said track now on said street and so placed on the street with the track now laid that said two tracks shall occupy the middle of said 39th street, as directed by the department of public works of the city of Chicago, and the same shall be built within sixty days after the passage of this ordinance; Provided, that should the construction of said track be delayed by the order or injunction of any court, the time so lost shall be added to the time herein specified within which the same shall be constructed.

¶ 3. **Motive power.**] § 3. The cars of said railway shall be operated only by animal power, except that it shall be lawful for the Chicago City Railway Company, at any time within the terms of the ordinance, to adopt its so-called "cable system" on the lines herein named, the same to be constructed and operated as provided by and subject to the conditions of the ordinance of January 17th, 1881, authorizing the Chicago City Railway Company to operate its cars by other than animal power.

¶ 4. **Improvement and repair of streets.**] § 4. The said company shall fill, grade, pave and keep in repair the sixteen feet in the

center of said street so occupied by its tracks, namely, eight (8) feet embracing the track hereby authorized and eight (8) feet embracing the track heretofore authorized by the town of Lake, in the manner provided by section two of the ordinance of July 30th, 1883, relating to street railways.

¶ 5. **Term—acceptance.**] § 5. The grant herein given shall extend for the term of years ending February 5th, 1907, provided the same shall be accepted by said company within thirty days of its passage.

¶ 6. **Subject to general ordinances.**] § 6. The privileges hereby granted are subject to all the general ordinances of the city of Chicago, now in force or hereafter to be passed, in reference to horse railways and to all ordinances effecting the lines of railways of which the line hereby authorized is an extension.

¶ 7. **Rate of fare.**] § 7. The rate of fare shall not exceed five cents and, that, transfers shall be issued and accepted on all north and south lines crossed by this line and operated by said Chicago City Railway Company.

§ 494. Chicago City Railway company.

¶ 1. Authority to change motive power—routes.
¶ 2. Underground system—approval—specifications.
¶ 3. When in effect.

An ordinance empowering the Chicago City Railway company to propel and operate, with electricity or other motive power, its cars in certain streets therein named. (Passed March 21, 1892.)

¶ 1. **Authority to change motive power—routes.**] Be it ordained by the city council of the city of Chicago: § 1. That the Chicago City Railway Company, its successors and assigns, are hereby authorized and empowered to propel and operate with electricity, or other motive power as meets the approval of the mayor and commissioner of public works, its cars upon and along the following streets between the points mentioned, in the city of Chicago, to-wit: Halsted street, from Archer avenue to the southern terminus of the tracks of the Chicago City Railway Company on said street; Archer avenue, from State street to the intersection of Thirty-eighth street, thence west on Thirty-eighth street to the terminus of the tracks of the Chicago City Railway Company on said street. Thirty-fifth street, from the east to the west termini of the tracks of the Chicago City Railway Company on said street. Forty-seventh street, from the east to the west termini of the tracks of the Chicago City Railway Company on said street. From State street, east on Sixty-first street to the terminus of the tracks on that street, and on Cottage Grove avenue, from Sixty-first street to Sixty-third street, and on Sixty-third street, from Cottage Grove avenue east to Stony Island avenue, and on Sixty-fourth street, from Stony Island avenue to Madison avenue, and on Madison avenue,

from Sixty-third street to Sixty-fourth street, and on Grace avenue, from Sixty-third street to Sixty-fourth street, Indiana avenue from Thirty-ninth street to Fifty-first street, and on Fifty-first street, from State street to west line of Grand boulevard.

¶ 2. Underground system—approval—specifications.] § 2. When said cars shall be operated by electric power, upon the streets between the points mentioned, said company may make all needful and convenient curves, trenches, excavations and sewer connections, and may place all needful and convenient cables, wires and conductors for the transmission of electricity, and machinery, in or along said street; such cables, wires and conductors and machinery to be under ground and constructed in a substantial and workmanlike manner and under the supervision of the commissioner of public works, so as not to interfere with the public travel; Provided, that if in the construction of said trenches and excavations any damage or injury shall result to any of the sewers, water pipes or private drains, or other works, of the city of Chicago, then said company shall be held liable and pay therefor. If, at any time, by reason of the permission hereby granted, and the making of such trenches and the running of such cables, wires and conductors, or the construction or operation of said road, under any system of motive power, any injury or damage shall result to any person or property, then said company shall be liable therefor. And, in the event that some more favorable and practicable method of furnishing electricity or other motive power for the operation of said roads be discovered, said Chicago City Railway Company, its successors and assigns, shall have the right to adopt the same in the place of or in connection with said electrical system, subject to the approval of the mayor and commissioner of public works. All needful and convenient connections with the motive power or engines shall be subject to the same restrictions. The aperture opening into said trenches where cable or electric power is used shall not exceed five-eighths of an inch in width, and in case said road shall be operated by electric power, said company may operate not exceeding three cars and one grip car attached together, with one conductor in charge of each car.

¶ 3. When in effect.] § 3. This ordinance shall be in force and take effect from and after its passage.

§ 495. Chicago City Railway company.

¶ 1. Grant—route—time of completion.
¶ 2. Electric power—rules for construction.
¶ 3. Repair and improvement of streets.
¶ 4. Rate of fare—transfers.
¶ 5. License.
¶ 6. Term of grant.
¶ 7. Subject to ordinances.
¶ 8. Acceptance.

An ordinance granting permission to the Chicago City Railway company to operate and maintain a street railway track on Sixty-third street and for a loop. (Passed March 21, 1892.)

¶ 1. **Grant—route—time of completion.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted and given to the Chicago City Railway Company, its successors and assigns, to lay down, maintain and operate a single or double track street railway, with the necessary side tracks, turn-outs and switches, upon and along Sixty-third street, beginning at the terminus of the tracks of said Chicago City Railway Company, now in operation on said street west of the tracks of the Illinois Central Railroad Company; thence east under the railroad tracks of the Illinois Central Railroad Company at Sixty-third street, and along and upon said Sixty-third street east to the middle line of the intersection of said Sixty-third street with Stony Island avenue; thence south along and over Stony Island avenue from Sixty-third street to Sixty-fourth street; thence along and upon Sixty-fourth street, from the intersection of Stony Island avenue and Sixty-fourth street, west to Madison avenue; thence north along Madison avenue to Sixty-third street, to connect with the tracks of the Chicago City Railway Company on Sixty-third street; and also with a single track on Stony Island avenue north from Sixty-third street to Sixty-second street; thence on Sixty-second street west to Grace avenue; thence on Grace avenue south to Sixty-third street, and to connect with the tracks on that street.

And also to lay down, maintain and operate a single track street railway, with the necessary side tracks, turnouts and switches, upon and along the middle of Grace avenue, from Sixty-third street to Sixty-fourth street, and to connect the same with the tracks at Sixty-third and Sixty-fourth streets, above designated in the city of Chicago; provided, however, and the permission and authority hereby granted are upon the express condition that the various tracks hereby authorized shall be built and in operation within fifteen months after the passage of this ordinance, but should the construction of said tracks, or any portion thereof, be delayed by injunction of any court, or by the action of the city of Chicago, then, as to the portion so delayed, the time of such delay shall not be any part of the time herein limited. The city of Chicago shall have, and it hereby expressly reserves, the right to intervene in any suit or proceeding brought seeking to enjoin, restrain, or in any manner seeking to interfere with such construction, and to move for the dissolution of such injunction or restraining order, and for any other proper order in such suit.

¶ 2. **Electric power—rules for construction.**] § 2. The cars of said railway on the streets or parts of streets above herein described, as well as the cars upon Sixty-third street, west of the point above designated to Cottage Grove avenue, thence along Cottage Grove avenue to Sixty-first street, and thence along Sixty-first street to State street, in the city of Chicago, may be operated only by animal, electric or cable

power; provided, that if said company shall adopt its so-called "cable system," the same shall be constructed and operated as provided by and subject to the conditions of the ordinance of January 17, A. D. 1881, authorizing the Chicago City Railway Company to operate its cars by other than animal power; and, provided further, when said cars shall be operated by cable or electric power, said company may make all needful and convenient curves, trenches, excavations and sewer connections, and may place all needful and convenient cables, wires and conductors for the transmission of electricity and machinery in or along said street; such cables, wires and conductors and machinery to be underground and constructed in a substantial and workmanlike manner, and under the supervision of the commissioner of public works, so as not to interfere with the public travel; Provided, that if in the construction of said trenches and excavations any damage or injury shall result to any of the sewers, water pipes or private drains or other works of said city of Chicago, then said company shall be held liable and pay therefor. If, at any time, by reason of the permission hereby granted, and the making of such trenches and the running of such cables, wires and conductors, or the construction or operation of said road under any system of motive power, any injury or damage shall result to any person or property, then said company shall be liable therefor.

All needful and convenient connections with the motive power or engines shall be subject to the same restrictions.

The aperture opening into said trenches where cable or electric power is used shall not exceed five-eighths of an inch in width, and in case said road shall be operated by cable or electric power, said company may operate not exceeding three cars and one grip car attached together, with one conductor in charge of each car.

And in the event that some more favorable and practicable method of furnishing electricity or other motive power for the operation of said road be discovered, said Chicago City Railway Company, its successors or assigns, shall have the right to adopt the same in the place of or in connection with the use of said cable or electric system, subject to the approval of the mayor and commissioner of public works. And it is further provided, that other motive power may be used upon the approval and consent of the mayor and commissioner of the department of public works.

Provided, further, that if said company shall elect to propel and operate its cars by electric power, the same may be operated and propelled by electric overhead contact wires, suspended from poles set within the curb line limit of the street on either side thereof, said poles and crossarms to be used shall be of such style and appearance as shall be approved by the commissioner of public works, and so adjusted as to obstruct the public use of the streets or sidewalks as little as possible, such poles and wires to be erected and maintained for the purpose of supplying electric current, which can be used for power, heat and

light purposes connected with Chicago City Railway Company. The said wires shall be suspended not less than eighteen and one-half feet above the rails, and the said poles and supports shall be placed on an average of not less than one hundred and fifteen feet apart, except at the intersection of streets and avenues, when the said distance will place the poles or supports on intersecting streets and avenues, and to enable the said road to be so operated by electricity, the said Chicago City Railway Company, its successors and assigns, shall have the right to connect the wires herein authorized with the generator or power station or any station or car houses that may be erected in connection with said railroad, or with any power house or station along any of the lines of road of said company used by it in connection with its cable, horse or electric system, and may convey said wires from such power houses or stations to said streets herein designated in an underground conduit, which said conduit shall be used for the purpose herein set forth only, and it is further provided that other motive power may be used upon the approval and consent of the mayor and the commissioner of the department of public works; and it is especially provided that no trolley overhead wire shall be erected or used except upon consent and approval of and conditions imposed by the mayor and commissioner of public works.

¶ **3. Repair and improvement of streets.**] § 3. The permission and authority hereby given are on the further express condition that the said company shall, and by the acceptance hereof by said company, agrees that it will fill, grade, pave and keep in repair and renew eight (8) feet in width where a single track is used, and sixteen (16) feet in width where a double track is used, in the center of said streets so occupied in manner as provided by section two (2) of the ordinance of July 30, 1883, relating to street railways.

¶ **4. Rate of fare—transfers.**] § 4. The rate of fare shall not exceed five (5) cents for any distance between Madison street and the termini of the lines hereby authorized, and passengers upon the line hereby authorized, and passengers upon any line belonging to or operated by said company which may at any time cross or connect with the line hereby authorized, on payment of cash fare, shall be transferred from one of said lines to the other at the point of such crossing without additional fare.

¶ **5. License.**] § 5. As regards the license to be paid on the cars to be operated on the lines herein provided, the said company shall conform to section one of an ordinance passed July 30, 1883, relating to street railways.

¶ **6. Term of grant.**] § 6. The grant herein given shall extend for the term of twenty (20) years from the passage hereof; provided, the same shall be accepted by said company within thirty days after its passage.

¶ **7. Subject to ordinances.**] § 7. The privileges hereby

granted are subject to all the general ordinances of the city of Chicago now in force or hereafter to be passed, in reference to street railways, and to all ordinances affecting the lines of railways of which the lines hereby authorized are extensions.

¶ 8. **Acceptance.**] § 8. This ordinance shall be in force and take effect from and after its passage and acceptance by said company; Provided, said acceptance shall be within thirty days from the passage hereof.

§ 496. Chicago City Railway company.

¶ 1. Grant—time of completion.
¶ 2. Cable or electric system—overhead wires.
¶ 3. Improvement and repair of streets.
¶ 4. Rate of fare.
¶ 5. License fee.
¶ 6. Grant twenty years.
¶ 7. Subject to general ordinances.
¶ 8. In effect from acceptance.

An ordinance granting permission to the Chicago City Railway company to lay down, maintain and operate a street railway in Thirty-fifth street, from California avenue to Ullman street. (Passed March 21, 1892. Accepted April 14, 1892.)

¶ 1. **Grant—time of completion.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted and given to the Chicago City Railway Company, its successors and assigns, to lay down, maintain and operate a double track street railway, with the necessary side tracks, turn-outs and switches upon Thirty-fifth street, in the city of Chicago, from the east line of California avenue to Ullman street, and to connect with its present line of railroad on Thirty-fifth street running east to Ullman street; Provided, however, and the permission and authority hereby granted are upon the express condition that the various tracks hereby authorized shall be built and in operation within nine (9) months after the passage of this ordinance; but, should the construction of said tracks or any part thereof be delayed by injunction of any court, or by the action of the city of Chicago, then, as to the portion so delayed, the time of such delay shall not be any part of the time herein limited; the city of Chicago shall have and it hereby expressly reserves the right to intervene in any suit or proceeding brought, seeking to enjoin, restrain or, in any manner, seeking to interfere with such construction and to move for the dissolution of such injunction, or restraining order, or for any other proper order in such suit.

¶ 2. **Cable or electric system—overhead wires.**] § 2. The cars of said railway on Thirty-fifth street, from said California avenue to State street, may be operated only by animal, electric or cable power; provided, that if the said company shall adopt its, so called "cable system," the same shall be constructed and operated as provided by and subject to the conditions of the ordinance of January

17th, A. D. 1881, authorizing the Chicago City Railway Company to operate its cars by other than animal power; and, Provided, further, that if said company shall elect to propel and operate its cars by electric power, the same shall be operated and propelled by electric overhead contact wires, suspended from poles set within the curb line limit of the street on either side thereof, said poles and cross arms to be used shall be of such style and appearance as shall be approved by the commissioner of public works and so adjusted as to obstruct the public use of the streets or sidewalks as little as possible, such poles and wires to be erected and maintained for the purpose of supplying electric current which can be used for power, heat and light purposes connected with Chicago City Railway Company. The said wires shall be suspended not less than eighteen and one-half feet above the rails, and the said poles and supports shall be placed on an average of not less than one hundred and fifteen feet apart, except at the intersection of streets and avenues when the said distance will place the poles or supports on intersecting streets and avenues; Provided, that no trolley overhead wire shall be used except upon consent and approval of and conditions imposed by the mayor and commissioner of public works. And, in the event that some more favorable and practicable method of furnishing electricity or other motive power for the operation of said road be discovered, said Chicago City Railway Company, its successors or assigns, shall have the right to adopt the same in the place of or in connection with the use of said electrical overhead contact wires, subject to the approval of the mayor and commissioner of public works, and, to enable the said road to be so operated by electricity, the said Chicago City Railway Company, its successors and assigns, shall have the right to connect the wires herein authorized with the generator or power station or any station or car houses that may be erected in connection with said railroad, or with any power house or station along any of the lines of road of said company, used by it in connection with its cable, horse or electric system, and may convey said wires from such power houses or stations to said Thirty-fifth street in an underground conduit, which said conduit shall be used for the purpose herein set forth only, and it is further provided, that other motive power may be used upon the approval and consent of the mayor and the commissioner of the department of public works.

¶ 3. **Improvement and repair of streets.**] § 3. The permission and authority hereby given are on the further express condition that the said company shall and, by the acceptance hereof by said company, agrees that it will pave and keep in repair and renew sixteen (16) feet in width in the center of said street so occupied in manner as provided by section two (2) of the ordinance of July 30, 1883, relating to street railways, but said company shall not be required to fill or grade said street or any part thereof, between California avenue and Ullman street.

¶ **4. Rate of fare.**] § 4. The rate of fare shall not exceed five (5) cents for any distance between Madison street and the terminus of the line hereby authorized; and, passengers upon the line hereby authorized and passengers upon any line belonging to or operated by said company which may, at any time, cross or connect with the line hereby authorized shall, on payment of cash fare, be transferred from one of said lines to the other at the point of such crossing without additional fare.

¶ **5. License fee.**] § 5. As regards the license to be paid on the cars to be operated on the lines herein provided, the said company shall conform to section one of an ordinance passed July 30, 1883, relating to street railways.

¶ **6. Grant 20 years.**] § 6 The grant herein given shall extend for the term of twenty (20) years from the passage hereof; Provided, the same shall be accepted by said company within thirty days after its passage.

¶ **7. Subject to general ordinances.**] § 7. The privileges hereby granted are subject to all the general ordinances of the city of Chicago, now in force or hereafter to be passed, in reference to street railways and to all ordinances affecting the lines of railways of which the lines hereby authorized are extensions.

¶ **8. In effect from acceptance.**] § 8. This ordinance shall be in force and take effect from and after its passage and acceptance by the said company; Provided, said acceptance shall be within thirty (30) days from the passage hereof.

§ 497. Chicago City Railway company.

¶ 1. Grant—time of completion.
¶ 2. Cable or electric system.
¶ 3. Improvement and repair of streets.
¶ 4. Rate of fare.
¶ 5. License fee.
¶ 6. Grant twenty years.
¶ 7. Subject to general ordinances.
¶ 8. In effect from acceptance.

An ordinance granting permission to the Chicago City Railway company to lay down, maintain and operate a street railway in Thirty-fifth street, from State street to Rhodes avenue. (Passed March 21, 1892. Accepted April 14, 1892.)

¶ **1. Grant—time of completion.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted and given to the Chicago City Railway Company, its successors and assigns, to lay down, maintain and operate a double track street railway with the necessary side tracks, turnouts and switches upon Thirty-fifth street, from State street to Rhodes avenue, and to connect with the line of said company on said Thirty-fifth street at Rhodes avenue and west of State street; Provided, however, and

the permission and authority hereby granted are upon the express condition that the various tracks hereby authorized shall be built and in operation within eighteen months after the passage of this ordinance; but, should the construction of said tracks, or any part thereof, be delayed by injunction of any court, or by the action of the city of Chicago, then, as to the portion so delayed, the time of such delay shall not be any part of the time herein limited. The city of Chicago shall have and it hereby expressly reserves the right to intervene in any suit or proceeding brought, seeking to enjoin, restrain or, in any manner, seeking to interfere with such construction, and to move for the dissolution of such injunction, or restraining order, and for any other proper order in such suit.

¶ 2. **Cable or electric system.**] § 2. The cars of said railway on Thirty-fifth street, from Cottage Grove avenue west on Thirty-fifth street, so far as the tracks of said company are laid and in operation on Thirty-fifth street, west from Cottage Grove avenue, may be operated only by animal, electric or cable power; Provided, that if the said company shall adopt its so-called cable system the same shall be constructed and operated as provided by and subject to the conditions of the ordinance of January 17th, 1881, authorizing the Chicago City Railway Company to operate its cars by other than animal power; and, provided further, when said cars shall be operated by cable or electric power, said company may make all needful and convenient curves, trenches, excavations and sewer connections and may place all needful and convenient cables, wires and conductors for the transmission of electricity and machinery in or along said street; such cables, wires and conductors and machinery to be underground and constructed in a substantial and workmanlike manner and, under the supervision of the commissioner of public works, so as not to interfere with the public travel; Provided, that if in the construction of said trenches and excavations any damage or injury shall result to any of the sewers, water pipes or private drains or other works of the city of Chicago, then said company shall be held liable and pay therefor. If, at any time, by reason of the permission hereby granted and the making of such trenches and the running of such cables, wires and conductors, or the construction or operation of said road, under any system of motive power, any injury or damage shall result to any person or property, then, said company shall be liable therefor. All needful and convenient connections with the motive power or engines shall be subject to the same restrictions. The aperture opening in to said trenches, where cable or electric power is used, shall not exceed five-eighths of an inch in width, and, in case said road shall be operated by cable or electric power said company may operate not exceeding three cars and one grip car attached together, with one conductor in charge of each car. And, in the event that some more favorable and practicable method of furnishing electricity or other motive power for the operation of

said road be discovered, said Chicago City Railway Company, its successors or assigns, shall have the right to adopt the same in the place of or in connection with the use of said cable or electric system, subject to the approval of the mayor and commissioner of public works. And, it is further provided that other motive power may be used upon the approval and consent of the mayor and commissioner of the department of public works.

¶ **3. Improvement and repair of streets.**] § 3. The permission and authority hereby given are on the further express condition that the said company shall and, by the acceptance hereof by said company, agrees that it will fill, grade, pave and keep in repair eight (8) feet in width where a single track is used, and sixteen (16) feet in width where a double track is used, in the center of said street between Rhodes avenue and State street, in the manner provided by and under section two (2) of the ordinance of July 30, 1883, relating to street railways.

¶ **4. Rate of fare.**] § 4. The rate of fare shall not exceed five (5) cents for any distance between Madison street and the terminus of the line hereby authorized and passengers upon the line hereby authorized, and passengers upon any line belonging to or operated by said company which may, at any time, cross or connect with the line hereby authorized, shall, on payment of cash fare, be transferred from one of said lines to the other at the point of such crossing, without additional fare.

¶ **5. License fee.**] § 5. As regards the license to be paid on the cars to be operated on the line herein provided, the said company shall conform to section one of an ordinance passed July 30, 1883, relating to street railways.

¶ **6. Grant 20 years.**] § 6. The grant herein given shall extend for the term of twenty (20) years from the passage hereof; Provided, the same shall be accepted by said company within thirty (30) days after its passage.

¶ **7. Subject to general ordinances.**] § 7. The privileges hereby granted are subject to all the general ordinances of the city of Chicago, now in force or hereafter to be passed, in reference to street railways and to all ordinances affecting the lines of railways of which the lines hereby authorized are extensions.

¶ **8. In effect from acceptance.**] § 8. This ordinance shall be in force and take effect from and after its passage and acceptance by said company; Provided, said acceptance shall be within thirty (30) days from the passage hereof.

Note.—See section one of ordinance of July 15, 1895.

§ 498. Chicago City Railway company.

¶ 1. Grant—route—term.
¶ 2. Style of rails—tracks, construction of.
¶ 3. Cable or electric power—overhead wires.
¶ 4. Improvement and repair of streets.
¶ 5. Rate of fare.
¶ 6. License fee.
¶ 7. Time of completion.
¶ 8. Grant twenty years.
¶ 9. Subject to general ordinances.
¶ 10. When in force—acceptance.

An ordinance authorizing the Chicago City Railway company to construct a street railway on Seventy-fifth street, from the Chicago, Rock Island & Pacific railroad to Greenwood avenue. (Passed March 21, 1892.)

¶ 1. Grant—route—term.] Be it ordained by the city council of the city of Chicago: § 1. That, in consideration of the acceptance hereof and the undertaking of the Chicago City Railway Company to comply with the provisions herein contained, consent, permission and authority are hereby granted to said company, its successors and assigns, to lay down, construct, maintain and operate, for the period of twenty (20) years from the passage hereof, a double track street railway, with all necessary and convenient turnouts and switches in, upon, over and along Seventy-fifth street, from the Chicago, Rock Island and Pacific railroad to Greenwood avenue.

¶ 2. Style of rails—tracks, construction of.] § 2. The tracks of said railway shall not be elevated above the surface of the street, and shall be laid with modern improved rails, and in such a manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction and shall, also, be laid as near to the center of the street as practicable. Section 1509 of the Municipal Code of Chicago, 1881, shall not apply to the railway tracks herein authorized, but the rails to be used shall be satisfactory to the mayor and commissioner of public works and shall be laid under their direction; but a permit shall be first obtained from the commissioner of public works before commencing work under this ordinance.

¶ 3. Cable or electric power—overhead wires.] § 3. The cars to be used on said railway may be operated by animal, electric or cable power; Provided, that if the said company shall adopt its so-called "cable system" the same shall be constructed and operated as provided by and subject to the conditions of the ordinance of January 17, 1881, authorizing the Chicago City Railway Company to operate its cars by other than animal power; and, provided, further, that if said company shall elect to propel and operate its cars by electric power, the same shall be operated and propelled by electric overhead contact wires, suspended from poles set within the curb line limit of the street on either side thereof. Said poles and cross arms to be used shall be of such style and appearance as shall be approved by the commissioner of public works and so adjusted as to obstruct the public use of the

streets or sidewalks as little as possible, such poles and wires to be erected and maintained for the purpose of supplying electric current which can be used for power, heat, and light purposes, for the exclusive use of the Chicago City Railway Company. The said wires shall be suspended not less than eighteen and one-half feet above the rails, and the said poles and supports shall be placed on an average of not less than one hundred and fifteen feet apart, except at the intersection of streets and avenues, when the said distance will place the poles or supports on intersecting streets and avenues; Provided, that no overhead trolley wire shall be used, except upon the consent and approval of and conditions imposed by the mayor and commissioner of public works. And, in the event that some more favorable and practicable method of furnishing electricity or other motive power for the operation of said road be discovered said Chicago City Railway Company, its successors or assigns, shall have the right to adopt the same in the place of or in connection with the use of said electrical overhead contact wires, subject to the approval of the mayor and commissioner of public works and, to enable the said road to be so operated by electricity, the said Chicago City Railway Company, its successors and assigns, shall have the right to connect the wires herein authorized with the generator or power station or any station or car houses that may be erected in connection with said railroad, or with any power house or station along any of the lines of road of said company used by it in connection with its cable, horse or electric system, and may convey said wires from such power houses or stations to said Seventy-fifth street in an underground conduit, which said conduit shall be used for the purpose herein set forth only. And, it is further provided that other motive power may be used upon the approval and consent of the mayor and the commissioner of the department of public works.

¶ 4. **Improvement and repair of streets.**] § 4. The permission and authority hereby given are on the further express condition that the said company shall and, by the acceptance hereof by said company, agrees that it will fill, grade, pave and keep in repair eight (8) feet in width where a single track is used, and sixteen (16) feet in width where a double track is used, in the center of said street, in the manner provided by and under section two (2) of the ordinance of July 30, 1883, relating to street railways.

¶ 5. **Rate of fare.**] § 5. The rate of fare shall not exceed five (5) cents for any distance between Madison street and the terminus of the line hereby authorized; and passengers upon the line hereby authorized and passengers upon any line belonging to or operated by said company which may at any time cross or connect with the line hereby authorized, shall, on payment of cash fare, be transferred from one of said lines to the other at the point of such crossing without additional fare.

¶ 6. **License fee.**] § 6. As regards the license to be paid on

the cars to be operated on the line herein provided, the said company shall conform to section 1 of an ordinance passed July 30th, 1883, relating to street railways.

¶ 7. **Time of completion.**] § 7. The tracks herein authorized shall be built and in operation within eighteen (18) months after the passage of this ordinance; but, should the construction of said tracks or any part thereof be delayed by injunction of any court, or by the action of the city of Chicago, then, as to the portion so delayed, the time of such delay shall not be any part of the time limited herein. The city of Chicago shall have and it hereby expressly reserves the right to intervene in any suit or proceeding brought seeking to enjoin, restrain or in any manner seeking to interfere with such construction and to move for the dissolution of such injunction or restraining order and for any other proper order in such suit.

¶ 8. **Grant 20 years.**] § 8. The grant herein given shall extend for the term of twenty (20) years from the passage hereof; Provided, the same shall be accepted by said company within ninety days after its passage.

¶ 9. **Subject to general ordinances.**] § 9. The privileges hereby granted are subject to all the general ordinances of the city of Chicago, now in force or hereafter to be passed, in reference to street railways and to all ordinances affecting the lines of railways of which the lines hereby authorized are extensions.

¶ 10. **When in force—acceptance.**] § 10. This ordinance shall be in force and take effect from and after its passage and acceptance by said company; Provided, said acceptance shall be within ninety (90) days from the passage hereof.

§ 499. Chicago City Railway company.

¶ 1. Grant—conditions—route.
¶ 2. Location and connection of tracks—Wabash avenue.
¶ 3. Time of completion.
¶ 4. Animal or cable power.
¶ 5. Improvement and repair of streets.
¶ 6. Term—acceptance.
¶ 7. Subject to general ordinances.

An ordinance granting permission to the Chicago City Railway company to construct, maintain and operate a street railway in certain streets therein mentioned, forming a loop at its northern terminus. (Passed March 21, 1892. Accepted March 30, 1892.)

¶ 1. **Conditions—grant—route.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof and the undertaking by the Chicago City Railway Company to comply with the provisions of this ordinance, authority and consent are hereby given unto the said Chicago City Railway Company, its successors and assigns, to construct, lay down, maintain and operate, with horse or cable power, a street railway with the necessary side tracks and switches in the manner and upon the conditions and

requirements as herein mentioned, and upon and along the several streets hereinafter mentioned, to wit: From Wabash avenue east with a single track along and upon the middle of Madison street to Michigan avenue, and to connect said track in Madison street with the tracks on Wabash avenue and the west track on Michigan avenue, and to be operated in connection therewith. On Michigan avenue, north from the connection of the said track on Madison street, over, upon and along the west track now on Michigan avenue to Washington street; thence upon, over and along the south track now upon Washington street or Randolph street to Wabash avenue and to connect with the tracks on Wabash avenue; Provided, however, that, as a condition precedent to the use and occupation of said track upon Michigan avenue and the track on Washington or Randolph street, said Chicago City Railway Company shall first obtain from the owners, lessees and parties controlling or operating such track or tracks their written consent to the use and occupation of said Michigan avenue and Washington or Randolph street. And, also, upon and along the middle of Michigan avenue with a single track, from and in connection with the west track on Michigan avenue at Washington street, north to Randolph street, thence to connect with the south track on Randolph street, upon and along said south track to Wabash avenue, and to connect and be operated with the tracks on Wabash avenue. And, also, with an additional track on Wabash avenue, from Randolph street south to Madison street, to connect with the said tracks at Randolph street and with the tracks on Wabash avenue at and south of Madison street and to be operated in connection with the line on Wabash avenue.

¶ 2. **Location and connection of tracks—Wabash avenue.**] § 2. Whereas, there is now upon and along Wabash avenue, north from the south line of Madison street, a single railroad track along the middle of Wabash avenue to Lake street; and, whereas, by the grant herein to the Chicago City Railway Company it is permitted to construct, maintain and operate an additional track on Wabash avenue, from Randolph street to Madison street. Now, it is hereby further ordained and provided, that the said track on Wabash avenue, between Madison and Randolph streets, be moved towards the west and that the additional track, herein contemplated between said points, be laid parallel with and east of said track moved to the west and that the two parallel tracks shall be in the center of said Wabash avenue, so that the outside rail of the respective tracks shall be of equal distance from the curb or sidewalk line on the respective sides of said Wabash avenue; provided, that the track so moved west shall connect and be operated with the track now on Madison street, at and west of Wabash avenue, and with the track on Wabash avenue north of Randolph street.

¶ 3. **Time of completion.**] § 3. The various tracks herein

named shall be built within one year after the passage of this ordinance; provided, that should the construction of the same be delayed or prevented by injunction of any court, the time so lost shall be added to the time herein specified within which the same shall be constructed.

¶ 4. **Animal or cable power.**] § 4. The cars of said railway may be operated by animal power, and it shall be lawful for the Chicago City Railway Company, at any time within the time of this ordinance, to adopt its so-called "cable system" on any or all of the lines herein named, the same to be constructed and operated as provided by and subject to the ordinance of January 17, A. D. 1881, authorizing the Chicago City Railway Company to operate its cars by other than animal power.

¶ 5. **Improvement and repair of streets.**] § 5. Said railway company shall hereafter, as respects the filling, grading, paving or repairing or otherwise improving or repairing Madison street, between Wabash and Michigan avenues, and Michigan avenue, between Washington street and Randolph street, and Wabash avenue, between Randolph street and Madison street, fill, grade and pave and keep in good repair, during all of the time the using of said streets mentioned herein shall extend, eight feet in width where a single track is used, or sixteen feet in width where a double track is used, the said eight or sixteen feet to include the railway track or tracks in accordance with such ordinance as the city council may pass respecting such filling, grading, paving or repairing, and the same shall be done by said railway company, with like material, in like manner and at the same time as required in the rest of said street not embraced in the eight or sixteen feet in width, except that it may use stone paving blocks, or such other material as may hereafter be authorized by the city council for the space between the rails of the tracks on the streets mentioned in section one hereof; Provided, however, nothing herein is intended to, or shall relieve the parties interested therein from filling, paving, grading or keeping in repair the tracks herein mentioned on Michigan avenue or Randolph street, as provided in ordinance heretofore passed in reference to said tracks in said streets.

¶ 6. **Term—acceptance.**] § 6. The grant herein given shall extend and continue until July 30th, 1903, from the passage hereof, provided the same shall be accepted by said company within thirty days after its passage.

¶ 7. **Subject to general ordinances.**] § 7. The privileges hereby granted are subject to all the general ordinances of the city of Chicago, now in force or hereafter to be passed, in reference to horse or street railways, and to all ordinances affecting the lines of street railways of which the lines hereby authorized are an extension.

§ 500. Chicago City Railway company.

¶ 1. Grant—route—completion.
¶ 2. Power—underground wires—overhead system.
¶ 3. Improvement and repair of streets.
¶ 4. Rate of fare.
¶ 5. License fee.
¶ 6. Grant twenty years.
¶ 7. Subject to general ordinances.
¶ 8. In effect from acceptance.

An ordinance granting permission to the Chicago City Railway company to lay down, maintain and operate a street railway in Forty-seventh street, from State street to Cottage Grove avenue, and from Ashland avenue to Southwestern boulevard. (Passed March 21, 1892. Accepted April 14, 1892.)

¶ 1. **Grant—route—completion.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted and given to the Chicago City Railway Company, its successors and assigns, to lay down, maintain and operate a double track street railway, with the necessary side-tracks, turn-outs and switches, upon Forty-seventh street, in the city of Chicago, from the west line of State street to Cottage Grove avenue, connecting the same with the tracks at Cottage Grove avenue and the tracks on Forty-seventh street west of State street; and from the east line of Ashland avenue west on said Forty-seventh street to the east line of South Western boulevard, and to connect the same with the tracks on said Forty-seventh street at and east of Ashland avenue: Provided, however, and the permission and authority hereby granted are upon the express condition that the various tracks hereby authorized shall be built and in operation within twelve months after the passage of this ordinance; but, should the construction of said tracks, or any part thereof, be delayed by injunction of any court, or by the action of the city of Chicago, then, as to the portion so delayed, the time of such delay shall not be any part of the time herein limited; the city of Chicago shall have, and it hereby expressly reserves, the right to intervene in any suit or proceeding brought seeking to enjoin, restrain or in any manner seeking to interfere with such construction, and to move for the dissolution of such injunction, or restraining order, and for any other proper order in such suit.

¶ 2. **Power—underground wires—overhead system.**] §2. The cars of said railway on Forty-seventh street, from Cottage Grove avenue west on Forty-seventh street so far as the tracks of said company are laid and in operation on said Forty-seventh street west from Cottage Grove avenue, may be operated only by animal, electric or cable power; Provided, that if the said company shall adopt its so-called "cable system" the same shall be constructed and operated as provided by and subject to the conditions of the ordinance of January 17, A. D. 1881, authorizing the Chicago City Railway Company to operate its cars by other than animal power; and, provided further, when said cars shall be operated by cable or electric power, said company may

make all needful and convenient curves, trenches, excavations and sewer connections, and may place all needful and convenient cables, wires and conductors for the transmission of electricity and machinery in or along said street; such cables, wires and conductors and machinery to be underground and constructed in a substantial and workmanlike manner and under the supervision of the commissioner of public works, so as not to interfere with the public travel: Provided, that if in the construction of said trenches and excavations any damage or injury shall result to any of the sewers, water pipes or private drains, or other works of the city of Chicago, then said company shall be held liable and pay therefor. If, at any time, by reason of the permission hereby granted and the making of such trenches and the running of such cables, wires and conductors, or the construction or operation of said road, under any system of motive power, any injury or damage shall result to any person or property, then said company shall be liable therefor. All needful and convenient connections with the motive power or engines shall be subject to the same restrictions. The aperture opening into said trenches where cable or electric power is used shall not exceed five-eighths of an inch in width, and in case said road shall be operated by cable or electric power, said company may operate not exceeding three cars, one grip car attached together, with one conductor in charge of each car. And, in the event that some more favorable and practicable method of furnishing electricity or other motive power for the operation of said road be discovered, said Chicago City Railway Company, its successors or assigns, shall have the right to adopt the same in the place of or in connection with the use of said cable or electric system, subject to the approval of the mayor and commissioner of public works. And it is further provided, that other motive power may be used upon the approval and consent of the mayor and the commissioner of the department of public works; and it is further provided, that if said company shall elect to propel and operate its cars by electric power the same may be operated and propelled by electric overhead contact wires, suspended from poles set within the curb line limit of the street on either side thereof, said poles and cross-arms to be used shall be of such style and appearance as shall be approved by the commissioner of public works, and so adjusted as to obstruct the public use of the streets or sidewalks as little as possible; such poles and wires to be erected and maintained for the purpose of supplying electric current, which can be used for power, heat and light purposes connected with Chicago City Railway Company exclusively. The said wires shall be suspended not less than eighteen and one-half feet above the rails, and the said poles and supports shall be placed on an average of not less than one hundred and fifteen feet apart, except at the intersection of streets and avenues, when the said distance will place the poles or supports on intersecting streets and avenues. And, in the event that some more favorable and practicable method of furnish-

ing electricity or other motive power for the operation of said road be discovered, said Chicago City Railway Company, its successors and assigns, shall have the right to adopt the same in the place of or in connection with the use of said electrical overhead contact wires, subject to the approval of the mayor and commissioner of public works, and, to enable the said road to be so operated by electricity, the said Chicago City Railway Company, its successors and assigns, shall have the right to connect the wires, herein authorized, with the generator or power station or any station or car house that may be erected in connection with said railroad, or with any power house or station along any of the lines of road of said company used by it in connection with its cable, horse or electric system, and may convey said wires from such power houses or stations to said Forty-seventh street in an underground conduit, which said conduit shall be used for the purpose herein set forth only; and, it is further provided that other motive power may be used upon the approval and consent of the mayor and commissioner of the department of public works; but, it is especially provided that no trolley overhead wire shall be erected or used except upon consent and approval of and conditions imposed by the mayor and commissioner of public works.

¶ **3. Improvement and repair of streets.**] § 3. The permission and authority hereby given are on the further express condition that the said company shall, and by the acceptance hereof by said company, agree that it will fill, grade, pave and keep in repair eight (8) feet in width where a single track is used, and sixteen (16) feet in width where a double track is used, in the center of said street, in the manner provided by and under section two (2) of the ordinance of July 30th, 1883, relating to street railways.

¶ **4. Rate of fare.**] § 4. The rate of fare shall not exceed five (5) cents for any distance between Madison street and the terminus of the line hereby authorized, and passengers upon the line, hereby authorized, and passengers upon any line belonging to or operated by said company which may, at any time, cross or connect with the line hereby authorized, shall, on payment of cash fare, be transferred from one of said lines to the other at the point of such crossing without additional fare.

¶ **5. License fee.**] § 5. As regards the license to be paid on the cars to be operated on the line herein provided, the said company shall conform to section one of an ordinance passed July 30, 1883, relating to street railways.

¶ **6. Grant twenty years.**] § 6. The grant herein given shall extend for the term of twenty (20) years from the passage hereof; Provided, the same shall be accepted by said company within thirty days after its passage.

¶ 7. **Subject to general ordinances.**] § 7. The privileges hereby granted are subject to all the general ordinances of the city of Chicago, now in force or hereafter to be passed, in reference to street railways and to all ordinances affecting the lines of railway of which the lines hereby authorized are extensions.

¶ 8. **In effect from acceptance.**] § 8. This ordinance shall be in force and take effect from and after its passage and acceptance by said company; Provided, said acceptance shall be within thirty days from the passage hereof.

Note: See following ordinance.

501. Chicago City Railway company.
502. Chicago City Railway company.
503. Chicago City Railway company.
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522. Chicago City Railway company.
523. Chicago Electric Transit company.
524. Chicago Electric Transit company.
525. Chicago Electric Transit company.
526. Chicago Electric Transit company.
527. Chicago Electric Transit company.
528. Chicago General Railway company.
529. Chicago General Railway company.
530. Chicago General Railway company.
531. Chicago & Jefferson Urban Transit company.
532. Chicago & Jefferson Urban Transit company.
533. Chicago & Jefferson Urban Transit company.
534. Chicago North Shore Street Railway company.
535. Chicago North Shore Street Railway company.
535a. Chicago North Shore Street Railway company.
536. Chicago North Shore Street Railway company.
537. Chicago Passenger Railway company.
538. Chicago Horse & Dummy Railway company.
539. Amendment to foregoing.
540. Chicago Passenger Railway company.
541. Chicago Passenger Railway company.
542. Chicago Passenger Railway company.
543. Chicago Passenger Railway company.
544. Chicago Passenger Railway company.
545. Chicago Passenger Railway company.
546. Chicago Passenger Railway company.
547. Chicago Passenger Railway company.
548. Chicago Passenger Railway company.
549. Chicago Passenger Railway company.
550. Chicago Passenger Railway company.
551. Chicago Passenger Railway company.
552. Chicago Passenger Traction company.

§ 553. Horse railway in the streets of the south and west divisions of Chicago.
§ 554. The Chicago West Division Railway company.
§ 555. Exempting Canal street and other streets from railway uses.
§ 556. Preservation of certain streets from railway uses.
§ 557. North Halsted substituted for North Desplaines.
§ 558. Temporary tracks on Clinton street.
§ 559. Desplaines street reclaimed.
§ 560. Clinton street.
§ 561. Chicago West Division Railway company.
§ 562. Chicago West Division Railway company.
§ 563. Chicago West Division Railway company.
§ 564. Chicago West Division Railway company.
§ 565. Chicago West Division Railway company.
§ 565a. Chicago West Division Railway company.
§ 566. Chicago West Division Railway company.
§ 567. Chicago West Division Railway company.
§ 568. Chicago West Division Railway company.
§ 569. Chicago West Division Railway company.
§ 570. Chicago West Division Railway company.
§ 571. Chicago West Division Railway company.
§ 572. Chicago West Division Railway company.
§ 573. Chicago West Division Railway company.
§ 574. Chicago West Division Railway company.
§ 575. Chicago City Railway company.
§ 576. Chicago West Division Railway company.
§ 577. Chicago West Division Railway company.
§ 578. Chicago West Division Railway company.
§ 579. Chicago West Division Railway company.
§ 580. Chicago West Division Railway company.
§ 581. Chicago West Division Railway company.
§ 582. Chicago West Division Railway company.
§ 583. Chicago West Division Railway company.
§ 584. Chicago West Division Railway company.
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§ 588. Chicago West Division Railway company.
§ 589. Chicago West Division Railway company.
§ 590. Chicago West Division Railway company.
§ 591. Chicago West Division Railway company.
§ 592. Chicago West Division Railway company.
§ 593. Chicago West Division Railway company.
§ 594. Chicago West Division Railway company.

CHICAGO CITY RAILWAY COMPANY.

§ 501. Chicago City Railway company.
¶ 1. Preamble—foregoing ordinance.
¶ 2. Time extended.
¶ 3. When in force.

An ordinance extending time for the Chicago City Railway company to build and operate its street car line in Forty-seventh street. (Passed February 23, 1893.)

¶ 1. **Preamble—foregoing ordinance.**] Whereas, the Chicago City Railway Company, under and pursuant to a certain ordinance passed by the city council of the city of Chicago on the 21st day of March, A. D. 1892, has built and has in operation the track on Forty-seventh street, from Cottage Grove avenue west to Ashland avenue; and, whereas, difficulties and delay have arisen in obtaining the necessary iron and equipment for the track on said Forty-seventh street, west from Ashland avenue, until cold weather set in; and, whereas, the present inclement weather and the severe cold of winter prevents the laying of track west from said Ashland avenue, and the proper track cannot be laid till after the expiration of the twelve months in said ordinance, passed March 21st, 1892, because of the time of the year, and, further, because of the grade of the street and the lack of the sewer therein, making it difficult to lay an efficient track in the winter and spring months: Now, therefore,

¶ 2. **Time extended.**] Be it ordained by the city council of the city of Chicago: § 1. That the time within which to build and operate said line is extended three months, making the time within which said line shall be built and in operation on Forty-seventh street fifteen months from the passage of said ordinance, instead of twelve months, as in said ordinance limited in the first section thereof.

¶ 3. **When in force.**] § 2. This ordinance shall be in force and take effect from and after its passage.

§ 502. Chicago City Railway company.

¶ 1. Grant—time of completion.
¶ 2. Motive power optional.
¶ 3. Improvement and repair of streets
¶ 4. Rate of fare.
¶ 5. License fee.
¶ 6. Grant twenty years.
¶ 7. Subject to general ordinances.
¶ 8. In force from acceptance.

An ordinance granting permission to the Chicago City Railway company to lay down, maintain and operate a street railway in Fifty-seventh street, from State street to Ashland avenue. (Passed March 21, 1892.)

¶ 1. **Grant—time of completion.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted and given to the Chicago City Railway Company, its successors and assigns, to lay down, maintain and operate a double track street railway with the necessary side tracks, turnouts and switches, upon Fifty-seventh street, from State street to Ashland avenue connecting with the tracks on said State street and Ashland avenue; Provided, however, and the permission and authority hereby granted are upon the express condition that the tracks hereby authorized shall be built and in operation within two years after the passage of this ordinance, but should the construction of said tracks, or any part thereof, be delayed by injunction of any court, or by the ac-

tion of the city of Chicago, then, as to the portion so delayed, the time of such delay shall not be any part of the time herein limited. The city of Chicago shall have, and it hereby expressly reserves the right to intervene in any suit or proceeding brought seeking to enjoin, restrain or, in any manner seeking to interfere with such construction and to move for the dissolution of such injunction or restraining order and for any other proper order in said suit.

¶ 2. **Motive power optional.**] § 2. The cars of said railway on Fifty-seventh street, from State street to Ashland avenue, may be operated only by animal, electric or cable power; Provided, that if the said company shall adopt its so called "cable system," the same shall be constructed and operated as provided by and subject to the conditions of the ordinance of January 17, A. D. 1881, authorizing the Chicago City Railway Company to operate its cars by other than animal power, and Provided, further, when said cars shall be operated by cable or electric power, said company may make all needful and convenient curves, trenches, excavations and sewer connections, and may place all needful and convenient cables, wires and conductors for the transmission of electricity and machinery in or along said street; such cables, wires and conductors and machinery to be underground and constructed in a substantial and workmanlike manner, and under the supervision of the commissioner of public works, so as not to interfere with the public travel; Provided, that if in the construction of said trenches and excavations any damage or injury shall result to any of the sewers, water pipes or private drains or other works of the city of Chicago, then said company shall be held liable and pay therefor. If at any time, by reason of the permission hereby granted, and the making of such trenches and the running of such cables, wires and conductors, or the construction or operation of said road under any system of motive power, any injury or damage shall result to any person or property, then said company shall be liable therefor. All needful and convenient connections with the motive power or engines shall be subject to the same restrictions. The aperture opening in to said trenches where cable or electric power is used shall not exceed five-eights of an inch in width, and in case said road shall be operated by cable or electric power, said company may operate not exceeding three cars and one grip car attached together, with one conductor in charge of each car. And in the event that some more favorable and practicable method of furnishing electricity or other motive power for the operation of said road be discovered, said Chicago City Railway Company, its successors or assigns, shall have the right to adopt the same in the place of or in connection with the use of said cable or electric system, subject to the approval of the mayor and commissioner of public works. And it is further provided that other motive power may be used upon the approval and consent of the mayor and commissioner of the department of public works.

¶ 3. **Improvement and repair of streets.**] § 3. The permission and authority hereby given are on the further express condition that the said company shall, and by the acceptance hereof by said company, agrees that it will fill, grade, pave and keep in repair eight (8) feet in width where a single track is used, and sixteen (16) feet in width where a double track is used, in the center of said street, in the manner provided by and under section two (2) of the ordinance of July 30, 1883, relating to street railways.

¶ 4. **Rate of fare.**] § 4. The rate of fare shall not exceed five cents for any distance between Madison street and the terminus of the line hereby authorized; and passengers upon the line hereby authorized, and passengers upon any line belonging to or operated by said company which may at any time cross or connect with the line hereby authorized shall, on payment of cash fare, be transferred from one of said lines to the other at the point of such crossing without additional fare.

¶ 5. **License fee.**] § 5. As regards the license to be paid on the cars to be operated on the line herein provided, the said company shall conform to section 1 of an ordinance passed July 30, 1883, relating to street railways.

¶ 6. **Grant 20 years.**] § 6. The grant herein given shall extend for the term of twenty (20) years from the passage hereof; Provided that the same shall be accepted by said company within thirty (30) days after its passage.

¶ 7. **Subject to general ordinances.**] § 7. The privileges hereby granted are subject to all the general ordinances of the city of Chicago, now in force or hereafter to be passed, in reference to street railways and to all ordinances affecting the lines of railways of which the lines hereby authorized are an extension.

¶ 8. **In force from acceptance.**] § 8. This ordinance shall be in force and take effect from and after its passage and acceptance by said company; Provided, said acceptance shall be within thirty days from the passage thereof.

§ 503. Chicago City Railway company.

¶ 1. Grant—route—completion.
¶ 2. Motive power—construction.
¶ 3. Improvement and repair of streets
¶ 4. Rate of fare.
¶ 5. License fee.
¶ 6. Subject to general ordinances.
¶ 7. In force upon acceptance.

An ordinance granting permission to the Chicago City Railway company to lay down, maintain and operate a street railway in Sixty-first and other streets therein named. (Passed March 21, 1892. Accepted April 14, 1892.)

¶ 1. **Grant—route—completion.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority

are hereby granted and given to the Chicago City Railway Company, its successors and assigns, to lay down, maintain and operate a single or double track street railway, with the necessary side tracks, turnouts and switches, upon and along Sixty-first street, from the intersection of Cottage Grove avenue east to the middle of Madison avenue, thence south along Madison avenue to the middle of the intersection of Sixty-first court, thence along said Sixty-first court east to its intersection with South Park court, thence north along South Park court to Sixty-first street, thence under the tracks of the Illinois Central Railroad Company, in, upon and along Sixty-first street to Stony Island avenue, thence south along Stony Island avenue to its intersection with Sixty-second street, thence west along Sixty-second street to a point on said street opposite Grace avenue, thence north along and over any property acquired by or belonging to said Chicago City Railway Company to Sixty-first street with the right to connect the tracks with the tracks on said Sixty-first street; Provided, however, and the permission and authority hereby given are upon the express condition that the various tracks hereby authorized shall be built and in operation within fifteen months after the passage of this ordinance; but should the construction of said tracks, or any part thereof, be delayed by injunction of any court, or by the action of the city of Chicago, then, as to the portion so delayed, the time of such delay shall not be any part of the time herein limited; the city of Chicago shall have, and it hereby expressly reserves, the right to intervene in any suit or proceeding brought, seeking to enjoin, restrain or in any manner seeking to interfere with such construction, and move for the dissolution of such injunction, or restraining order, and for any other proper order in such suit.

¶ 2. **Motive power—construction.**] § 2. The cars of said railway on the streets and parts of streets hereinbefore described and designated, may be operated only by animal, electric or cable power; Provided, that if the said company shall adopt its so-called "cable system" the same shall be constructed and operated as provided by and subject to the conditions of the ordinance of January 17, A. D. 1881, authorizing the Chicago City Railway Company to operate its cars by other than animal power; and provided further, when said cars shall be operated by cable or electric power, said company may make all needful and convenient curves, trenches, excavations and sewer connections, and may place all needful and convenient cables, wires and conductors for the transmission of electricity and machinery in or along said street; such cables, wires and conductors and machinery to be underground and constructed in a substantial and workmanlike manner and under the supervision of the commissioner of public works, so as not to interfere with the public travel; Provided, that if in the construction of said trenches and excavations any damage or injury shall result to any of the sewers, water pipes or private

drains or other works of the city of Chicago, then said company shall be held liable and pay therefor. If, at any time, by reason of the permission hereby granted and the making of such trenches and the running of such cables, wires and conductors or the construction or operation of said road, under any system of motive power, any injury or damage shall result to any person or property, then said company shall be liable therefor. All needful and convenient connections with the motive power or engines shall be subject to the same restrictions. The aperture opening in to said trenches, where cable or electric power is used, shall not exceed five-eighths of an inch in width, and in case said road shall be operated by cable or electric power, said company may operate not exceeding three cars and one grip car attached together, with one conductor in charge of each car. And, in the event that some more favorable and practicable method of furnishing electricity or other motive power for the operation of said road be discovered, said Chicago City Railway Company, its successors or assigns, shall have the right to adopt the same in the place of or in connection with the use of said cable or electric system, approved by the mayor and commissioner of public works. And it is further provided, that other motive power may be used upon the approval and consent of the mayor and the commissioner of the department of public works; and it is further provided, that if said company shall elect to propel and operate its cars by electric power, the same may be operated and propelled by electric overhead contact wires, suspended from poles set within the curb line limit of the street on either side thereof. Said poles and cross-arms to be used shall be of such style and appearance as shall be approved by the commissioner of public works and so adjusted as to obstruct the public use of the streets or sidewalks as little as possible, such poles and wires to be erected and maintained for the purpose of supplying electric current which can be used for power, heat and light purposes connected with Chicago City Railway Company exclusively. The said wires shall be suspended not less than eighteen and one-half feet above the rails, and the said poles and supports shall be placed on an average of not less than one hundred and fifteen feet apart, except at the intersection of streets and avenues, when the said distance will place the poles or supports on intersecting streets and avenues; and to enable the said road to be so operated by electricity, the said Chicago City Railway Company, its successors and assigns, shall have the right to connect the wires herein authorized with the generator or power station or any station or car houses that may be erected in connection with said railroad or with any power house or station along any of the lines of road of said company, used by it in connection with its cable, horse or electric system, and may convey said wires from such power houses or stations to said street herein mentioned in an underground conduit, which said conduit shall be used for the purpose herein set forth

only. And it is further provided, that other motive power may be used upon the approval and consent of the mayor and the commissioner of the department of public works. And it is especially provided that no trolley overhead wire shall be erected or used, except upon consent and approval of, and conditions imposed by, the mayor and commissioner of public works.

¶ **3. Improvement and repair of streets.**] § 3. The permission and authority hereby given are on the further express condition that the said company shall and, by the acceptance hereof by said company, agrees that it will fill, grade, pave and keep in repair eight (8) feet in width where a single track is used, and sixteen (16) feet in width where a double track is used, in the center of said streets so occupied, in the manner as provided by section two (2) of the ordinance of July 30, 1883, relating to street railways.

¶ **4. Rate of fare.**] § 4. The rate of fare shall not exceed five (5) cents for any distance between Madison street and the termini of the lines hereby authorized; and passengers upon the lines hereby authorized and passengers upon any line belonging to or operated by said company which may, at any time, cross or connect with the line hereby authorized shall, on payment of cash fare, be transferred from one of said lines to the other without additional fare.

¶ **5. License fee.**] § 5. As regards the license to be paid on the cars to be operated on the lines herein provided, the said company shall conform to section one of an ordinance passed July 30, 1883, relating to street railways.

¶ **6. Grant 20 years.**] § 6. The grant herein given shall extend for the term of twenty (20) years from the passage hereof; Provided, the same shall be accepted by said company within thirty days after its passage.

¶ **7. Subject to general ordinances.**] § 7. The privileges hereby granted are subject to all the general ordinances of the city of Chicago, now in force or hereafter to be passed, in reference to street railways and to all ordinances affecting the lines of railways of which the lines hereby authorized are extensions.

¶ **8. In force upon acceptance.**] § 8. This ordinance shall be in force and take effect from and after its passage and acceptance by the said company; provided, said acceptance shall be within thirty days from the passage hereof.

§ 504. Chicago City Railway company.

¶ 1. Grant—route—completion.
¶ 2. Motive power—construction.
¶ 3. Improvement and repair of streets.
¶ 4. Rate of fare.
¶ 5. License fee.
¶ 6. Grant twenty years.

¶ 7. Subject to general ordinances.
¶ 8. In effect upon acceptance.

An ordinance authorizing the Chicago City Railway company to lay down, maintain and operate a street railway in Fifty-seventh street, from State street to Ashland avenue. (Passed May 2, 1892.)

¶ 1. Grant—route—completion.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted and given to the Chicago City Railway Company, its successors and assigns, to lay down, maintain and operate a double track street railway, with the necessary side-tracks, turn-outs and switches, upon Fifty-seventh street, from State street to Ashland avenue, connecting with the tracks on said State street and Ashland avenue; Provided, however, and the permission and authority hereby granted are upon the express condition that the tracks hereby authorized shall be built and in operation within two years after the passage of this ordinance; but should the construction of said tracks, or any part thereof, be delayed by injunction of any court, or by the action of the city of Chicago, then, as to the portion so delayed, the time of such delay shall not be any part of the time herein limited. The city of Chicago shall have, and it hereby expressly reserves, the right to intervene in any suit or proceeding brought seeking to enjoin, restrain or in any manner seeking to interfere with such construction, and to move for the dissolution of such injunction, or restraining order, and for any other proper order in such suit.

¶ 2. Motive power—construction.] § 2. The cars of said railway on Fifty-seventh street, from State street to Ashland avenue, may be operated only by animal, electric or cable power; Provided, that if the said company shall adopt its so-called "cable system" the same shall be constructed and operated as provided by and subject to the conditions of the ordinance of January 17th, A. D. 1881, authorizing the Chicago City Railway Company to operate its cars by other than animal power; and provided, further, when said cars shall be operated by cable or electric power, said company may make all needful and convenient curves, trenches, excavations and sewer connections, and may place all needful and convenient cables, wires and conductors for the transmission of electricity, and machinery, in or along said street; such cables, wires and conductors and machinery to be underground and constructed in a substantial and workmanlike manner, and under the supervision of the commissioner of public works, so as not to interfere with the public travel; Provided, that if, in the construction of said trenches and excavations, any damage or injury shall result to any of the sewers, water pipes or private drains or other works of the city of Chicago, then said company shall be held liable and pay therefor. If, at any time, by reason of the permission hereby granted, and the making of such trenches and the running of such cables, wires and conductors, or the construction or

operation of said road, under any system of motive power, any injury or damage shall result to any person or property, then said company shall be liable therefor. All needful and convenient connections with the motive power or engines shall be subject to the same restrictions. The aperture opening into said trenches where cable or electric power is used shall not exceed five-eighths of an inch in width, and in case said road shall be operated by cable or electric power, said company may operate not exceeding three cars and one grip car attached together, with one conductor in charge of each car. And, in the event that some more favorable and practicable method of furnishing electricity or other motive power for the operation of said road be discovered, said Chicago City Railway Company, its successors or assigns, shall have the right to adopt the same in the place of or in connection with the use of said cable or electric system, subject to the approval of the mayor and commissioner of public works. And it is further provided, that other motive power may be used upon the approval and consent of the mayor and commissioner of the department of public works.

¶ **3. Improvement and repair of streets.**] § 3. The permission and authority hereby given are on the further express condition that the said company shall, and, by the acceptance hereof by said company, agrees that it will, fill, grade, pave and keep in repair eight (8) feet in width where a single track is used, and sixteen (16) feet in width where a double track is used, in the center of said street, in the manner provided by and under section two (2) of the ordinance of July 30th, 1883, relating to street railways.

¶ **4. Rate of fare.**] § 4. The rate of fare shall not exceed five (5) cents for any distance between Madison street and the terminus of the line hereby authorized, and passengers upon the line hereby authorized, and passengers upon any line belonging to or operated by said company which may at any time cross or connect with the line hereby authorized, shall, on payment of cash fare, be transferred from one of said lines to the other at the point of such crossing, without additional fare.

¶ **5. License fee.**] § 5. As regards the license to be paid on the cars to be operated on the line herein provided, the said company shall conform to section 1 of an ordinance passed July 30th, 1883, relating to street railways.

¶ **6. Grant twenty years.**] § 6. The grant herein given shall extend for the term of twenty (20) years from the passage hereof; Provided, that the same shall be accepted by said company within ninety (90) days after its passage.

¶ **7. Subject to general ordinances.**] § 7. The privileges hereby granted are subject to all the general ordinances of the city of Chicago, now in force or hereafter to be passed, in reference to street

railways, and to all ordinances affecting the lines of railways of which the lines hereby authorized is an extension.

¶ 8. **In effect upon acceptance.**] § 8. This ordinance shall be in force and take effect from and after its passage and acceptance by said company, provided said acceptance shall be within ninety days from the passage thereof.

§ 505. Chicago City Railway company.

¶ 1. Grant—route—completion.
¶ 2. Motive power—construction.
¶ 3. Improvement and repair of streets.
¶ 4. Rate of fare.
¶ 5. License fee.
¶ 6. Term twenty years.
¶ 7. Subject to general ordinances.
¶ 8. When in effect—acceptance.

An ordinance granting permission to the Chicago City Railway company to lay down, maintain and operate a street railway in certain streets therein named. (Passed July 21, 1892. Accepted July 30, 1892.)

¶ 1. **Grant—route—completion.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted and given to the Chicago City Railway Company, its successors and assigns, to lay down, maintain and operate a single or double track street railway, with the necessary side-tracks, turnouts and switches, beginning at the intersection of Sixty-first street and Madison avenue, and from such point in an easterly direction, upon, along and over such property as the Chicago City Railway Company may own or acquire, and alley adjacent thereto and intervening between Madison avenue and South Park court, to the middle of South Park court, thence upon, along and over South Park court north to the intersection of Sixtieth street, with the right to connect and operate the tracks herein designated and described with the track or tracks on Sixty-first street at said intersection of Madison avenue; Provided, however, and the permission and authority hereby given are upon the express condition, that the various tracks hereby authorized shall be built and in operation within 9 months after the passage of this ordinance; but should the construction of said tracks or any part thereof be delayed by injunction of any court, or by the action of the city of Chicago, then as to the portion so delayed, the time of such delay shall not be any part of the time herein limited; the city of Chicago shall have the right, and it hereby expressly reserves the right, to intervene in any suit or proceeding brought seeking to enjoin, restrain, or in any manner seeking to interfere with, such construction, and to move for the dissolution of such injunction, or restraining order, and for any proper order in such suit.

¶ 2. **Motive power—construction.**] § 2. The cars of said railway on the streets and parts of streets heretofore described and designated may be operated only by animal, electric or cable power; Pro-

vided, that, if the said company shall adopt its so-called "cable system," the same shall be constructed and operated as provided by and subject to the conditions of the ordinance of January 17th, A. D. 1881, authorizing the Chicago City Railway Company to operate its cars by other than animal power; and, provided, further, when said cars shall be operated by cable or electric power, said company may make all needful and convenient curves, trenches, excavations and sewer connections, and may place all needful and convenient cable, wires and conductors for the transmission of electricity, and machinery, in and along said street; such cables, wires and conductors and machinery to be under ground and constructed in a substantial and workmanlike manner, and under the supervision of the commissioner of public works, so as not to interfere with the public travel; Provided, that if, in the construction of said trenches and excavations, any damage or injury shall result to any of the sewers, water pipes or private drains, or other works of the city of Chicago, then said company shall be held liable and pay therefor. If, at any time, by reason of the permission hereby granted, and the making of such trenches and the running of such cables, wires and conductors, or the construction and operation of said road under any system of motive power, any injury or damage shall result to any person or property, then said company shall be liable therefor. All needful and convenient connections with the motive power or engine shall be subject to the same restrictions. The aperture opening into said trenches where cable or electric power is used shall not exceed five-eighths of an inch in width, and, in case said road shall be operated by cable or electric power, said company may operate not exceeding three cars and one grip car attached together, with one conductor in charge of each car. And in the event that some more favorable and practicable method of furnishing electricity or other motive power for the operation of said road be discovered, said Chicago City Railway Company, its successors or assigns, shall have the right to adopt the same in the place of or in connection with the use of said cable or electric system approved by the mayor and commissioner of public works. And it is further provided that other motive power may be used upon the approval and consent of the mayor and the commissioner of the department of public works. And it is further provided that, if said company shall elect to propel and operate its cars by electric power, the same may be operated and propelled by electric overhead contact wires, suspended from poles set within the curb line limit of the street on either side thereof. Said poles and cross arms to be used shall be of such style and appearance as shall be approved by the commissioner of public works, and so adjusted as to obstruct the public use of the streets or sidewalks as little as possible; such poles and wires to be erected and maintained for the purpose of supplying electric current which can be used for power, heat and light purposes connected with the Chicago City Railway Company exclusively. The said wires shall be suspended not less than

eighteen and one-half feet above the rails, and the said poles and supports shall be placed on an average of not less than one hundred and fifteen feet apart, except at the intersection of streets and avenues, when the said distance will place the poles or supports on intersecting streets and avenues; and, to enable the said road to be so operated by electricity, the said Chicago City Railway Company, its successors and assigns, shall have the right to connect the wires herein authorized with the generator or power station or any station or car-houses that may be erected in connection with said railroad, or with any power-house or station along any of the lines of road of said company used by it in connection with its cable, horse or electric system, and may convey said wires from such power houses or stations to said streets herein mentioned in an underground conduit, which said conduit shall be used for the purpose herein set forth only; and it is further provided that other motive power may be used upon the approval and consent of the mayor and the commissioner of public works, and it is especially provided that no trolley over headwire shall be erected or used, except upon consent and approval of and conditions imposed by the mayor and commissioner of public works.

¶ 3. **Improvement and repair of streets.**] § 3. The permission and authority hereby given are on the further express condition that said company shall, and by the acceptance hereof by said company agrees that it will, fill, grade, pave and keep in repair eight (8) feet in width where a single track is used and sixteen (16) feet in width where a double track is used, in the center of said street so occupied; in the manner as provided by section two (2) of the ordinance of July 30th, 1883, relating to street railways.

¶ 4. **Rate of fare.**] § 4. The rate of fare shall not exceed five (5) cents for any distance between Madison street and the termini of the lines hereby authorized, and passengers upon the lines hereby authorized, and passengers upon any line belonging to or operated by said company which may, at any time, cross or connect with the line hereby authorized, shall, on payment of cash fare, be transferred from one of said lines to the other at the point of such crossing without additional fare.

¶ 5. **License fee.**] § 5. As regards the license to be paid on the cars to be operated on the lines herein provided, the said company shall conform to section one (1) of an ordinance passed July 30th, 1883, relating to street railways.

¶ 6. **Term twenty years.**] § 6. The grant herein given shall extend for the term of twenty (20) years from the passage hereof, provided the same shall be accepted by said company within thirty (30) days after its passage.

¶ 7. **Subject to general ordinances.**] § 7. The privileges hereby granted are subject to all the general ordinances of the city of

Chicago, now in force or hereafter to be passed, in reference to street railways, and to all ordinances affecting the lines of railway of which the lines hereby authorized are extensions.

¶ 8. **When in effect—acceptance.**] § 8. This ordinance shall be in force and take effect from and after its passage and acceptance by the said company; provided, said acceptance shall be within thirty (30) days from the passage hereof.

§ 506. Chicago City Railway company.

¶ 1. Grant—route.
¶ 2. Route—conditions.
¶ 3. When in effect.

An ordinance granting permission to the Chicago City Railway company to construct a line of overhead feeder wire from its power house over certain streets. (Passed February 23, 1893. Accepted March 20, 1893)

¶ 1. **Grant—route.**] Be it ordained by the city council of the city of Chicago: § 1. That the Chicago City Railway Company is hereby empowered and authorized to conduct and convey electric power from its power-house, situated at the corner of Fifty-second street and Wabash avenue, through or with an overhead feeder wire erected on poles now placed and already erected in and upon the streets or alleys of the city of Chicago, from said Fifty-second street and Wabash avenue to Thirty-fifth street, Forty-seventh street, Sixty-first street and Sixty-third street, for the purpose of propelling the cars upon said last-named streets by electricity, transmitting the same through and by said feeder wire from such power-house to said streets respectively.

¶ 2. **Route—conditions.**] § 2. And the said Chicago City Railway Company is hereby authorized and empowered to carry said feeder wire from said Fifty-second street and Wabash avenue, to said above described streets, upon the poles now in or upon the streets and alleys between said points, upon such terms and conditions as may be agreed upon between the Chicago City Railway Company and the owners or persons controlling said poles now existing between the points aforesaid; Provided, that said feeder wire is erected and placed thereon under the supervision and direction of the commissioner of public works, and upon such terms and conditions as the mayor and the commissioner of public works may impose. And the Chicago City Railway Company is hereby authorized and empowered to propel and operate its cars by electricity, with overhead trolley wire, in and upon State street, Sixty-first street south to the viaduct, thence upon and over the viaduct to Wentworth avenue, thence upon Wentworth avenue south to Sixty-third street, and thence on Sixty-third street west to the terminus of the tracks of the Chicago City Railway Company on that street; meaning and intending to grant authority to said company to propel and operate its cars by electricity, with said overhead trolley

wire over the lines described, between the west terminus of its track on Sixty-third street and the intersection of Sixty-first and State streets; and it is further authorized and empowered to erect poles necessary thereto along said line or route, but with the approval and under the direction of the commissioner of public works, and upon the conditions for erecting poles as contained in an ordinance passed March 21st, 1892, for propelling cars by electricity on Sixty-first street east from State street. It is hereby agreed by said Chicago City Railway Company that all cars run by electricity crossing the Sixty-first street viaduct shall run through to the Illinois Central Railroad Company loop at the World's Fair grounds; Provided, that said Chicago City Railway Company shall place said feeder wires under ground when, in the judgment of the mayor and commissioner of public works, a practicable system for so doing shall be discovered.

¶ 3. **When in effect.**] § 3. This ordinance will be in force and take effect from and after its passage.

§ 507. Chicago City Railway company.

¶ 1. Grant, Halsted street.
¶ 2. Animal, electric or cable power—how constructed—restoration of streets—feeder wires.
¶ 3. Permits underground system.
¶ 4. Return circuit—guard wires.
¶ 5. Improvement and repair of streets.
¶ 6. Rate of fare.
¶ 7. License fee.
¶ 8. Grant twenty years—acceptance.
¶ 9. Subject to general ordinances.
¶ 10. Indemnity clause—bond.
¶ 11. When in force—acceptance.

An ordinance granting permission to the Chicago City Railway company to extend its Halsted street line. (Passed July 16, 1894. Accepted July 27, 1894.)

¶ 1. **Grant—Halsted street.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted and given to the Chicago City Railway Company, its successors and assigns, and the said company is hereby required, to lay down, maintain and operate a double-track street railway, with the necessary side-tracks, turnouts and switches upon Halsted street, in the city of Chicago, from Sixty-ninth street to Seventy-ninth street, and to connect with its present line of railroad on Halsted street and the lines which it intersects; Provided, however, and the permission and authority hereby granted are upon the express condition, that the track from Sixty-ninth street to Seventy-ninth street shall be built and in operation within twenty-four months after the passage of this ordinance, and, unless so completed and in operation within said time, the city of Chicago shall have the right to remove all tracks laid down by virtue of this ordinance, and the said company shall pay to the city of Chicago the costs of such removal; but should the construction of said

tracks or any part thereof be delayed by injunction of any court, or by the action of the city council, then, as to the portion so delayed, the time of such delay shall be excluded from the time herein limited; Provided, however, that such exclusion shall date only from the time when the said company shall have given notice to the corporation counsel of the city of Chicago of the institution of such legal proceedings. The city of Chicago shall have, and it hereby expressly reserves, the right to intervene in any suit or proceedings brought, seeking to enjoin, restrain, or in any manner seeking to interfere with, such construction, and to move for the dissolution of such injunction or restraining order, or for any other proper order in such suit.

¶ 2. **Animal, electric or cable power—how constructed—restoration of streets—feeder wires.**] § 2. The cars of said railway company on Halsted street may be operated by animal, electric or cable power; Provided, that, if the said company shall adopt its so-called "cable system," the same shall be constructed and operated as provided by and subject to the conditions of the ordinance passed January 17, A. D. 1881, authorizing the Chicago City Railway Company to operate its cars by other than animal power, and, if electric power shall be used, by means of overhead contact wires, such overhead wires, together with the necessary feed wires, may be suspended from poles set within the curb limits of the street on either side thereof, or from bracket poles placed in the center of the street along such line or route, the placing of such poles to be determined by the mayor and commissioner of public works, and said poles to be ornamental iron or steel, and of such construction and design as the mayor and commissioner of public works may approve. Said trolley and feeder wires shall be suspended not less than eighteen and one-half (18½) feet above the rails, and the said poles and supports shall be placed on an average of not less than one hundred and fifteen (115) feet apart. No poles shall be set at the intersection of streets and alleys. Such poles and wires to be erected and maintained for the purpose of supplying electric current which can be used for power, heat and light purposes, and for the use of said company only, and with the right to connect the wires herein authorized with the generator or power-station or any station or car-house in connection with said railroad, or with any power-house or station along any line of railroad of said company used by it in connection with its cable, horse or electric system; and said company may convey said wires from such power-house or station to the line of wire hereby authorized upon poles placed upon or along the alleys of the city, or, whenever, in the judgment of the commissioner of public works, it shall be impracticable to place such poles in alleys, he may, for the purpose above mentioned, permit to be placed in streets ornamental iron or steel poles of such design and construction as he may approve; or said company may, if the mayor and commissioner of public works consent thereto, convey said connecting wires in an underground con-

duit through the streets or alleys of the city of Chicago, which conduit shall be used by the company for the purpose herein set forth only. Before making any excavation, or in anywise interfering with the surface of any street or alley, said company shall obtain from the commissioner of public works a permit therefor, and shall also deposit with the treasurer of the city of Chicago a sufficient sum to cover the cost of restoring such street or alley according to an estimate of the probable cost thereof to be made by the commissioner of public works; and all wires and conductors for the transmission of electricity in and along the street shall be constructed in a substantial and workmanlike manner, and under the supervision of the commissioner of public works, so as to interfere as little as possible with the public travel. It is provided hereby, however, that, upon permit therefor being granted by the mayor and commissioner of public works, the said company may use for its suspension and feeder wires wooden poles already erected or to be erected in said street, when practicable, and the owners of said poles consent thereto.

For the purpose of preventing a multiplicity of poles upon and along a street, and the stringing of numerous wires, the Chicago City Railway Company is further hereby authorized and empowered to permit the use of the poles authorized to be erected in and by the foregoing ordinance to telegraph, telephone and electric light companies, upon such terms and conditions as can be agreed upon between said companies and said Chicago City Railway Company; and it is further understood and agreed that the city of Chicago shall have the right to the use of the poles, upon one side of the street or streets hereinabove mentioned, for its signal, telephone or telegraph wires, the same to be placed upon such poles under the direction of said Chicago City Railpany, but without expense or cost to said company. The said company shall have the right to designate the side of the street to be used by the city of Chicago, and the manner of adjusting or stringing said wires, but said company shall maintain and repair said poles without expense or cost to said city of Chicago.

¶ 3. **Permits underground system.**] § 3. That said company is further hereby authorized and permitted, upon the line of street-car tracks hereinbefore described and designated, to operate and propel its said cars by the underground electric system of propulsion, and shall have the right to make the necessary excavation and conduit therefor, and to connect their electric wires, by substantial underground devices, with the generator or power-station or any stations or car-houses that may be erected in connection with said railroad, or with any other power-house or station along any of the lines of road of said company used by it in connection with its cable, horse or electric system, and may convey said wires from such power-houses or stations to the said line and street by means of suitable underground devices or appliances. All of such appliances and devices to be of

such character and laid in such manner as may be approved by the commissioner of public works.

¶ 4. **Return circuit—guard wires.**] § 4. Said company shall establish and maintain a metallic return circuit conductor, independent of its rails, upon the line of street railroad hereby authorized to be operated by overhead or underground contact wires.

Whenever other lines of wire cross the wire to be strung by virtue of this ordinance, the latter wires shall be protected by guard wires or other suitable mechanical device as may be directed by the commissioner of public works.

¶ 5. **Improvement and repair of streets.**] § 5. The permission and authority hereby given are on the further express condition that the said company shall, and by the acceptance hereof said company agrees that it will, pave and keep in repair sixteen (16) feet in width in the center of the street so occupied in manner as provided by section two (2) of the ordinance of July 30th, 1883, relating to street railways.

¶ 6. **Rate of fare.**] § 6. The rate of fare shall not exceed five (5) cents for any distance between Madison street and the terminus of the line hereby authorized; and passengers upon the line hereby authorized, and passengers upon any line belonging to or operated by said company which does or may at any time cross or intersect the line hereby authorized and operated by the Chicago City Railway Company, shall, on payment of cash fare, be transferred from one line to the other at the point of such crossing or intersection, without additional fare.

¶ 7. **License fee.**] § 7. As regards the license to be paid on the cars to be operated on the line herein provided, said company shall conform to and comply with section one (1) of an ordinance passed July 30th, 1883, relative to street railways.

¶ 8. **Grant twenty years—acceptance.**] § 8. The grant herein given shall extend for the term of twenty (20) years from the passage hereof; provided, the same shall be accepted by said company within thirty days after its passage.

¶ 9. **Subject to general ordinances.**] § 9. The privileges hereby granted are subject to all the general ordinances of the city of Chicago, now in force or hereafter to be passed, in reference to street railways in the city of Chicago, but said company is hereby permitted to use upon the line hereby authorized modern improved girder rails, and so laid that vehicles may freely and safely cross said tracks; Provided, however, that the rails to be used in the tracks herein authorized shall be such as have been first approved by the commissioner of public works.

¶ 10. **Indemnity clause—bond.**] § 10. Said company shall forever indemnify and save harmless the city of Chicago against and

from any and all damages, judgments, decrees and costs and expenses which said city may suffer, or which may be recoverable or obtained against said city, for or by reason of the granting of the privileges hereby conferred upon it, or for or by reason of, or growing out of, or resulting from, the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance; and said company shall, within the time limited for the acceptance of this ordinance, file with the city clerk a bond to the city of Chicago, in the penal sum of ten thousand (10,000) dollars, with sureties to be approved by the mayor of the city of Chicago, conditioned upon the faithful performance and observance by said company of all the conditions and provisions of this ordinance.

¶ 11. **When in force—acceptance.**] § 11. This ordinance shall be in force and take effect from and after its passage and acceptance, provided the bond hereinabove mentioned shall be filed and this ordinance accepted within thirty days after the passage of the same, otherwise this ordinance shall be void.

§ 508. Chicago City Railway company.

¶ 1. Grant—streets designated.
¶ 2. Overhead wires—feeders—restoration of streets—use of poles by other companies.
¶ 3. May use underground system.
¶ 4. Rights attach upon filing acceptance and bond.
¶ 5 Return circuit—guard wires.
¶ 6. Authority for girder rails.
¶ 7. Indemnity clause—bond.
¶ 8. Compensation.
¶ 9. Compensation when certain tracks are elevated.
¶ 10. When in force—acceptance—bond.

An ordinance authorizing the Chicago City Railway company to operate certain of its street car lines by electric power. (Passed July 16, 1894. Accepted July 27, 1894.)

¶ 1. **Grant—streets designated.**] Be it ordained by the city council of the city of Chicago: § 1. That the Chicago City Railway Company, its successors and assigns, are hereby authorized and empowered to propel and operate with electricity, its cars upon and along the following streets, in the city of Chicago, to-wit:

Twenty-sixth, Thirty-first, Thirty-ninth, Fifty-first, Sixty-ninth and Seventy-ninth streets, respectively, over, upon and along the tracks of the Chicago City Railway Company now upon said streets, respectively.

Archer avenue from the river west to the intersection of Thirty-eighth street, thence on Thirty-eighth street to the terminus of the tracks of the Chicago City Railway Company on said street.

Forty-third street from the eastern terminus of the tracks of the Chicago City Railway Company, on that street west to State street,

thence along State street to Root street; thence west along Root street to the terminus of the tracks of the Chicago City Railway Company on that street.

Halsted street from Archer avenue to the southern terminus of the tracks of the Chicago City Railway Company on said street.

Wentworth avenue from Archer avenue to the southern terminus of the tracks of the Chicago City Railway Company on that street.

Ashland avenue from Archer avenue to the southern terminus of the tracks of the Chicago City Railway Company on that street.

Upon South Chicago avenue, from Seventy-first street to Seventy-fifth street, over the tracks of the Chicago City Railway Company.

Upon and along Hanover street (now called South Canal), Butler and Wallace streets, respectively, over, upon and along the tracks of the Chicago City Railway Company now upon said streets, and their connections.

Upon and along State street from Sixty-third street south to its intersection with Vincennes avenue, and thence to the terminus of the tracks of the Chicago City Railway Company on said Vincennes avenue.

Upon and along Eighteenth street and Indiana avenue upon the tracks of the Chicago City Railway Company upon said streets, respectively, with the right to connect and operate the same with the tracks of the Chicago City Railway Company at Wabash avenue and Eighteenth street, provided, that the overhead trolley shall not be used or erected upon said Indiana avenue as a means of propulsion except upon consent, thereto, in writing, by the owners representing a majority of the feet front upon said Indiana avenue. Said consent of property owner shall be submitted to the commissioner of public works for confirmation before permit shall be granted for said change.

¶ 2. **Overhead wires—feeders—restoration of streets—use of poles by other companies.**] § 2. That the cars of the said Chicago City Railway Company within and upon the lines hereinbefore described and designated, may be operated and propelled by electric power by means of overhead contact wires; such overhead wires, together with the necessary feed wires, may be suspended from poles set within the curb limits of the street on either side thereof, or from bracket poles placed in the center of the street along such lines or routes, the placing of said poles to be determined by the mayor and commissioner of public works, and said poles to be ornamental iron or steel, and of such construction and design as the mayor and commissioner of public works may approve. Said trolley and feeder wires shall be suspended not less than eighteen and one-half (18½) feet above the rails, and the said poles and supports shall be placed on an average of not less than one hundred and fifteen (115) feet apart. No poles shall be set at the intersection of streets and alleys. Such poles and wires to be erected and maintained for the purpose

of supplying electric current which shall be used for power, heat and light purposes, for the Chicago City Railway Company only, and with the right to connect the wires herein authorized with the generator or power station, or any station or car house in connection with said lines of railroad, or with any power house or station along any line or lines of railroad of said company, used by it in connection with its cable, horse or electric system; and said company may convey said wires from such power house or station to the lines of wire hereby authorized upon poles placed upon or along the alleys of the city, or, whenever in the judgment of the commissioner of public works it shall be impracticable to place such poles in the alleys, he may, for the purpose above mentioned, permit to be placed in streets ornamental iron or steel poles of such design and construction as he may approve; or said company may, if the mayor and commissioner of public works consent thereto, convey said connecting wires in an underground conduit through the streets or alleys of the city of Chicago, which conduit shall be used by the said company for the purpose herein set forth only. Before making any excavation or in any wise interfering with the surface of any street or alley, said company shall obtain from the commissioner of public works a permit therefor, and shall also deposit with the treasurer of the city of Chicago a sufficient sum to cover the cost of restoring such street or alley according to an estimate of the probable cost thereof, to be made by the commissioner of public works, and all wires and conductors for the transmission of electricity in and along the street shall be constructed in a substantial and workmanlike manner, and under the supervision of the commissioner of public works, so as to interfere as little as possible with the public travel. It is provided hereby, however, that upon permit therefor being granted by the mayor and commissioner of public works, the said company may use for its said suspension and feeder wires wooden poles already erected or to be erected in the streets or alleys, when practicable, and the owners of said poles consent thereto.

For the purpose of preventing a multiplicity of poles upon and along a street, and the stringing of numerous wires, the Chicago City Railway Company is further hereby authorized and empowered to permit the use of the poles authorized to be erected in and by the foregoing ordinance to telegraph, telephone and electric light companies having proper franchises in the city of Chicago to operate on such streets respectively, upon such terms and conditions as can be agreed upon between said companies and said Chicago City Railway Company; and it is further understood and agreed that the city of Chicago shall have the right to the use of the poles, upon one side of the street or streets hereinabove mentioned, for its signal, telephone or telegraph wires, the same to be placed upon such poles under the direction of the said Chicago City Railway Company, but without expense or cost to said company. The said company shall have the right to designate the side of the street to be used by the city of Chi-

cago, and the manner of adjusting or stringing said wires, but said company shall maintain and repair said poles without expense or cost to said city of Chicago.

¶ 3. **May use underground system.**] § 3. That said company is further hereby authorized and permitted, upon the lines of street car tracks hereinbefore described and designated, and upon other lines of street car tracks now operated by said company with horses, to operate and propel its said cars by the underground electric system of propulsion, and shall have the right to make the necessary excavation and conduit therefor, and to connect their electric wires by substantial underground devices, with the generator or power station or any stations or car houses that may be erected in connection with said railroad, or with any other power house or station along any of the lines of road of said company used by it in connection with its cable, horse or electric system, and may convey said wires from such power houses or stations to the said lines and streets or any of them by means of suitable underground devices or appliances. All of such appliances and devices to be of such character and laid in such manner as may be approved by the commissioner of public works. And said company is further hereby authorized and permitted to propel and operate its cars, over its various lines, by any motor or motive power which it shall see fit to adopt and use; provided, however, that such motor or motive power shall be practically noiseless, and, before using, shall be approved, and permit therefor given, by the mayor and commissioner of public works.

¶ 4. **Rights attach upon filing acceptance and bond.**] § 4. The permission and authority herein and hereby granted shall attach at once upon the filing of a bond and acceptance hereof as hereinafter provided, and the said permission and authority may be exercised by said company at any time after the passage and acceptance of this ordinance, and from time to time after such acceptance, upon such streets or parts of streets hereinbefore mentioned as the said company may select or determine; Provided, however, that the permission and authority hereby given and herein granted shall only extend to and embrace the term of ten years from the passage of this ordinance.

¶ 5. **Return circuit—guard wires.**] § 5. Said company shall establish and maintain a metallic return circuit conductor, independent of its rails, upon all the lines of street railroad hereby authorized to be operated by electric overhead or underground contact wires.

Whenever other lines of wire cross the wires to be strung by virtue of this ordinance, the latter wires shall be protected by guard wires or other suitable mechanical device as may be directed by the commissioner of public works.

The said company shall carry free of charge on all cars operated by it, the city police and firemen in uniform.

¶ 6. **Authority for girder rails.**] § 6. That the Chicago City

Railway Company is hereby permitted and authorized to use upon and along the tracks herein mentioned, in place of the rails now in said tracks, modern improved girder rails, but so laid that vehicles may freely and safely cross said tracks; Provided, however, that the rails to be used on the tracks herein mentioned shall only be such as shall have been first approved by the commissioner of public works.

¶ 7. **Indemnity clause—bond.**] § 7. Said company shall forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs and expenses which said city may suffer, or which may be recoverable or obtained against said city for or by reason of the granting of the privileges hereby conferred upon it, or for or by reason of or growing out of or resulting from the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance, and said company shall, within the time limited for the acceptance of this ordinance, file with the city clerk a bond to the city of Chicago in the penal sum of twenty-five thousand dollars, with sureties to be approved by the mayor of the city of Chicago, conditioned upon the faithful performance and observance by said company of all the conditions and provisions of this ordinance.

¶ 8. **Compensation.**] § 8. In consideration of the permit, privileges and rights conferred upon the Chicago City Railway Company, in and by this ordinance and other ordinances passed by the city council of the city of Chicago, the said Chicago City Railway Company, agrees to pay into the city treasury of the city of Chicago, the sum of $100,000 as follows, to-wit: $10,000 on the first day of January, A. D. 1895, and $10,000 on the first day of each and every January thereafter, until the whole of said sum of $100,000 is paid; Provided, however, that the said sum so paid from year to year as aforesaid shall be used annually by the city of Chicago in erecting and maintaining electric arc lights along and upon the streets of the city of Chicago, wherein and whereon the Chicago City Railway Company operates and runs its street cars.

¶ 9. **Compensation when certain tracks are elevated.**] § 9. Whereas, By ordinance in contemplation and under negotiation, it is proposed to elevate the tracks of the Lake Shore and Michigan Southern Railway Company and the Chicago, Rock Island and Pacific Railway Company, over and across the following streets used and occupied by the Chicago City Railway Company for street railway lines, to-wit: Archer avenue, Twenty-second street, Twenty-sixth street, Thirty-first street, Thirty-fifth street, Thirty-ninth street, Root street, Forty-seventh street, Sixty-first street, Sixty-third street, State street, Wentworth avenue (at Sixty-fifth street), and Sixty-ninth street, where such railways or either of them cross such streets respectively. Now, therefore, in consideration of a clear head-room or passage-way

to the Chicago City Railway Company of at least 13½ feet between the grade of the street and the superstructure of such proposed elevated railways at State street, Sixty-third street, Twenty-second street, Twenty-sixth street, Thirty-first street, Thirty-fifth street, Thirty-ninth street, Root street, Forty-seventh street, Sixty-first street, Wentworth avenue (at Sixty-fifth street) and Sixty-ninth street, respectively, and at least 12 feet at the subway or street, to-wit: Archer avenue, the said Chicago City Railway Company agrees to and will contribute and pay hereafter to the city of Chicago the sum of $150,000 in partial payments in manner and upon condition as follows: As soon as the work of elevation and depression of the streets at any of the above named intersections of said streets in manner above stated with a clear headroom of the number of feet herein designated, shall be completed and ready for the laying of the tracks of the said Chicago City Railway Company through said subway, and to the satisfaction of the commissioner of public works of the city of Chicago, the said Chicago City Railway Company shall pay and contribute to the city of Chicago for each and every such subway so completed after the passage of this ordinance, upon demand by the city comptroller a sum equal to one-thirteenth (1-13) of said sum of $150,000 until the whole of the said sum of $150,000 shall have been paid. It is further understood and agreed, and in consideration aforesaid, said Chicago City Railway Company is hereby authorized and permitted to connect its tracks upon the several streets hereinbefore described and designated beneath the superstructure, and to lay down and maintain a double track street railway through the subway in and upon each of the several streets hereinbefore described, and may operate its street cars upon said tracks and wires aforesaid hereby authorized to be laid through each of the subways, so as to connect its respective tracks and wires on either side of said subways and the approaches thereto, respectively; but it is hereby understood and agreed, in consideration aforesaid, that the Chicago City Railway Company is and shall be relieved and discharged from all and any expense and cost for excavating each and all of said subways and the approaches thereto, the understanding being, in consideration aforesaid, that the excavation of said subways and the approaches thereto, and the grading of the same shall not be at the expense or cost of the Chicago City Railway Company.

¶ **10. When in force—acceptance—bond.**] § 10. This ordinance shall take effect and be in force from and after its passage and acceptance, provided the bond hereinabove mentioned shall be filed, and this ordinance accepted within thirty days after the passage of the same, otherwise this ordinance shall be void.

§ 509. Chicago City Railway company.

¶ 1. Grant, Wallace street—time of completion.
¶ 2. Animal, electric or cable—overhead wires—use of poles by other companies.
¶ 3. May use underground system.
¶ 4. Return circuit—guard wires.
¶ 5. Improvement and repair of streets.
¶ 6. Rate of fare.
¶ 7. License fee.
¶ 8. Grant twenty years—acceptance.
¶ 9. Subject to ordinances—girder rails.
¶ 10. Indemnity clause—bond.
¶ 11. When in force—bond—acceptance.

An ordinance granting permission to the Chicago City Railway company to lay down, maintain and operate a street railway on Wallace street. (Passed July 16, 1894. Accepted July 27, 1894.)

¶ 1. Grant—Wallace street—time of completion.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted and given to the Chicago City Railway Company, its successors, assigns and lessees, and said company is hereby required, to lay down, maintain and operate a double track street railway, with the necessary side tracks, turn outs and switches, upon Wallace street, in the city of Chicago, from Thirty-ninth street to Root street, and to connect and operate the same with its present tracks on Wallace street, Thirty-ninth street and on Root street; Provided, however, and the permission and authority hereby granted are upon the express condition, that the tracks hereby authorized shall be built and in operation within eighteen months after the passage of this ordinance, and, unless so completed and in operation within said time, the city of Chicago shall have the right to remove all tracks laid down by virtue of this ordinance, and the said company shall pay to the city of Chicago the cost of such removal. But should the construction of said tracks or any part thereof be delayed by injunction of any court or by the action of the city council, then, as to the portion so delayed, the time of such delay shall be excluded from the time herein limited; Provided, however, that such exclusion shall date only from the time when the said company shall have given notice to the corporation counsel of the city of Chicago of the institution of such legal proceedings, and the city of Chicago shall have, and it hereby expressly reserves, the right to intervene in any suit or proceedings brought seeking to enjoin, restrain, or in any manner seeking to interfere with, such construction, and to move for the dissolution of such injunction or restraining order, or for any other proper order in such suit.

¶ 2. Animal, electric or cable—overhead wires—use of poles by other companies.] § 2. The cars of said railway company on Wallace street may be operated by animal, electric or cable power; Provided, that, if the said company shall adopt its so-called "cable

system," the same shall be constructed and operated as provided by and subject to the conditions of the ordinance passed January 17th, A. D. 1881, authorizing the Chicago City Railway Company to operate its cars by other than animal power; and, if electric power shall be used, by means of overhead contact wires, such overhead wires, together with the necessary feed wires, may be suspended from poles set within the curb limits of the street on either side thereof, or from bracket poles placed in the center of the street along such line or route; the placing of such poles to be determined by the mayor and commissioner of public works, and said poles to be ornamental iron or steel, and of such construction and design as the mayor and commissioner of public works may approve. Said trolley and feeder wires shall be suspended not less than eighteen and one-half (18½) feet above the rails, and the said poles and supports shall be placed on an average of not less than one hundred and fifteen (115) feet apart. No poles shall be set at the intersection of streets and alleys. Such poles and wires to be erected and maintained for the purpose of supplying electric current which can be used for power, heat and light purposes, and for the use of said company only, and with the right to connect the wires herein authorized with the generator or power station or any station or car house in connection with said railroad, or with any power house or station along any line of railroad of said company, used by it in connection with its cable, horse or electric system; and said company may convey said wires from such power house or station, to the line of wire hereby authorized, upon poles placed upon or along the alleys of the city, or, whenever in the judgment of the commissioner of public works it shall be impracticable to place such poles in alleys, he may, for the purpose above mentioned, permit to be placed in streets ornamental iron or steel poles of such design and construction as he may approve; or said company may, if the mayor and commissioner of public works consent thereto, convey said connecting wires in an underground conduit through the streets or alleys of the city of Chicago, which conduit shall be used by the company for the purposes herein set forth only. Before making any excavation, or in any wise interfering with the surface of any street or alley, said company shall obtain from the commissioner of public works a permit therefor, and shall also deposit with the treasurer of the city of Chicago a sufficient sum to cover the cost of restoring such street or alley according to an estimate of the probable cost thereof to be made by the commissioner of public works; and all wires and conductors for the transmission of electricity in and along the street shall be constructed in a substantial and workmanlike manner, and under the supervision of the commissioner of public works, so as to interfere as little as possible with the public travel. It is provided hereby that, upon permit therefor being granted by the mayor and commissioner of public works, the said company may use, for its said suspension and feeder wires, wooden poles already erected or to be erected in the

streets or alleys, when practicable, and the owners of said poles consent thereto.

For the purpose of preventing a multiplicity of poles upon and along a street, and the stringing of numerous wires, the Chicago City Railway Company is further hereby authorized and empowered to permit the use of the poles authorized to be erected in and by the foregoing ordinance to telegraph, telephone and electric companies, upon such terms and conditions as can be agreed upon between said companies and said Chicago City Railway Company; and it is further understood and agreed that the city of Chicago shall have the right to the use of the poles, upon one side of the street or streets hereinabove mentioned, for its signal, telephone or telegraph wires, the same to be placed upon such poles under the direction of the said Chicago City Railway Company, but without expense or cost to said company. The said company shall have the right to designate the side of the street to be used by the city of Chicago, and the manner of adjusting or stringing said wires, but said company shall maintain and repair said poles without expense or cost to said city of Chicago.

¶ 3. **May use underground system.**] § 3. That said company is further hereby authorized and permitted, upon the line of a street car track hereinbefore described and designated, to operate and propel its said cars by the underground electric system of propulsion, and shall have the right to make the necessary excavation and conduit therefor, and to connect their electric wires, by substantial underground devices, with the generator or power station or any stations or car houses that may be erected in connection with said railroad, or with any other power house or station along any of the lines of road of said company used by it in connection with its cable, horse or electric system, and may convey said wires from such power houses or stations to the said line and street by means of suitable underground devices or appliances. All of such appliances and devices to be of such character and laid in such manner as may be approved by the commissioner of public works.

¶ 4. **Return circuit—guard wires.**] § 4. Said company shall establish and maintain a metallic return circuit conductor, independent of its rails, upon the line of street railroad hereby authorized to be operated by electric overhead or underground contact wires.

Whenever other lines of wire cross the wire to be strung by virtue of this ordinance, the latter wires shall be protected by guard wires or other suitable mechanical device as may be directed by the commissioner of public works.

¶ 5. **Improvement and repair of streets.**] § 5. The permission and authority hereby given are on the further express condition that said company shall, and by the acceptance hereof said company agrees that it will, pave and keep in repair sixteen (16) feet in width

in the center of the street so occupied, in manner as provided by section two (2) of the ordinance of July 30th, 1883, relating to street railways.

¶ 6. **Rate of fare.**] § 6. The rate of fare shall not exceed five (5) cents for any distance between Madison street and the terminus of the line hereby authorized; and passengers upon the line hereby authorized, and passengers upon any line belonging to or operated by said company which does or may at any time cross or intersect the line hereby authorized and operated by the Chicago City Railway Company, shall, on payment of cash fare, be transferred from one line to the other at the point of such crossing or intersection without additional fare.

¶ 7. **License fee.**] § 7. As regards the license to be paid on the cars to be operated on the line herein provided, said company shall conform to and comply with section one (1) of an ordinance passed July 30th, 1883, relating to street railways.

¶ 8. **Grant twenty years—acceptance.**] § 8. The grant herein given shall extend for the term of twenty (20) years from the passage hereof; Provided, the same shall be accepted by said company within thirty days after its passage.

¶ 9. **Subject to ordinances—girder rails.**] § 9. The privileges hereby granted are subject to all the general ordinances of the city of Chicago, now in force or hereafter to be passed, in reference to street railways in the city of Chicago, but said company is hereby permitted to use upon the line hereby authorized modern improved girder rails, and so laid that vehicles may freely and safely cross said tracks; Provided, however, that the rails to be used on the tracks herein authorized shall only be such as have been first approved by the commissioner of public works.

¶ 10. **Indemnity clause—bond.**] § 10. Said company shall forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs and expenses which said city may suffer, or which may be recoverable or obtained against said city, for or by reason of the granting of the privileges hereby conferred upon it, or for or by reason, or growing out of, or resulting from, the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance; and said company shall, within the time limited for the acceptance of this ordinance, file with the city clerk a bond to the city of Chicago, in the penal sum of ten thousand (10,000) dollars, with sureties to be approved by the mayor of the city of Chicago, conditioned upon the faithful performance and observance by said company of all the conditions and provisions of this ordinance.

¶ 11. **When in force—bond—acceptance.**] § 11. This ordi-

nance shall be in force and take effect from and after its passage and acceptance by said company, provided the bond hereinabove mentioned shall be filed and this ordinance accepted within thirty days after the passage of the same; otherwise this ordinance to be void.

§ 510. Chicago City Railway company.

¶ 1. Grant—conduit in Twenty-first street—restoration of streets—bond.
¶ 2. Term of grant.
¶ 3. When in force.

An ordinance granting authority to the Chicago City Railway company to construct a conduit in Twenty-first street, from State street to Wabash avenue. (Passed July 16, 1894.)

¶ 1. Grant—conduit in Twenty-first street—restoration of streets—bond.] Be it ordained by the city council of the city of Chicago. § 1. That the Chicago City Railway Company be and it is hereby authorized to construct and maintain an underground conduit along Twenty-first street, beneath the surface thereof, from the tracks of the Chicago City Railway Company on State street, connecting with the same, to the tracks of the Chicago City Railway Company on Wabash avenue, connecting with the same, for the purpose of connecting the conduits on State street and Wabash avenue, respectively, whereby and wherein to carry cables from the power-house of the Chicago City Railway Company, at State and Twenty-first streets, to Wabash avenue; Provided, that the top of said conduit shall be at least four feet below the surface of Twenty-first street, and shall be constructed in a substantial and workmanlike manner, and to the satisfaction of the commissioner of public works; and provided, also, that if, in the construction of said conduit or trench or excavation, any damage or injury shall result to any of the sewers, water pipes, or private drains, then said Chicago City Railway Company shall pay and be liable therefor, and if at any time, by reason of the permission hereby granted, and the making of said trench and the running of said cables therein, any injury or damage shall result to any person or property, or to the city of Chicago, then the said Chicago City Railway Company shall be liable therefor; and provided, further, that the surface of the said street and the paving thereon shall be put back in place and made as good in all respects as before the construction of said conduit; and it is hereby further provided that the said conduit shall be used for no other purpose than the use thereof for cables by the Chicago City Railway Company. The construction of said conduit shall be completed within sixty days after commencing the same; and if said company shall fail to properly restore the surface of said street, within fifteen days after the completion of the construction of said conduit, the city may cause said work to be done, and said company shall be liable to the city for the cost thereof. Said company shall, before commencing construction of said conduit, deposit with

the city treasurer of the city of Chicago the sum of one thousand (1,000) dollars as security for the proper restoration of the surface of said street, and shall file with the city clerk its bond to the city of Chicago, in the penal sum of $20,000, with sureties to be approved by the mayor of said city, conditioned upon the faithful performance and observance by said company of all the conditions and provisions of this ordinance.

Unless this ordinance be accepted by said company by filing its written acceptance with the city clerk within thirty days after its passage, it shall be null and void.

Said company shall forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees, costs and expenses which it may suffer, or which may be recoverable or obtained against said city, for or by reason of the granting of such privileges, or for, or by reason of, or growing out of, or resulting from, the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 2. **Term of grant.**] § 2. The grant and privilege hereby given shall cease and end when the rights and privileges to the Chicago City Railway Company shall cease upon State street and Wabash avenue, respectively, at Twenty-first street.

¶ 3. **When in force.**] § 3. This ordinance shall be in force and operation from and after its passage.

§ 511. Chicago City Railway company.

¶ 1. Grant—Center avenue—time of completion.
¶ 2. Motive power—construction—use of poles by other companies.
¶ 3. May use underground system.
¶ 4. Return circuit—guard wires.
¶ 5. Improvement and repair of streets.
¶ 6. Rate of fare.
¶ 7. License fee.
¶ 8. Term of grant—acceptance.
¶ 9. Subject to ordinances—girder rails.
¶ 10. Indemnity clause—bond.
¶ 11. Acceptance.

An ordinance granting permission to the Chicago City Railway company to lay down, maintain and operate a street railway on Center avenue. (Passed July 10, 1894. Accepted July 27, 1894.)

¶ 1. **Grant—Center avenue—time of completion.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted and given to the Chicago City Railway Company, its successors, assigns and lessees, and said company is hereby required, to lay down, maintain and operate a double-track street railway, with the necessary side-tracks, turnouts and switches, upon Center avenue, in the city of Chicago, from Forty-seventh street to Sixty-third street, and to connect and operate the same

in connection with its present tracks on Forty-seventh street and Sixty-third street; Provided, however, and the permission and authority hereby granted are upon the express condition, that the track hereby authorized shall be built and in operation within two years after the passage of this ordinance, and, unless so completed and in operation within said time, the city of Chicago shall have the right to remove all tracks laid down by virtue of this ordinance, and the said company shall pay to the city of Chicago the costs of such removal; but should the construction of said tracks or any part thereof be delayed by injunction of any court, or by the action of the city council, then, as to the portion so delayed, the time of such delay shall be excluded from the time herein limited; Provided, however, that such exclusion shall date only from the time when the said company shall have given notice to the corporation counsel of the city of Chicago of the institution of such legal proceedings. The city of Chicago shall have, and it hereby expressly reserves, the right to intervene in any suit or proceedings brought seeking to enjoin, restrain, or in any manner seeking to interfere with, such construction, and to move for the dissolution of such injunction or restraining order, or for any other proper order in such suit.

¶ 2. **Motive power—construction—use of poles by other companies.**] § 2. The cars of said railway company on said Center avenue may be operated by animal, electric or cable power; Provided, that, if the said company shall adopt its so-called "cable system," the same shall be constructed and operated as provided by and subject to the conditions of the ordinance passed January 17th, A. D. 1881, authorizing the Chicago City Railway Company to operate its cars by other than animal power; and, if electric power shall be used, by means of overhead contact wires, such overhead wires, together with the necessary feed wires, may be suspended from poles set within the curb limits of the street on either side thereof, or from bracket poles placed in the center of the street along such line or route, the placing of such poles to be determined by the mayor and commissioner of public works, and said poles to be ornamental iron or steel, and of such construction and design as the mayor and commissioner of public works may approve. Said trolley and feeder wires shall be suspended not less than eighteen and one-half (18½) feet above the rails, and the said poles and supports shall be placed on an average of not less than one hundred and fifteen (115) feet apart. No poles shall be set at the intersection of streets and alleys. Such poles and wires to be erected and maintained for the purpose of supplying electric current which can be used for power, heat and light purposes, and for the use of said company only, and with the right to connect the wires herein authorized with the generator or power station, or any station or car house in connection with said railroad, or with any power house or station along any line of railroad of said company used by it in connection

with its cable, horse or electric system; and said company may convey said wires from such power-house or station to the line of wire hereby authorized upon poles placed upon or along the alleys of the city, or, whenever, in the judgment of the commissioner of public works, it shall be impracticable to place such poles in alleys, he may, for the purpose above mentioned, permit to be placed in streets ornamental iron or steel poles of such design and construction as he may approve; or said company may, if the mayor and commissioner of public works consent thereto, convey said connecting wires, in an underground conduit, through the streets or alleys of the city of Chicago, which conduit shall be used by the company for the purpose herein set forth only. Before making any excavation, or in anywise interfering with the surface of any street or alley, said company shall obtain from the commissioner of public works a permit therefor, and shall also deposit with the treasurer of the city of Chicago a sufficient sum to cover the cost of restoring such street or alley according to an estimate of the probable cost thereof, to be made by the commissioner of public works; and all wires and conductors for the transmission of electricity in and along the streets shall be constructed in a substantial and workmanlike manner, and under the supervision of the commissioner of public works, so as not to interfere as little as possible with the public travel. It is provideded hereby, however, that, upon permit therefor being granted by the mayor and commissioner of public works, the said company may use for its suspension and feeder wires, wooden poles already erected or to be erected in said street, when practicable, and the owners of said poles consent thereto.

For the purpose of preventing a multiplicity of poles upon and along a street, and the stringing of numerous wires, the Chicago City Railway Company is further hereby authorized and empowered to permit the use of the poles authorized to be erected in and by the foregoing ordinance to telegraph, telephone and electric light companies, upon such terms and conditions as can be agreed upon between said companies and said Chicago City Railway Company; and it is further understood and agreed that the city of Chicago shall have the right to the use of the poles, upon one side of the street or streets hereinabove mentioned, for its signal, telephone or telegraph wires, the same to be placed upon such poles under the direction of said Chicago City Railway Company, but without expense or cost to said company. The said company shall have the right to designate the side of the street to be used by the city of Chicago, and the manner of adjusting and stringing said wires, but said company shall maintain and repair said poles without expense or cost to said city of Chicago.

¶ 3. **May use underground system.**] § 3. That said company is further hereby authorized and permitted, upon the line of street car tracks hereinbefore described and designated, to operate and propel its said cars by the underground electric system of propulsion,

and shall have the right to make the necessary excavation and conduit therefor, and to connect their electric wires, by substantial underground devices, with the generator or power station or any stations or car houses that may be erected in connection with said railroad, or with any other power house or station along any of the lines of road of said company used by it in connection with its cable, horse or electric system, and may convey said wires from such power houses or stations to the said line and street by means of suitable underground devices or appliances. All of such appliances and devices to be of such character and laid in such manner as may be approved by the commissioner of public works.

¶ 4. **Return circuit—guard wires.**] § 4. Said company shall establish and maintain a metallic return circuit conductor independent of its rails, upon the line of street railroad hereby authorized to be operated by overhead or underground contact wires.

Whenever other lines of wire cross the wire to be strung by virtue of this ordinance, the latter wires shall be protected by guard wires or other suitable mechanical device, as may be directed by the commissioner of public works.

¶ 5. **Improvement and repair of streets.**] § 5. The permission and authority hereby given are on the further express condition that said company shall, and by the acceptance hereof said company agrees that it will, pave and keep in repair sixteen (16) feet in width in the center of the street so occupied, in manner as provided by section two (2) of the ordinance of July 30th, 1883, relating to street railways.

¶ 6. **Rate of fare.**] § 6. The rate of fare shall not exceed five (5) cents for any distance between Madison street and the terminus of the line hereby authorized; and passengers upon the line hereby authorized, and passengers upon any line belonging to or operated by said company which does or may at any time cross or intersect the line hereby authorized and operated by the Chicago City Railway Company, shall, on payment of cash fare, be transferred from one line to the other at the point of such crossing or intersection, without additional fare.

¶ 7. **License fee.**] § 7. As regards the license to be paid on the cars to be operated on the line herein provided, said company shall conform to and comply with section one (1) of an ordinance passed July 30th, 1883, relating to street railways.

¶ 8. **Term of grant—acceptance.**] § 8. The grant herein given shall extend for the term of twenty (20) years from the passage hereof, provided the same shall be accepted by said company within thirty days after its passage.

¶ 9. **Subject to ordinances—girder rails.**] § 9. The privileges hereby granted are subject to all the general ordinances of the city of

Chicago, now in force or hereafter to be passed, in reference to street railways in the city of Chicago; but said company is hereby permitted to use upon the line hereby authorized modern improved girder rails, and so laid that vehicles may freely and safely cross said tracks; Provided, however, that the rails to be used in the tracks herein authorized shall be such as have been first approved by the commissioner of public works.

¶ 10. Indemnity clause—bond.] § 10. Said company shall forever indemnify and save harmless the city of Chicago against and from all damages, judgments, decrees and costs and expenses which said city may suffer, or which may be recoverable or obtained against said city, for or by reason of the granting of the privileges hereby conferred upon it, or for or by reason of, or growing out of, or resulting from, the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance; and said company shall, within the time limited for the acceptance of this ordinance, file with the city clerk a bond to the city of Chicago, in the penal sum of ten thousand (10,000) dollars, with sureties to be approved by the mayor of the city of Chicago, conditioned upon the faithful performance and observance by said company of all the conditions and provisions of this ordinance.

¶ 11. In force upon acceptance.] § 11. This ordinance shall be in force and take effect from and after its passage and acceptance, provided the bond hereinabove mentioned shall be filed and this ordinance accepted within thirty days after the passage of the same; otherwise this ordinance shall be void.

§ 512. Chicago City Railway company.

¶ 1. Grant—Sixty-third street—time of completion.
¶ 2. Animal, cable or electric—construction.
¶ 3. May put in underground system.
¶ 4. Return circuit—guard wires.
¶ 5. Improvement and repair of streets.
¶ 6. Rate of fare.
¶ 7. License fee.
¶ 8. Term of grant—acceptance.
¶ 9. Subject to ordinances—girder rails.
¶ 10. Indemnity clause—bond.
¶ 11. In force upon acceptance.

An ordinance granting permission to the Chicago City Railway company to lay down, maintain and operate a street railway in Sixty-third street. (Passed July 16, 1894. Accepted July 27, 1894.)

¶ 1. Grant—Sixty-third street—time of completion.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted and given to the Chicago City Railway Company, its successors, assigns and lessees, and said company is hereby required, to lay down, maintain and operate a

double-track street railway, with the necessary side-tracks, turnouts and switches, upon Sixty-third street, in the city of Chicago, from Cottage Grove avenue west to State street, and to connect and operate the same with its present track on Sixty-third street, east of Cottage Grove avenue, and at State street, and with its present track on Sixty-third street, west of the right of way of the railroads crossing Sixty-third street, meaning hereby that said Chicago City Railway Company is authorized and permitted to connect and operate its tracks on Sixty-third street, east and west of the railroad crossing, through and under the subway in Sixty-third street when the railroad tracks at said crossing shall be elevated; Provided, however, and the permission and authority hereby granted are upon the express condition, that the tracks hereby authorized shall be built and in operation within two years after the passage of this ordinance, and, unless so completed and in operation within said time, the city of Chicago shall have the right to remove all tracks laid down by virtue of this ordinance, and the said company shall pay to the city of Chicago the costs of such removal; but should the construction of said tracks or any part thereof be delayed by injunction of any court, or by the action of the city council, then, as to the portion so delayed, the time of such delay shall be excluded from the time herein limited; Provided, however, that such exclusion shall date only from the time when the said company shall have given notice to the corporation counsel of the city of Chicago of the institution of such legal proceedings, and the city of Chicago shall have, and it hereby expressly reserves, the right to intervene in any suit or proceeding brought seeking to enjoin, restrain, or in any manner seeking to interfere with, such construction, and to move for the dissolution of such injunction or restraining order, or for any other proper order in such suit.

¶ 2. **Animal, cable or electric—construction.**] § 2. The cars of said railway company on said Sixty-third street may be operated by animal, electric or cable power; Provided, that, if the said company shall adopt its so-called "cable system," the same shall be constructed and operated as provided by and subject to the conditions of the ordinance passed January 17th, A. D. 1881, authorizing the Chicago City Railway Company to operate its cars by other than animal power; and if electric power shall be used, by means of overhead contact wires, such overhead wires, together with the necessary feed wires, may be suspended from poles set within the curb limits of the street on either side thereof, or from bracket poles placed in the center of the street along such line or route, the placing of such poles to be determined by the mayor and commissioner of public works, and said poles to be ornamental iron or steel, and of such construction and design as the mayor and commissioner of public works may approve. Said trolley and feed wires shall be suspended not less than eighteen and one-half (18½) feet above the rails, and the said poles

and supports shall be placed on an average of not less than one hundred and fifteen (115) feet apart. No poles shall be set at the intersection of streets and alleys. Such poles and wires to be erected and maintained for the purpose of supplying electric current which can be used for power, heat and light purposes, and for the use of said company only, and with the right to connect the wires herein authorized with the generator or power station or any station or car house in connection with said railroad, or with any power house or station along any line of railroad of said company used by it in connection with its cable, horse or electric system; and said company may convey said wires from such power house or station to the lines of wire hereby authorized upon poles placed upon or along the alleys of the city, or, whenever in the judgment of the commissioner of public works it shall be impracticable to place such poles in alleys, he may, for the purpose above mentioned, permit to be placed in streets ornamental iron or steel poles of such design and construction as he may approve; or said company may, if the mayor and commissioner of public works consent thereto, convey said connecting wires in an underground conduit through the streets or alleys of the city of Chicago, which conduit shall be used by the said company for the purpose herein set forth only. Before making any excavation or in anywise interfering with the surface of any street or alley, said company shall obtain from the commissioner of public works a permit therefor, and shall also deposit with the treasurer of the city of Chicago a sufficient sum to cover the cost of restoring such street or alley according to an estimate of the probable cost thereof to be made by the commissioner of public works; and all wires and conductors for the transmission of electricity in and along the street shall be constructed in a substantial and workmanlike manner, and under the supervision of the commissioner of public works, so as to interfere as little as possible with the public travel; Provided, however, that in the event of the Chicago and South Side Rapid Transit Railroad Company permitting (being hereby authorized and empowered to grant a permit therefor) the said Chicago City Railway Company to suspend its trolley and feeder wires beneath its structure by attaching the same thereunder at a distance below the same not greater than six inches, then and in that case no poles shall be erected along the line of said structure for the suspension of said trolley and feeder wires. It is provided herein, however, that, upon permit therefor being granted by the mayor and commissioner of public works, the said company may use, for its suspension and feeder wires, wooden poles already erected or to be erected in said street, when practicable, and the owners of said poles consent thereto.

For the purpose of preventing a multiplicity of poles upon and along a street, and the stringing of numerous wires, the Chicago City Railway Company is further hereby authorized and empowered to permit the use of the poles authorized to be erected in and by the fore-

going ordinance to telegraph, telephone and electric light companies, upon such terms and conditions as can be agreed upon between said companies and said Chicago City Railway Company; and it is further understood and agreed that the city of Chicago shall have the right to the use of the poles, upon one side of the street or streets hereinabove mentioned, for its signal, telephone or telegraph wires, the same to be placed upon such poles under the direction of said Chicago City Railway Company, but without expense or cost to said company. The said company shall have the right to designate the side of the street to be used by the city of Chicago, and the manner of adjusting or stringing said wires, but said company shall maintain and repair said poles without expense or cost to said city of Chicago.

¶ 3. **May put in underground system.**] § 3. That said company is further hereby authorized and permitted, upon the line of street car tracks hereinbefore described and designated, to operate and propel its said cars by the underground electric system of propulsion, and shall have the right to make the necessary excavation and conduit therefor, and to connect their electric wires, by substantial underground devices, with the generator or power station or any stations or car houses that may be erected in connection with said railroad, or with any other power house or station along any of the lines of road of said company used by it in connection with its cable, horse or electric system, and may convey said wires from such power houses or stations to the said line and street by means of suitable underground devices or appliances. All of such appliances and devices to be of such character and laid in such manner as may be approved by the commissioner of public works.

¶ 4. **Return circuit—guard wires.**] § 4. Said company shall establish and maintain a metallic return circuit conductor, independent of its rails, upon the lines of street railroad hereby authorized to be operated by electric overhead or underground contact wires.

Whenever other lines of wire cross the wires to be strung by virtue of this ordinance, the latter wires shall be protected by guard wires or other suitable mechanical device as may be directed by the commissioner of public works.

¶ 5. **Improvement and repair of streets.**] § 5. The permission and authority hereby given are on the further express condition that said company shall, and by the acceptance hereof said company agrees that it will, pave and keep in repair sixteen (16) feet in width in the center of the street so occupied, in manner as provided by section two (2) of the ordinance of July 30, 1883, relating to street railways.

¶ 6. **Rate of fare.**] § 6. The rate of fare shall not exceed five cents for any distance between Madison street and the terminus of the line hereby authorized, and passengers upon the line hereby authorized, and passengers upon any line belonging to or operated

by said company which does or may at any time cross or intersect the line hereby authorized and operated by the Chicago City Railway Company, shall, on payment of cash fare, be transferred from one line to the other at the point of such crossing or intersection, without additional fare.

¶ 7. **License fee.**] § 7. As regards the license to be paid on the cars to be operated on the line herein provided, said company shall conform to and comply with section one (1) of an ordinance passed July 30th, 1883, relating to street railways.

¶ 8. **Term of grant—acceptance.**] § 8. The grant herein given shall extend for the term of twenty (20) years from the passage hereof, provided the same shall be accepted by said company within thirty days after its passage.

¶ 9. **Subject to ordinances—girder rails.**] § 9. The privileges hereby granted are subject to all of the general ordinances of the city of Chicago, now in force or hereafter to be passed, in reference to street railways in the city of Chicago; but said company is hereby permitted to use upon the line hereby authorized modern improved girder rails, and so laid that vehicles may freely and safely cross said tracks; Provided, however, that the rails to be used on the tracks herein authorized shall only be such as have been first approved by the commissioner of public works.

¶ 10. **Indemnity clause—bond.**] § 10. Said company shall forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs and expenses which said city may suffer, or which may be recoverable or obtained against said city, for or by reason of the granting of the privileges hereby conferred upon it, or for or by reason of, or growing out of or resulting from, the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance; and said company shall, within the time limited for the acceptance of this ordinance, file with the city clerk a bond to the city of Chicago, in the penal sum of ten thousand (10,000) dollars, with sureties to be approved by the mayor of the city of Chicago, conditioned upon the faithful performance and observance by said company of all the conditions and provisions of this ordinance.

¶ 11. **In force upon acceptance.**] § 11. This ordinance shall be in force and take effect from and after its passage and acceptance, provided the bond hereinabove mentioned shall be filed and this ordinance accepted within thirty days after the passage of the same; otherwise this ordinance shall be void.

Note.—See following amendatory ordinance. Also ordinance of April 8, 1897.

§ 513. Chicago City Railway company.

¶ 1. Extension of time for completion of tracks.
¶ 2. When in force.

An ordinance amending an ordinance granting certain rights to the Chicago City Railway company. Passed July 16, 1894. (Passed April 8, 1896.)

¶ 1. Extension of time for completion of tracks.] Be it ordained by the city council of the city of Chicago: § 1. Whereas, by an ordinance duly passed by the city council of the city of Chicago, on the 16th day of July, A. D. 1894, the Chicago City Railway Company was duly granted the right to construct and operate a double track street railway on Sixty-third street, from Cottage Grove avenue to State street, in the city of Chicago, wherein it was provided that said tracks should be built and in operation within two years after the passage of said ordinance, and which said ordinance was duly accepted by the Chicago City Railway Company on the 27th day of July, A. D. 1894; and,

Whereas, It appears that the elevation of the steam railroad tracks across Sixty-third street, between State street and Wentworth avenue, is not yet completed, and is still in progress and likely to be completed within the coming eighteen months, and the railroad track in said ordinance described, pursuant to ordinances of the city of Chicago, is to pass through the subway beneath the tracks of the steam railroad so elevated, which facilitates a continuous street railway on Sixty-third street;

Now, therefore, the time for the construction and completion of said tracks on Sixty-third street, between the points mentioned, is hereby extended beyond the time mentioned in said ordinance, eighteen months, meaning and intending hereby that the said Chicago City Railway Company may and shall have eighteen months, from July 16, 1896, within which the tracks in said ordinance mentioned and authorized shall be built and in operation.

¶ 2. When in force.] § 2. This ordinance shall take effect and be in force from and after its passage.

Note.—See ordinance of April 8, 1897.

§ 514. Chicago City Railway company.

¶ 1. Grant—route.
¶ 2. Power—overhead wires—power of council.
¶ 3. Underground system.
¶ 4. Return circuit—guard wires.
¶ 5. Improvement and repair of streets.
¶ 6. Rate of fare.
¶ 7. License fee.
¶ 8. Grant 20 years—acceptance.
¶ 9. Style of rails.
¶ 10. Indemnity clause—bond.
¶ 11. When in force—acceptance.

Ordinance permitting the Chicago City Railway company to build and operate railways on Kedzie avenue, Archer avenue, Western avenue and other streets. (Passed July 8, 1895. Accepted July 24, 1895.)

¶ 1. **Grant—route.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof and the undertaking by the Chicago City Railway Company to comply with the provisions herein contained, consent, permission and authority are hereby granted and given to the Chicago City Railway Company, its successors, assigns and lessees, to lay down, maintain and operate a double track street railway, with the necessary side tracks, turn outs and switches on and upon the several streets and parts of streets herein described and mentioned as follows, to wit:

Upon and along Forty-seventh street from, and connecting with, the tracks of the Chicago City Railway Company on said street west to the intersection of Archer avenue; Provided, however, and the permission and authority hereby granted are upon the express condition that the tracks hereby authorized between the present west end of the tracks on said street and the intersection of Kedzie avenue shall be built and in operation on or before August 1st, 1896, and the balance of the distance to Archer avenue on said street within two years after the passage of this ordinance, and also

Upon and along Kedzie avenue, from Thirty-eighth street to Sixty-third street; Provided, however, and the permission and authority hereby granted are upon the express condition that the tracks hereby authorized on said Kedzie avenue shall be built and in operation on or before August 1st, 1896, and also

Upon and along Archer avenue from, and connecting with, the tracks of the Chicago City Railway Company on said street, westerly to the intersection of Fifty-first street; Provided, however, and the permission and authority hereby granted are upon the express condition that the tracks hereby authorized, from the present tracks of said company, westerly on said Archer avenue to Kedzie avenue shall be built and in operation on or before August 1st, 1896, and the balance of the distance to Fifty-first street within eighteen months after the passage of this ordinance, not counting the months of November, December, January, February and March, and also

Upon and along Western avenue, from the intersection of Archer avenue to Seventy-first street; Provided, however, and the permission and authority hereby granted are upon the express condition that the tracks hereby authorized between the said intersection of Archer avenue and Fifty-fifth street shall be built and in operation within eighteen (18) months after the passage of the ordinance, and the balance of the distance to Seventy-first street within two years after the passage of this ordinance, in either case not counting the months of November, December, January, February and March, and also

Upon and along Sixty-ninth street from, and connecting with, the tracks of the Chicago City Railway Company, west to the intersection

of Western avenue; Provided, however, and the permission and authority hereby granted are upon the express condition that the tracks hereby authorized shall be built and in operation within two years after the passage of this ordinance, not counting the months of November, December, January, February and March, and also

Upon and along Twenty-Ninth street, from Butler street to Wallace street, connecting with the tracks on said Twenty-ninth and Wallace streets, respectively; Provided, however, and the permission and authority hereby granted are upon the express condition that the tracks on said Twenty-ninth street be built and in operation within one year after the passage of this ordinance, but it is further provided and understood that in consideration of the operation of the track on Hanover (otherwise called South Canal street), Wallace and Twenty-ninth streets, as a continuous connected line, that said company may cease the operation and use of the tracks on Butler street, from Twenty-ninth to Thirty-first street, and on Wallace street, from Twenty-sixth street to Twenty-ninth street; and also

Upon and along Thirty-eighth street, west from the present terminus of the tracks of the Chicago City Railway Company on said street to Central Park avenue; Provided, however, and the permission and authority hereby granted are upon the express condition that the track hereby authorized on said Thirty-eighth street, from the present terminus of the tracks of the Chicago City Railway Company on said street to Central Park avenue, shall be built and in operation within two years after the passage of this ordinance.

Upon and along Fifty-ninth street, from State street to Western avenue; Provided, however, and the permission and authority hereby granted are upon the express condition that the tracks hereby authorized on Fifty-ninth street shall be built and in operation within eighteen (18) months after the passage of this ordinance, not counting the months of November, December, January, February and March.

It is provided, however, that should the construction or operation of said tracks, or any part thereof, be delayed by injunction of any court, or by the action of the city council, or by the action of the board of South Park Commissioners, then as to the portion so delayed the time of such delay shall be excluded from the time herein limited. And it is further provided and understood that should any portion or part of any of the said lines be not completed or in operation within the time herein respectively specified and limited, that the rights herein granted shall be forfeited only on the unbuilt portion or part thereof. The city of Chicago shall have, and it hereby expressly reserves the right to intervene in any suit or proceedings seeking to enjoin, restrain, or in any manner seek to interfere with such construction, and to move for the dissolution of such injunction or restraining or for any other proper order in such suit.

¶ 2. **Power—overhead wires—power of council.**] § 2. The

cars of said railway company on said respective streets may be operated by animal, electric or cable power; Provided, that if the said company shall adopt its so-called "cable system" the same shall be constructed and operated as provided by and subject to the conditions of the ordinance passed January 17th, A. D. 1881, authorizing the Chicago City Railway Company to operate its cars by other than animal power, and if electric power shall be used by means of overhead contact wires, such overhead wires, together with the necessary feed wires, may be suspended from poles set within the curb limits of the street on either side thereof, or from bracket poles placed in the center of the street along such line or route, the placing of such poles to be determined by the mayor and commissioner of public works, and said poles to be ornamental iron or steel, and of such construction and design as the mayor and commissioner of public works may approve. Said trolley and feeder wires shall be suspended not less than eighteen and one-half (18½) feet above the rails, and the said poles and supports shall be placed on an average of not less than one hundred and fifteen (115) feet apart. No poles shall be set at the intersection of streets and alleys. Such poles and wires to be erected and maintained for the purpose of supplying electric current which can be used for power, heat and light purposes and for the use of said company only, and with the right to connect the wire herein authorized with the generator or power station, or any station or car house in connection with the said railroad, or with any power house or station along any line of railroad of said company used by it in connection with its cable, horse or electric system; and said company may convey said wires from such power house or station to the lines of wire hereby authorized, upon poles placed upon or along the alleys of the city, or, whenever in the judgment of the commissioner of public works it shall be impracticable to place such poles in alleys, he may, for the purpose above mentioned, permit to be placed in streets ornamental iron or steel poles of such design and construction as he may approve, or said company may, if the mayor and commissioner of public works consent thereto, convey said connecting wires in an underground conduit through the streets or alleys of the city of Chicago, which conduit shall be used by the company for the purpose herein set forth only. Before making any excavation, or in anywise interfering with the surface of any street or alley, said company shall obtain from the commissioner of public works a permit therefor, and shall also deposit with the treasurer of the city of Chicago a sufficient sum to cover the cost of restoring such street or alley according to an estimate of the probable cost thereof to be made by the commissioner of public works, and all wires and conductors for the transmission of electricity in and along the street shall be constructed in a substantial and workmanlike manner and under the supervision of the commissioner of public works so as to interfere as little as possible with the public travel. It is provided hereby, however, that upon

permit therefor being granted by the mayor and commissioner of public works, the said company may use for its suspension and feeder wires, wooden poles already erected or to be erected in said respective streets when practicable and the owners of said poles consent thereto.

And in the event that some practicable and less objectionable method of furnishing electricity or other power for the operation of said railway be discovered, the said company, its successors or assigns, shall have the right or may be compelled by the city council of the city of Chicago to adopt such practicable and less objectionable method of furnishing motive power in place of said overhead contact wires, when the same is approved by the mayor and the commissioner of public works.

¶ **3. Underground system.**] § 3. That said company is further hereby authorized and permitted upon the respective lines of street car tracks hereinbefore described and designated, to operate and propel its said cars by the underground electric system of propulsion, and shall have the right to make the necessary excavation and conduit therefor, and to connect their electric wires by substantial underground devices with the generator or power station, or any stations or car houses that may be erected in connection with said railroads, or with any other power house or station along any of the lines of road of said company used by it in connection with its cable, horse or electric system, and may convey said wires from such power houses or stations to the said line and street by means of suitable underground devices or appliances. All of such appliances and devices to be of such character and laid in such manner as may be approved by the commissioner of public works.

¶ **4. Return circuit—guard wires.**] § 4. Said company shall establish and maintain a metallic return circuit conductor, independent of its rails, upon the respective lines of street railway hereby authorized to be operated by overhead or underground contact wires. Whenever other lines of wire cross the wires to be strung, by virtue of this ordinance, the latter wires shall be protected by guard wires, or other suitable mechanical device as may be directed by the commissioner of public works.

¶ **5. Improvement and repair of streets.**] § 5. The per- tion that said company shall, and by the acceptance hereof said mission and authority hereby given are on the further express condi- company agrees that it will pave and keep in repair sixteen (16) feet in width in the center of the street so occupied in manner as provided by section two (2) of the ordinance of July 30th, 1883, relating to street railways.

¶ **6. Rate of fare.**] § 6. The rate of fare shall not exceed five cents for any distance between Madison street and the terminus of the respective lines hereby authorized. Passengers upon any line hereby authorized, and passengers upon any line belonging to or operated by

said company which does, or may at any time, cross or intersect any line hereby authorized and operated by the Chicago City Railway Company shall, on payment of cash fare, be transferred from one line to the other at the point of such crossing or intersection without additional fare.

¶ 7. **License fee.**] § 7. As regards the license to be paid on the cars to be operated on the lines herein provided, said company shall conform to and comply with section one (1) of an ordinance passed July 30th, 1883, relating to street railways.

¶ 8. **Grant twenty years—acceptance.**] § 8. The grant herein given shall extend for the term of twenty (20) years from the passage hereof; provided, the same shall be accepted by said company within thirty days after its passage.

¶ 9. **Style of rails.**] § 9. Said company is hereby permitted to use upon the respective lines hereby authorized, modern improved girder rails, and so laid that vehicles may freely and safely cross said tracks; provided, however, that the rails to be used in the tracks herein authorized, shall be such as have been first approved by the commissioner of public works.

¶ 10. **Indemnity clause—bond.**] § 10. Said company shall forever indemnify and save harmless the city of Chicago against and from all damages, judgments, decrees and costs and expenses which said city may suffer, or which may be recoverable or obtained against said city for, or by reason of the granting of the privileges hereby conferred upon it, or for, or by reason of, or growing out of, or resulting from the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance, and said company shall, within the time limited for the acceptance of this ordinance, file with the city clerk a bond to the city of Chicago in the penal sum of ten thousand (10,000) dollars, with sureties to be approved by the mayor of the city of Chicago, conditioned upon the faithful performance and observance by said company of all the conditions and provisions of this ordinance.

¶ 11. **When in force—acceptance.**] § 11. This ordinance shall be in force and take effect from and after its passage and acceptance; provided, the bond hereinabove mentioned shall be filed and this ordinance accepted within thirty days after the passage of the same, otherwise this ordinance shall be void.

Note.—See following amendatory ordinance. Also ordinance of April 8, 1897.

§ 515. Chicago City Railway company.

¶ 1. Amending section 2 of foregoing ordinance.
¶ 2. When in force.

An ordinance amending an ordinance granting certain rights and privileges to the Chicago City Railway company, passed July 8, 1895. (Passed July 15, 1895.)

¶ 1. Amending section two of foregoing ordinance.] Be it ordained by the city council of the city of Chicago: § 1. That an ordinance passed by the city council on the 8th day of July, 1895, beginning on page 671 of the published council proceedings of that date, be and the same is hereby amended by striking from section 2, on page 674 of said ordinance, the following words:

"And in the event that some practicable and less objectionable " method of furnishing electricity or other power for the operation of " said railway be discovered, the said company, its successors or as- " signs, shall have the right, or may be compelled, by the city council " of the city of Chicago, to adopt such practicable and less objection- " able method of furnishing motive power in place of said overhead " contact wires when the same is approved by the mayor and the com- " missioner of public works." The intention hereby being to eliminate from said ordinance the provision in the said words contained, and permit the Chicago City Railway Company to accept the conditions of said ordinance under the terms thereof without said words.

¶ 2. When in force.] § 2. This ordinance shall be in force from and after its passage.

§ 516. Chicago City Railway company.

¶ 1. Grant—Forty-seventh street—time of completion.
¶ 2. Power—overhead wires—restoration of streets.
¶ 3. Underground system.
¶ 4. Return circuit—guard wires.
¶ 5. Improvement and repair of streets.
¶ 6. Rate of fare.
¶ 7. License fee.
¶ 8. Term of grant—acceptance.
¶ 9. Style of rails.
¶ 10. Indemnity clause—bond.
¶ 11. Widen streets—style of curb—paving.
¶ 12. When in force—acceptance.

An ordinance authorizing the Chicago City Railway company to lay tracks on Forty-seventh street, from the right of way of the Illinois Central Railroad company west, and to connect with the tracks on Cottage Grove avenue, and on said Forty-seventh street at and west of Cottage Grove avenue. (Passed July 8, 1895. Accepted July 24, 1895.)

¶ 1. Grant—47th street—time of completion.] Be it ordained by the city council of the city of Chicago: § 1. In consideration of the undertaking by the Chicago City Railway Company to comply with the provisions herein contained, permission and authority are hereby granted to said Chicago City Railway Company, its successors and assigns, to lay down, maintain and operate a double track street railroad, with all the necessary and convenient turnouts, side tracks and switches, on Forty-seventh street, from the right of way of the Illinois Central Railroad Company at Forty-seventh street, west

on said Forty-seventh street to the west line of Cottage Grove avenue, and to connect and operate the same with the tracks on Forty-seventh street to and west of Cottage Grove avenue, and upon Cottage Grove avenue; provided, however, and the permission and authority hereby granted are upon the express condition that the tracks hereby authorized shall be built and in operation within twelve months after the passage of this ordinance, not counting the months of December, January, February and March, but should the construction of said tracks, or any part thereof, be delayed by injunction of any court, then as to the portion so delayed, the time of such delay shall be excluded from the time herein limited.

¶ 2. **Power—overhead wires—restoration of streets.**] § 2. The cars of said railway company on said Forty-seventh street may be operated by animal, electric or cable power, or such other power as said company is by ordinance of the city of Chicago now authorized to use; provided, that if the said company shall adopt its so-called "cable system," the same shall be constructed and operated as provided by, and subject to the conditions of the ordinance passed January 17th, A. D. 1881, authorizing the Chicago City Railway Company to operate its cars by other than animal power; and if electric power shall be used by means of overhead contact trolley wires, such overhead wires, together with the necessary feed wires, may be suspended from bracket poles placed in the center of the street along such line or route, the placing of such poles to be determined by the mayor and commissioner of public works, and said poles to be ornamental iron or steel, and of such construction and design as the mayor and commissioner of public works may approve. Said trolley and feeder wires shall be suspended not less than eighteen and one-half (18½) feet above the rails, and the said poles and supports shall be placed on an average of not less than one hundred and fifteen (115) feet apart. No poles shall be set at the intersection of streets and alleys. Such poles and wires to be erected and maintained for the purpose of supplying electric current, which can be used for power, heat and light purposes, and for the use of said company only; and with the right to connect the wire herein authorized with the generator or power station, or any station or car house in connection with said railroad, or with any power house or station along any line of railroad of said company used by it in connection with its cable, horse or electric system; and said company may convey said wires from such power house or station to the line of wire hereby authorized upon poles placed upon or along the alleys of the city, or, whenever, in the judgment of the commissioner of public works, it shall be impracticable to place such poles in alleys, he may, for the purpose above mentioned, permit to be placed in streets, ornamental iron or steel poles of such design and construction as he may approve; or said company may, if the mayor and commissioner of public works consent thereto, convey said connecting wires in an underground conduit through the streets or alleys of the city of Chicago,

which conduit shall be used by the company for the purpose herein set forth only. Before making any excavation or in any wise interfering with the surface of any street or alley, said company shall obtain from the commissioner of public works a permit therefor, and shall also deposit with the treasurer of the city of Chicago a sufficient sum to cover the cost of restoring such street or alley according to an estimate of the probable cost thereof, to be made by the commissioner of public works, and all wires and conductors for the transmission of electricity in and along the street shall be constructed in a substantial and workmanlike manner, and under the supervision of the commissioner of public works, so as to interfere as little as possible with the public travel. It is provided, hereby, however, that upon permit therefor being granted by the mayor and commissioner of public works, the said company may use for its feeder wires, wooden poles already erected or to be erected in said street, when practicable, and the owners of said poles consent thereto.

And in the event that some practicable and less objectionable method of furnishing electricity or other power for the operation of said railway be discovered, the said company, its successors or assigns, shall have the right, or may be compelled by the city council of the city of Chicago to adopt such practicable and less objectionable method of furnishing motive power in place of said overhead contact wires when the same is approved by the mayor and commissioner of public works.

¶ **3. Underground system.**] § 3. That said company is further hereby authorized and permitted, upon the line of street car tracks hereinbefore described and designated, to operate and propel its said cars by the underground electric system of propulsion, and shall have the right to make the necessary excavation and conduit therefor, and to connect their electric wires by substantial underground devices, with the generator or power station or any stations or car houses that may be erected in connection with said railroad, or with any other power house or station along any of the lines or road of said company used by it in connection with its cable, horse or electric system, and may convey said wires from such power houses or stations to the said line and street by means of suitable underground devices or appliances, all of such appliances and devices to be of such character and laid in such manner as may be approved by the commissioner of public works.

¶ **4. Return circuit—guard wires.**] § 4. Said company shall establish and maintain a metallic return circuit conductor independent of its rails, upon the line of street railroad hereby authorized to be operated by overhead or underground contact wires. Whenever other lines of wire cross the wires to be strung by virtue of this ordinance, the latter wires shall be protected by guard wires or other suitable mechanical device as may be directed by the commissioner of public works.

¶ 5. **Improvement and repair of streets.**] § 5. The permission and authority hereby given are on the further express condition that said company shall, and by the acceptance hereof said company agrees that it will pave and keep in repair sixteen (16) feet in width in the center of the street so occupied, in manner as provided by section two (2) of the ordinance of July 30th, 1883, relating to street railways.

¶ 6. **Rate of fare.**] § 6. The rate of fare shall not exceed five cents for any distance between Madison street and the terminus of the line hereby authorized. Passengers upon the line hereby authorized, and passengers upon any line belonging to or operated by said company, which does or may at any time cross or intersect the line hereby authorized and operated by the Chicago City Railway Company, shall, on payment of cash fare, be transferred from one line to the other at the point of such crossing or intersection without additional fare.

¶ 7. **License fee.**] § 7. As regards the license to be paid on the cars to be operated on the line herein provided, said company shall conform to and comply with section one (1) of an ordinance passed July 30th, 1883, relating to street railways.

¶ 8. **Term of grant—acceptance.**] § 8. The grant herein given shall extend for the term of twenty (20) years from the passage hereof; provided the same shall be accepted by said company within thirty days after its passage.

¶ 9. **Style of rails.**] § 9. Said company is hereby permitted to use upon the line hereby authorized modern improved girder rails, and so laid that vehicles may freely and safely cross said tracks; provided, however, that the rails to be used in the tracks herein authorized shall be such as have been first approved by the commissioner of public works.

¶ 10. **Indemnity clause—bond.**] § 10. Said company shall forever indemnify and save harmless the city of Chicago against and from all damages, judgments, decrees and costs and expense which said city may suffer, or which may be recoverable or obtained against said city for or by reason of the granting of the privileges hereby conferred upon it, or for or by reason of, or growing out of, or resulting from the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance, and said company shall, within the time limited for the acceptance of this ordinance, file with the city clerk a bond to the city of Chicago in the penal sum of ten thousand dollars ($10,000), with sureties to be approved by the mayor of the city of Chicago, conditioned upon the faithful performance and observance by said company of all the conditions and provisions of this ordinance.

¶ 11. **Widen street—style of curb—paving.**] § 11. In con-

sideration of the grant and privilege herein to the Chicago City Railway Company, said company hereby agrees and covenants, upon the acceptance of the provisions of this ordinance, to remove from said Forty-seventh street, between the east line of Drexel boulevard and the east end of the line, the curb stone now in place upon said street, to extend or widen the driveway, or road of said Forty-seventh street, between said Drexel avenue and the east end of the line, about six feet. That is about three feet upon each of the respective sides of said street, but so as not to injure trees or shrubbery upon the respective sides of said street, and in and upon the street line thus indicated to place, set and establish a curb commonly called a boulevard curb and gutter, of cement, the same to be made and set agreeable to the directions and under the supervision and inspection of the department of public works of said city. The said company further agrees to repave, in conformity with the paving on either side of its proposed tracks, the said space of six feet not already covered by the gutter of said curb, and to readjust the driveways to abutting property so that they conform to said new curb and paving, but without expense or cost to the city or any abutting owner. The said moving back and replacing said curb and gutter and said repaving, and the readjustment of said driveways to abutting property, to be in all respects first class and without expense or cost to said city or abutting owner.

¶ 12. When in force—acceptance.] § 12. This ordinance shall be in force and take effect from and after its passage and acceptance; Provided, the bond herein mentioned shall be filed and this ordinance accepted within thirty days after the passage of the same, otherwise this ordinance shall be void.

Note.—See following amendatory ordinance.

§ 517. Chicago City Railway company.
¶ 1. Amend section 2 of foregoing ordinance.
¶ 2. When in force.

An ordinance amending an ordinance granting certain rights to the Chicago City Railway company, passed July 8, 1895. (Passed July 15, 1895.)

¶ 1. Amend section 2 of foregoing ordinance.] Be it ordained by the city council of the city of Chicago: § 1. That an ordinance passed by the city council on the 8th day of July, 1895, beginning on page 679 of the published council proceedings of that date, be and the same is hereby amended by striking from section 2 of said ordinance, the following words:

"And in the event that some practicable and less objectionable method of furnishing electricity or other power for the operation of said railway be discovered, the said company, its successors or assigns, shall have the right or may be compelled by the city council of the city of Chicago to adopt such practicable and less objectionable method of furnishing motive power in place of said overhead contact wires, when

the same is approved by the mayor and the commissioner of public works." The intention hereby being to eliminate from said ordinance the provision in the said words contained, and permit the Chicago City Railway Company to accept the conditions of said ordinance under the terms thereof without said words.

¶ 2. When in force.] § 2. This ordinance shall be in force from and after its passage.

§ 518. Chicago City Railway company.

¶ 1. Grant—lines designated.
¶ 2. Overhead wires—deposit for restoration of streets.
¶ 3. Underground system.
¶ 4. Bond and acceptance.
¶ 5. Return circuit—guard wires.
¶ 6. Style of rails.
¶ 7. Indemnity clause—acceptance.
¶ 8. Compensation.
¶ 9. When in force—acceptance.

An ordinance granting permission to the Chicago City Railway company to operate certain horse car lines by electric power. (Passed July 15, 1895. Accepted July 24, 1895.)

¶ 1. Grant—lines designated.] Be it ordained by the city council of the city of Chicago: § 1. In consideration of the undertaking by the Chicago City Railway Company to comply with the provisions herein contained, permission and authority are hereby granted to said company, its successors, assigns and lessees, to propel and operate with electricity its cars upon and along the following streets in the city of Chicago, to wit:

Archer avenue, from the river east to the intersection of State street, upon the tracks of the Chicago City Railway Company on said street, and so that said Archer avenue car, east from the river, may become a trailer of the State street grip car on State street north of Nineteenth street.

Clark street, from Adams street to Twenty-second street, thence on Twenty-second street to Wentworth avenue, and thence south on Wentworth avenue.

Ullman street, upon and along the tracks of the Chicago City Railway Company now on said street.

Halsted street, from O'Neill street to the south line of Archer avenue, and across the bridge between said points.

Twenty-second street, from Indiana avenue to the Chicago river, upon and along the tracks of the Chicago City Railway Company on said street.

Dearborn street, upon and along the track of the Chicago City Railway Company on said street, and

Thirty-fifth street, from the west line of State street to Cottage Grove avenue, upon and along the tracks of said company now on said

street, and when laid, the tracks thereon authorized by ordinance of March 21st, 1892, which ordinance is hereby amended.

¶ 2. **Overhead wires—deposit for restoration of streets.**] § 2. That the cars of the said Chicago City Railway Company, within and upon the respective lines hereinbefore described and designated, may be operated and propelled by electric power by means of overhead contact wires; such overhead wires, together with the necessary feed wires, may be suspended from poles set within the curb limits of the street on either side thereof, or from bracket poles placed in the center of the street along such lines or routes, the placing of said poles to be determined by the mayor and commissioner of public works, and said poles to be ornamental iron or steel, and of such construction and design as the mayor and commissioner of public works may approve. Said trolley and feeder wires shall be suspended not less than eighteen and one-half (18½) feet above the rails, and the said poles and supports shall be placed on an average of not less than one hundred and fifteen (115) feet apart No poles shall be set at the intersection of streets and alleys. Such poles and wires to be erected and maintained for the purpose of supplying electric current, which shall be used for power, heat and light purposes for the Chicago City Railway Company only, and with the right to connect the wires herein authorized with the generator or power station, or any station or car house in connection with said lines of railroad, or with any power house or station along any line or lines of railroad of said company used by it in connection with its cable, horse or electric system, and said company may convey said wires from such power house or station to the lines of wire hereby authorized upon poles placed upon or along the alleys of the city, or whenever, in the judgment of the commissioner of public works, it shall be impracticable to place such poles in the alleys he may, for the purpose above mentioned, permit to be placed in streets, ornamental iron or steel poles of such design and construction as he may approve, or said company may, if the mayor and commissioner of public works consent thereto, convey said connecting or feeder wires in an underground conduit through the streets or alleys of the city of Chicago, which conduit shall be used by the said company for the purpose herein set forth only. Before making any excavation or in anywise interfering with the surface of any street or alley, said company shall obtain from the commissioner of public works a permit therefor, and shall also deposit with the treasurer of the city of Chicago, a sufficient sum to cover the cost of restoring such street or alley, according to an estimate of the probable cost thereof, to be made by the commissioner of public works, and all wires and conductors for the transmission of electricity in and along the street, shall be constructed in a substantial and workmanlike manner, and under the supervision of the commissioner of public works, and so as to interfere as little as possible with the public travel. It is further

hereby provided and agreed that no feeder wire or wires shall be strung or carried overhead on or along Clark street, Archer avenue or Twenty-second street; and it is further understood and agreed that a center pole construction between the respective tracks on Clark street shall be used instead of side poles. It is provided hereby, however, that upon permit therefor being granted by the mayor and commissioner of public works, the said company may use for its said suspension and feeder wires, wooden poles already erected or to be erected in the streets or alleys (except on Clark street), when practicable and the owners of said poles consent thereto.

And it is further provided that the electric cars on said lines shall be equipped with the most generally approved life guard and fender, and which shall be approved by the commissioner of public works.

¶ 3. **Underground system.**] § 3. That said company is further hereby authorized and permitted upon the lines of street car tracks hereinbefore described and designated, and upon other lines of street car tracks now operated by said company with horses, to operate and propel its said cars by the underground electric system of propulsion, and shall have the right to make the necessary excavation and conduit therefor, and to connect their electric wires by substantial underground devices with the generator or power station, or any stations or car houses that may be erected in connection with said railroads or with any other power house or station along any of the lines of road of said company used by it in connection with its cable, horse or electric system, and may convey said wires from such power houses or stations to the said lines and streets, or any of them, by means of suitable underground devices or appliances. All of such appliances and devices to be of such character and laid in such manner as may be required by the commissioner of public works. And said company is further hereby authorized and permitted to propel and operate its cars over its various lines by any motor or motive power which it shall see fit to adopt and use (except steam locomotive engine); provided, however, that such motor or motive power shall be practically noiseless, and before using shall be approved and permit therefor given by the mayor and commissioner of public works.

¶ 4. **Bond and acceptance.**] § 4. The permission and authority herein and hereby granted shall attach at once upon the filing of a bond and acceptance hereof as hereinafter provided, and the said permission and authority may be exercised by said company at any time after the passage and acceptance of this ordinance, and from time to time after such acceptance, upon such streets or parts of streets hereinbefore mentioned as the said company may select or determine; provided, however, that the permission and authority hereby given and herein granted, shall only extend to and embrace the term of eight years from the passage of this ordinance.

¶ 5. **Return circuit—guard wires.**] § 5. Said company shall

establish and maintain a metallic return circuit conductor independent of its rails upon all the lines of street railroad hereby authorized to be operated by electric overhead or underground contact wires. Whenever other lines of wire cross the wires to be strung by virtue of this ordinance, the latter wires shall be protected by guard wires or other suitable mechanical device as may be directed by the commissioner of public works. The said company shall carry free of charge on all cars operated by it, the city police and firemen in uniform.

¶ 6. **Style of rails.**] § 6. That the Chicago City Railway Company is hereby permitted and authorized to use upon and along the tracks herein mentioned, in place of the rails now in said tracks, modern improved girder rails, but so laid that vehicles may freely and safely cross said tracks; provided, however, that the rails to be used on the tracks herein mentioned shall only be such as shall have been first approved by the commissioner of public works.

¶ 7. **Indemnity clause—acceptance.**] § 7. Said company shall forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs and expenses which said city may suffer, or which may be recoverable or obtained against said city for or by reason of the granting of the privileges hereby conferred upon it, or for or by reason of, or growing out of, or resulting from the exercise by said company of the privileges hereby granted or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance, and said company shall, within the time limited for the acceptance of this ordinance, file with the city clerk a bond to the city of Chicago in the penal sum of twenty thousand dollars, with sureties to be approved by the mayor of the city of Chicago, conditioned upon the faithful performance and observance by said company of all the conditions and provisions of this ordinance.

¶ 8. **Compensation.**] § 8. In consideration of the exercise of the permit, privileges and rights conferred upon the Chicago City Railway Company in and by this ordinance in respect to Clark street, said railway company shall pay into the city treasury of the city of Chicago on the first day of January, 1896, the sum of twenty-five thousand ($25,000) dollars, to be used by said city for street lighting purposes, and in the event of the construction, within three years from the passage of this ordinance, of a viaduct in said Clark street over the railroad tracks crossing said Clark street near Sixteenth street, shall further pay into the city treasury of the city of Chicago the sum of thirty thousand ($30,000) dollars, to be applied toward the construction of such viaduct, said last mentioned payment to be made as follows: Fifteen thousand ($15,000) dollars to be paid when the contract, or contracts, for said viaduct shall be let, and the remaining fifteen thousand ($15,000) dollars when said viaduct shall be completed and ready for use.

¶ 9. **When in force—acceptance.**] § 9. This ordinance shall take effect and be in force from and after its passage and acceptance; provided, the bond hereinbefore mentioned shall be filed and this ordinance accepted within thirty days after the passage of the same, otherwise this ordinance shall be void.

Note.—See following amendatory ordinance and agreement.

§ 519. Chicago City Railway company.

¶ 1. Amending section 1 of foregoing ordinance.
¶ 2. Indemnity clause—bond.
¶ 3. When in force.

An ordinance to amend an ordinance passed by the city council of the city of Chicago, July 15, 1895, appearing in council proceedings of that date at pages 734, 735 and 736, so far as the same pertains to Clark street in said ordinance. (Passed November 11, 1895. Accepted November 22, 1895.)

¶ 1. **Amending section one of foregoing ordinance.**] Be it ordained by the city council of the city of Chicago: § 1. That section one (1) of an ordinance passed by the city council of the city of Chicago, July 15th, 1895, appearing in council proceedings of that date at pages 734, 735 and 736, containing therein the following clause, to wit: "Clark street, from Adams street to Twenty-second street, thence "on Twenty-second street to Wentworth avenue, and thence south on "Wentworth avenue," be and the same is hereby amended by substituting in place of and for "Adams street," the words, "Washington street," so that said clause shall read as follows:

"Clark street, from Washington street to Twenty-second street, "thence on Twenty-second street to Wentworth avenue, and thence "south on Wentworth avenue," meaning and intending hereby to give to the Chicago City Railway Company the right and privilege of operating its cars on Clark street, from Washington street south, by electricity, as if the grant and privilege on Clark street in said original ordinance had extended to Washington street, provided said company complies with and performs all the terms, conditions and obligations in said original ordinance contained, except as hereinafter modified.

And it is herein provided further, that the Chicago City Railway Company, upon any street where it has been granted by the city council, the right to erect and maintain a center pole whether said center pole is now in place or not, shall, upon the direction and order of the mayor and commissioner of public works substitute therefore and use in place and stead of said center pole side poles for maintenance and support of the suspension wires pursuant to the requirements in case of side poles made and provided, and under the direction of said commissioner of public works.

¶ 2. **Indemnity clause; bond.**] § 2. Said company shall forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs and expenses which said city may suffer, or which may be recoverable or obtained

against said city for or by reason of the granting of the privileges hereby conferred upon it, or for or by reason of or growing out of or resulting from the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance, and said company shall, within the time limited for the acceptance of this ordinance, file with the city clerk a bond to the city of Chicago in the penal sum of five thousand dollars, with sureties to be approved by the mayor of the city of Chicago, conditioned upon the faithful performance and observance by said company of all the conditions and provisions of this ordinance.

¶ **3. When in force.**] § 3. This amended ordinance shall take effect and be in force from and after its passage and acceptance, provided that the bond hereinbefore mentioned shall be filed and this amended ordinance accepted within thirty (30) days after the passage of the same, otherwise this ordinance shall be void.

AGREEMENT.

Of the Chicago City Railway Company with the city of Chicago, dated November 18, 1895, presented to the city council by the mayor and ordered published and placed on file.

In consideration of the approval by the mayor of the city of Chicago, subject to this agreement, of an ordinance passed by the city council of said city on the 11th day of November, 1895, amendatory of an ordinance passed by the said city council on the 15th day of July, 1895, both relating to an electric street railway line on Clark street in said city, the said railroad company hereby covenants and agrees with said city of Chicago, as follows:

First—In lieu of the payment of thirty thousand dollars ($30,000), provided to be made by said railroad company upon certain terms and conditions specified in section eight of said ordinance of July 15th, 1895, to be applied toward the construction of a proposed viaduct in said Clark street over the railroad tracks crossing said street near Sixteenth street, said railroad company shall and will pay into the city treasury on the first day of May, 1896, for the use of said city, the sum of thirty thousand dollars ($30,000), which payment shall be taken as the full contribution of said railroad company toward the cost of constructing such proposed viaduct, or of constructing any subway at the same place instead of a viaduct, and said payment of thirty thousand dollars ($30,000) into the city treasury on May 1st, 1896, shall entitle said railroad company to maintain and operate its tracks over any viaduct or any subway hereafter constructed in said Clark street over the railroad tracks at or near Sixteenth street without being required to make any further contribution or payment toward the cost of construction of such viaduct or subway.

Second—Upon the day when said railroad company shall first operate by electrical power a street car over that portion of its tracks in said Clark street, between Adams and Washington streets, said railroad company shall further pay into the treasury of the city of Chicago, as a contribution to the city's fund for the repair of improved streets, the sum of twenty-five thousand dollars ($25,000), which sum is intended to be in addition to a payment of twenty-five thousand dollars ($25,000) required in said section eight to be made as a contribution for electric lighting purposes on the first day of January, 1896.

In witness whereof the said Chicago City Railway Company has caused this instrument to be duly executed this eighteenth day of November, 1895.

Chicago City Railway Company.
By George H. Wheeler,
President.

Approved:

George B. Swift,
Mayor.

§ 520 Chicago City Railway company.

¶ 1. Grant—Wentworth avenue.
¶ 2. Conditions of grant—pave street, etc.
¶ 3. Power—overhead wires—restoration of streets.
¶ 4. Underground system.
¶ 5. Return circuit—guard wires.
¶ 6. Rate of fare.
¶ 7. License fee.
¶ 8. Grant 20 years—acceptance.
¶ 9. Style of rails used.
¶ 10. Indemnity clause—bond.
¶ 11. Subject to general ordinances.
¶ 12. Improvement and repair of streets.
¶ 13. When in force—acceptance.

An ordinance granting permission and authority to the Chicago City Railway company to lay down and operate a street railway on Wentworth avenue, from Thirty-ninth street to Twenty-second street, and from Twenty-second street to Archer avenue. (Passed July 6, 1896. Accepted July 15, 1896.)

¶ 1. **Grant—Wentworth avenue.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof and the undertaking by the Chicago City Railway Company to comply with the provisions of this ordinance, authority, permission and consent are hereby given and granted unto the said Chicago City Railway Company, its successors, assigns and lessees, to construct, lay down, operate and maintain a double track street railway, with the necessary side tracks, connections and switches, upon and along Wentworth avenue, from Thirty-ninth street to Twenty-second street; and upon and along Wentworth avenue, from Twenty-second street to Archer avenue, respectively, in the city of Chicago, with the right to connect and operate such tracks with the tracks of the said company at and south of Thirty-ninth street, and at Archer

avenue, and all intersecting street car lines of said Chicago City Railway Company.

¶ 2. **Conditions of grant—pave street, etc.]** § 2. That the permission and authority hereby given and granted, as to said lines upon Wentworth avenue, between the points mentioned, are upon the express condition and understanding:

First. That no additional tracks or rails shall be laid or in operation on said street between the points mentioned.

Second. That the Chicago City Railway Company, on Wentworth avenue, between the points mentioned, respectively, shall set back the curb wall where it exists, and widen the road-bed of said street two feet on each side thereof, thereby making the road-bed of Wentworth avenue, between the points mentioned, respectively, four feet wider, the same to be without expense or cost to the respective property owners on said street between the points mentioned, and without cost or expense to the city of Chicago; and if the sidewalk is disturbed and interfered with by the proposed new curb and curb wall, such sidewalk shall be readjusted or rebuilt, so as to conform to the new curb, said company being permitted to use the old material when practicable, such readjustment or rebuilding of said sidewalk to be by the Chicago City Railway Company and without cost or expense to the abutting property owners or to the city of Chicago, and all such work to be so done pursuant to and under the direction of the commissioner of public works of the city of Chicago, and to his satisfaction.

Third. The Chicago City Railway Company shall newly pave said Wentworth avenue between the points mentioned, including intersections of streets, with cedar blocks upon planks, from curb to curb, and without expense or cost to the respective property owners on said Wentworth avenue or to the city of Chicago; Provided, that the sixteen feet of right of way shall be paved with stone or brick blocks, as heretofore, such work to be done under and pursuant to the direction of the commissioner of public works of the city of Chicago, and to his satisfaction.

Fourth. That said company during the life of the license or privilege by this ordinance granted, shall keep clean, moist and sprinkled, the roadbed of said street from curb to curb, between the points mentioned, respectively, from May 1st, during and until November 1st of each year, and keep the same clean and remove the snow agreeable to and under the direction of the commissioner of public works of the city of Chicago, and to his satisfaction.

Fifth. Said company shall run and keep in operation good, first-class cars, properly heated and lighted, and north of Thirty-ninth street or Forty-third street, as the said company may select or determine, more cars shall be run than south of those streets, meaning hereby that a similar running agreement shall exist as at present at Cottage Grove avenue and at State street, at Thirty-ninth street, and at which

place or street a switch may be placed in Wentworth avenue to facilitate the return of such cars to the down-town district. The Chicago City Railway Company shall also run night cars on Wentworth avenue.

Sixth. That this ordinance shall be accepted within twenty days after the passage thereof, and the work herein contemplated and provided for to be commenced under and pursuant to this ordinance, within forty days after said acceptance, and the entire work completed and the line in operation within six months after the passage of this ordinance; Provided, the months of November, December, January, February, and March shall not be considered in computing said time.

Seventh. It is provided, however, that should the construction or operation of said tracks or any part thereof, or the work, labor, paving, setting back curb and repairing said sidewalk, be delayed by injunction of any court or by the action of the city council, then as to the portion so delayed, the time of such delay shall be excluded from the time herein limited.

Eighth. The city of Chicago shall have and it hereby expressly reserves the right to intervene in any suit or proceeding seeking to enjoin, restrain or in any way to interfere with such construction, paving, repaving, adjusting the curbs and sidewalks, and to move for the dissolution of such injunction or restraining order, or for any other proper order in such suit.

¶ 3. **Power—overhead wires—restoration of streets.**] § 3. The cars of said railway company on said Wentworth avenue, between the points mentioned respectively, may be operated by animal, electric or cable power, provided, that if the said company shall adopt its so-called "cable system" the same shall be constructed and operated as provided by and subject to the conditions of the ordinance, passed Jan. 17, A. D. 1881, authorizing the Chicago City Railway Company to operate its cars by other than animal power; and if electric power shall be used by means of the overhead contact wires, such wires, together with the necessary feed wires, may be suspended from poles set within the curb-limits of the street on either side thereof, the placing of such poles to be determined by the mayor and the commissioner of public works, and said poles to be of ornamental iron or steel and of such construction and design as the mayor and commissioner of public works may approve. Said trolley and feeder wires shall be suspended not less than eighteen and one-half feet above the rails, and the said poles and supports shall be placed on an average at not less than 115 feet apart. No poles shall be set at the intersection of streets and alleys. Such poles and wires to be erected and maintained for the purpose of supplying electric current, which can be used for power, heat and light purposes, and for the use of said company only, and with the right to connect the respective wires herein authorized with any generator, car house or power station of said company, or with

any power station or car or power house, or with any power house or station along any line of railroad of said company used by it, in connection with its cable, horse, or electric system; and said company may convey said wires from such car or power house or station, respectively, to the lines of wires hereby authorized, upon wooden poles placed upon or along the alleys of the city, or, whenever in the judgment of the commissioner of public works, it shall be impracticable to place such poles in alleys, he may, for the purpose above mentioned, permit to be placed in streets, ornamental iron or steel poles of such design and construction as he may approve; or the said company may, if the mayor and commissioner of public works consent thereto, convey said connecting wires in an underground conduit, through the streets or alleys of the city of Chicago, which conduit shall be used by said company for the purpose herein set forth only. Before making any excavations or in any way interfering with the surface of any street or alley for constructing such conduit, said company shall obtain from the commissioner of public works a permit therefor, and shall also deposit with the treasurer of the city of Chicago, a sufficient sum to cover the cost of restoring such street or alley, according to an estimate of the probable cost thereof to be made by the commissioner of public works; and all wires and conductors for the transmission of electricity in and along the streets shall be constructed in a substantial and workmanlike manner and under the supervision of the commissioner of public works, so as to interfere as little as possible with the public travel.

It is provided hereby, however, that upon permit therefor being granted by the mayor and commissioner of public works, the said company may use for its suspension or feeder wires, wooden poles already erected or to be erected in the streets, when practicable, and the owners of said poles consent thereto; Provided, however, that on Wentworth avenue, between the points mentioned, respectively, no greater number of cables or feed wires than nine, or as at present maintained on said street, between said points, shall be suspended or carried or placed on said poles along said Wentworth avenue, and said poles shall not be used by any other company or person, and that such cables or feed wires now in place or use on said poles on said street, between the points mentioned, shall be removed from said poles on said street within five years from the passage of this ordinance.

In the event that some practicable and less objectionable method of furnishing electricity be discovered, the said company, its successors, assigns, or lessees, shall have the right to adopt such practicable and less objectionable method of furnishing or using motive power in the place of said overhead contact wires, when the same is approved by the mayor and commissioner of public works.

¶ **4. Underground system.**] § 4. Said company is further hereby authorized and permitted upon the respective lines of street

car tracks, hereinbefore described and designated, to operate and propel its cars by the underground electric system of propulsion, and shall have the right to make the necessary excavations and conduit therefor, and to connect its electric wires by substantial underground devices with a generator or power station or any stations or car houses that may be erected in connection with said railroad company, or with any other power house or station along any of the lines of road of said company, used by it in connection with its cable, horse or electric system, and may convey said wires from such power house or station to the said lines and streets by means of suitable underground devices or appliances; all of such appliances and devices to be of such character and laid in such manner as may be approved by the commissioner of public works; and said company is further hereby authorized and empowered, upon the approval and consent of the mayor and commissioner of public works, to propel its cars on said lines by other motive power provided it is not a locomotive or a dummy engine, and is practically noiseless.

¶ 5. **Return circuit—guard wires.**] § 5. Said company shall establish and maintain a metallic return circuit conductor, independent of the rails, upon the respective lines of street railway hereby authorized to be operated by overhead or underground contact wires. Whenever other lines of wire cross the wires to be strung by virtue of this ordinance, the latter wires shall be protected by guard wires or other suitable mechanical device, as may be directed by the commissioner of public works.

¶ 6. **Rate of fare.**] § 6. The said company is hereby permitted to charge not exceeding five (5) cents as a rate of fare for any distance between Madison street and the terminus of the respective lines hereby authorized. Passengers upon the lines hereby authorized, and passengers upon any line belonging to or operated by said company which does or may at any time cross or intersect or extend the line hereby authorized and operated by the Chicago City Railway Company, shall, on payment of a cash fare of five cents, be transfered from one line to the other at the point of such crossing or intersection or extension, without additional fare, and Provided, that no fare shall be charged policemen and firemen in uniform.

¶ 7. **License fee.**] § 7. As regards the license to be paid on the cars to be operated on the lines herein provided, said Chicago City Railway Company shall conform to and comply with section one of an ordinance passed July 30th, 1883, relating to street railways, and after July 30th, 1903, said Chicago City Railway Company, as to the lines and cars hereby authorized, shall comply with such arrangements and contracts as may be entered into between said company and the city of Chicago, pertaining to other lines of the said Chicago City Railway Company.

¶ 8. **Grant, twenty years—acceptance.**] § 8. The grant

herein given shall extend for the term of twenty years from the passage hereof; Provided, that same shall be accepted by said company within twenty days after the passage of this ordinance.

¶ 9. **Style of rails used.**] § 9. Said company is hereby permitted to use, upon the respective lines hereby authorized, modern improved girder rails, so laid that vehicles may freely cross said tracks; Provided, however, that the rails to be used in the tracks herein authorized shall be such as have been first approved by the commissioner of public works.

¶ 10. **Indemnity clause—bond.**] § 10. Said company shall forever indemnify and save harmless the city of Chicago against and from all damages, judgments, decrees and costs and expenses, which said city may suffer, or which may be recoverable or obtained against said city for or by reason of the granting of the privileges hereby conferred upon it, or for or by reason of or growing out of or resulting from the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance. And said company shall, within the time limited for the acceptance of this ordinance, file with the city clerk, a bond to the city of Chicago in the penal sum of ten thousand dollars ($10,000), with sureties to be approved by the mayor of the city of Chicago, conditioned upon the faithful performance and observance by said company of all the conditions and provisions of this ordinance.

¶ 11. **Subject to general ordinances.**] § 11. The privileges hereby granted are subject to all the general ordinances of the city of Chicago now in force or hereafter to be passed in reference to street railways, of which the lines hereby authorized are an extension.

¶ 12. **Improvement and repair of streets.**] § 12. The permission and authority hereby given are on the further express condition and understanding that said company shall, and by the acceptance hereof, said company agrees that it will pave and keep in repair sixteen feet in width in the center of the street so occupied, in the manner as provided by section 2 of the ordinance of July 30th, 1883, relating to street railways.

¶ 13. **When in force—acceptance.**] § 13. This ordinance shall be in force and take effect from and after its passage and acceptance, provided the bond hereinabove mentioned shall be filed and this ordinance accepted within twenty days after the passage of the same, otherwise this ordinance shall be void.

§ 521. Chicago City Railway company.

¶ 1. Grant—Fifty-first street.
¶ 2. Time of completion.
¶ 3. Power—overhead wires—restoration of streets.
¶ 4. Underground system.

¶ 5. Return circuit—guard wires.
¶ 6. Improvement and repair of streets.
¶ 7. Rate of fare.
¶ 8. License fee.
¶ 9. Grant 20 years—acceptance.
¶ 10. Style of rails.
¶ 11. Indemnity clause—bond.
¶ 12. Subject to general ordinances.
¶ 13. When in force—acceptance.

An ordinance granting permission and authority to the Chicago City Railway company to lay down and operate a street railway on Fifty-first street, in the city of Chicago. (Passed July 6, 1896. Accepted July 15, 1896.)

¶ 1. Grant—51st street.] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof and the undertaking by the Chicago City Railway Company to comply with the provisions of this ordinance, authority, permission and consent are hereby given and granted unto the said Chicago City Railway Company, its successors, assigns and lessees, to construct, lay down, operate and maintain a double track street railway with the necessary side tracks, connections and switches, in the manner and upon and along the streets hereinafter mentioned, to wit:

Fifty-first street, from State street to Western avenue, with the right to connect and operate the same with the tracks of the said company on those streets and intersecting streets and with the tracks of said company now on said Fifty-first street.

¶ 2. Time of completion.] § 2. That the permission and authority hereby given and granted as to the line above herein set forth, are upon the express condition and understanding that the tracks on Fifty-first street, between Halsted street and Western avenue, shall be built and in operation within eighteen (18) months after the passage of this ordinance; and that the tracks on Fifty-first street, between Halsted street and State street, shall be built and in operation within eighteen (18) months after the passage of this ordinance, not counting the months of November and December, 1897, and January, February and March, 1898, and when the steam railroad tracks crossing that street are either raised or a viaduct constructed and built over the same, in which event the Chicago City Railway Company is hereby permitted and granted the authority to use and occupy, with its said tracks, such viaduct or subway, as the case may be, when the same is completed.

It is Provided, however, that should the construction or operation of said tracks, or any part thereof, be delayed by injunction of any court, or by the action of the city council, then as to the portion so delayed, the time of such delay shall be excluded from the time herein limited.

And it is further hereby provided and understood that should any portion or part of said line aforesaid, or any part thereof, be not completed or in operation within the times respectively above specified and

limited, that the rights herein granted shall be forfeited only on the unbuilt portion or part thereof.

The city of Chicago shall have, and it hereby expressly reserves the right to intervene in any suit or proceeding seeking to enjoin, restrain or in any manner to interfere with such construction, and to move for the dissolution of such injunction or restraining order, or for any other proper order in such suit.

¶ 3. Power—overhead wires—restoration of streets.] § 3. The cars of said railway company on said street may be operated by animal, electric or cable power; Provided, that if the said company shall adopt its so called "cable system," the same shall be constructed and operated as provided by and subject to the conditions of the ordinance passed January 17th, A. D. 1881, authorizing the Chicago City Railway Company to operate its cars by other than animal power; and if electric power shall be used by means of the overhead contact wires, such overhead wires, together with the necessary feed wires, may be suspended from poles set within the curb limits of the street on either side thereof, the placing of such poles to be determined by the mayor and commissioner of public works, and said poles to be ornamental iron or steel and of such construction and design as the mayor and commissioner of public works may approve. Said trolley and feeder wires shall be suspended not less than eighteen and one-half feet above the rails, and the said poles and supports shall be placed on an average of not less than one hundred and fifteen feet apart. No poles shall be set at the intersection of streets and alleys. Such poles and wires to be erected and maintained for the purpose of supplying electric current which can be used for power, heat and light purposes, and for the use of said company only, and with the right to connect the respective wires herein authorized with any generator, car house or power station of said company, or with any power station or car or power house, or with any power house or station along any line of railroad of said company used by it in connection with its cable, horse or electric system, and said company may convey said wires from such car or power house or station, respectively, to the lines of wire hereby authorized, upon wooden poles placed upon or along the alleys of the city, or, whenever in the judgment of the commissioner of public works it shall be impracticable to place such poles in alleys he may, for the purpose above mentioned, permit to be placed in streets ornamental iron or steel poles of such design and construction as he may approve; or the said company may, if the mayor and commissioner of public works consent thereto, convey said connecting wires in an underground conduit through the streets or alleys of the city of Chicago, which conduit shall be used by said company for the purpose herein set forth only. Before making any excavations or in any way interfering with the surface of any street or alley for constructing such conduit said company shall obtain from the commissioner of public works

a permit therefor, and shall also deposit with the treasurer of the city of Chicago a sufficient sum to cover the cost of restoring such street or alley, according to an estimate of the probable cost thereof to be made by the commissioner of public works. And all wires and conductors for the transmission of electricity in and along the streets shall be constructed in a substantial and workmanlike manner and under the supervision of the commissioner of public works, so as to interfere as little as possible with the public travel.

It is provided hereby, however, that upon permit therefor being granted by the mayor and commissioner of public works, the said company may use for its suspension or feeder wires, wooden poles already erected or to be erected in the streets, when practicable and the owners of said poles consent thereto.

For the purpose of facilitating the traffic and movement of cars of the Chicago City Railway Company upon and along Forty-third street, Sixty-third street and intervening streets where said company operates street cars, subject to and in accordance with the foregoing limitations and provisions as to the erection and maintenance of wires and poles in a street, and the transmission of power the Chicago City Railway Company is hereby granted the further right to erect and maintain side poles for the purpose of carrying suspension trolley and feeder wires along and upon State street, between forty-third and Sixty-third streets, in the city of Chicago, and to operate its cars on the tracks on said State street between said points by electricity as herein provided.

In the event that some practicable and less objectionable method of furnishing electricity be discovered, the said company, its successors, assigns or lessees, shall have the right to adopt such practicable and less objectionable method of furnishing or using motive power in the place of said overhead contact wires, when the same is approved by the mayor and commissioner of public works. And said company is further hereby authorized and empowered upon the approval and consent of the mayor and the commissioner of public works, to propel its cars on said line by other motive power, provided it is not a locomotive or a dummy engine, and is practically noiseless.

¶ 4. Underground system.] § 4. Said company is further hereby authorized and permitted, upon the line of street car tracks hereinabove described and designated, to operate and propel its said cars by the underground electric system of propulsion, and shall have the right to make the necessary excavations and conduit therefor, and to connect its electric wires by substantial underground devices, with a generator or power station or any stations or car houses that may be erected in connection with said railroad company, or with any other power house or station along any of the lines of road of said company, used by it in connection with its cable, horse or electric system, and may convey said wires from such power house or

stations to the said line and street by means of suitable underground devices or appliances; all of such appliances and devices to be of such character and laid in such manner as may be approved by the commissioner of public works.

¶ 5. **Return circuit—guard wires.**] § 5. Said company shall establish and maintain a metallic return circuit conductor, independent of the rails, upon the line of street railway hereby authorized to be operated by overhead or underground contact wires. Whenever other lines of wire cross the wires to be strung by virtue of this ordinance, the latter wires shall be protected by guard wires or other suitable mechanical device, as may be directed by the commissioner of public works.

¶ 6. **Improvement and repair of streets.**] § 6. The permission and authority hereby given are on the further express condition and understanding that said company shall, and by the acceptance hereof said company agrees that it will pave and keep in repair sixteen feet in width in the center of the street so occupied, in the manner as provided by section 2 of the ordinance of July 30th, 1883, relating to street railways.

¶ 7. **Rate of fare.**] § 7. The company is hereby permitted to charge not exceeding five cents as a rate of fare for any distance between Madison street and the terminus of the line hereby authorizd. Passengers upon the line hereby authorized, and passengers upon any line belonging to or operated by said company, which does or may at any time cross or intersect or extend the line hereby authorized and operated by the Chicago City Railway Company, shall, on the payment of a cash fare of five cents be transferred from one line to the other at the point of such crossing or intersection or extension, without additional fare, and provided that no fare shall be charged policemen and firemen in uniform.

¶ 8. **License fee.**] § 8. As regards the license to be paid on the cars to be operated on the lines herein provided, said company shall conform to and comply with section 1 of an ordinance passed July 30th, 1883, relating to street railways.

¶ 9. **Grant 20 years—acceptance.**] § 9. The grant herein given shall extend for the term of twenty years from the passage hereof, provided the same shall be accepted by said company within twenty days after the passage of this ordinance.

¶ 10. **Style of rails.**] § 10. Said company is hereby permitted to use upon the line hereby authorized modern improved girder rails, so laid that vehicles may freely and safely cross said tracks; Provided, however, that the rails to be used in the tracks herein authorized shall be such as have been first approved by the commissioner of public works.

¶ 11. **Indemnity clause—bond.**] § 11. Said company shall

forever indemnify and save harmless the city of Chicago against and from all damages, judgments, decrees and costs and expenses, which said city may suffer, or which may be recoverable or obtained against said city for or by reason of the granting of the privileges hereby conferred upon it, or for or by reason of or growing out of or resulting from the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance. And said company shall, within the time limited for the acceptance of this ordinance, file with the city clerk a bond to the city of Chicago in the penal sum of ten thousand dollars ($10,000), with sureties to be approved by the mayor of the city of Chicago, conditioned upon the faithful performance and observance by said company of all the conditions and provisions of this ordinance.

¶ 12. **Subject to general ordinances.**] § 12. The privileges hereby granted are subject to all the general ordinances of the city of Chicago now in force or hereafter to be passed in reference to street railways of which the line hereby authorized is an extension.

¶ 13. **When in force—acceptance.**] § 13. This ordinance shall be in force and take effect from and after its passage and acceptance, provided the bond hereinabove mentioned shall be filed and this ordinance accepted within twenty days after the passage of the same, otherwise this ordinance shall be void.

Note.—See ordinance of April 8, 1897.

§ 522. Chicago City Railway company.

¶ 1. Preamble.
¶ 2. Extending time for completion.
¶ 3. When in force.

An ordinance extending the time of completion of various street railway tracks authorized by ordinances granted to the Chicago City Railway company on the several dates therein mentioned. (Passed April 8, 1897.)

¶ 1. **Preamble.**] Be it ordained by the city council of the city of Chicago: § 1. Whereas, by ordinance duly passed by the city council of the city of Chicago on the 16th day of July, 1894, and the 8th day of April, 1896, respectively, the Chicago City Railway Company was duly granted the right to construct and operate a double track street railroad on 63rd street, from Cottage Grove avenue to Wentworth avenue, in the city of Chicago, wherein it was provided that said tracks should be built and in operation on or before January 16th, 1898, which said ordinances were duly accepted by the Chicago City Railway Company; and

Whereas, the elevation of the steam railroad tracks crossing 63rd street and State street, near 63rd street, is not completed and will not be completed during the present year, and a continuation of the construction and operation of street railway tracks across said steam railroad tracks is very dangerous and hazardous, involving some forty

tracks, and such street railway tracks should not be operated until after the subway beneath such steam railroad tracks is ready and completed; and

Whereas, by the ordinance duly passed by the city council of the city of Chicago July 6th, 1896, the Chicago City Railway Company was granted the right to construct and operate a double track street railway on 51st street, from State street to Western avenue, wherein it was provided that the portion of said track between State street and Halsted street should be completed on or before January 6th, 1898; and

Whereas, the track elevation crossing 51st street is still delayed and will not be completed before 1899, and the operation at grade across said steam railroad tracks being extremely dangerous and hazardous, involving some eight tracks; and

Whereas, by ordinance duly passed by the city council of the city of Chicago, July 8th, 1895, the Chicago City Railway Company was duly granted the right to construct and operate a double track street railway on Western avenue, from Archer avenue to 71st street, wherein it was provided that a large part of the said track should be built and in operation on or before October 8th, 1897, which said ordinance was duly accepted by the Chicago City Railway Company; and

Whereas, it now appears that Western avenue is about to have a sewer which will not be completed within two years, and that during the progress of the construction of said sewer a track cannot be built nor operated in said street, and if built before will be useless while sewer is in progress of construction, and will have to be removed and rebuilt; and

Whereas, by an ordinance duly passed by the city council of the city of Chicago on the 8th day of July, 1895, the Chicago City Railway Company was duly granted the right to construct and operate a double track street railway on 38th street from Kedzie avenue to Leavitt street, and on 47th street from Kedzie avenue to Archer avenue, and on Archer avenue from Kedzie avenue to 51st street, wherein it was provided that said respective tracks should be built and in operation on or before July 8th, 1897, which said ordinances were duly accepted by the Chicago City Railway Company; and

Whereas, during the present year there is not sufficient time within which to build said tracks and put them in operation;

¶ 2. **Extending time for completion.**] Now, therefore, the time for the construction, completion and operation of said tracks and portions of tracks respectively, on 63rd street from Cottage Grove avenue to Wentworth avenue aforesaid, on 51st street from State street to Halsted street aforesaid, on Western avenue from Archer avenue to 71st street aforesaid, on 38th street from Kedzie avenue to Leavitt street aforesaid, on 47th street from Kedzie avenue to Archer avenue aforesaid, and on Archer avenue from Kedzie avenue to 51st street

aforesaid, respectively, is in each case hereby extended beyond the time in said several and respective ordinances mentioned one year, meaning and intending hereby that the time mentioned in each of said ordinances within which said respective lines or tracks shall be built and in operation, is hereby extended one year, except on 63rd street aforesaid, where the time within which to build and operate said tracks is hereby extended to six months after the elevation of the tracks of the Lake Shore and Michigan Southern and Chicago, Rock Island and Pacific Railroads, and the completion of the subways thereunder at said 63rd street, and that the Chicago City Railway Company may and shall have an additional time of one year, except said 63rd street, which is hereby extended to six months after the elevation of said railroad tracks within which the respective tracks, to wit, on 51st street, Western avenue, 38th street, 47th street and Archer avenue, except 63rd street, aforesaid, wherein the time for building and operating said tracks is hereby extended to six months after the elevation of said railroad tracks, respectively, between the points mentioned, respectively, and in such ordinances authorized, shall be built and in operation.

¶ 3. When in force.] § 2. This ordinance shall take effect and be in force from and after its passage.

CHICAGO ELECTRIC TRANSIT COMPANY.

(Successors to Jefferson Street Railway company.)

§ 523. Chicago Electric Transit company.

¶ 1. Grant—motive power to be approved.
¶ 2. Tracks may be laid.
¶ 3. Route specified.
¶ 4. Conform to street grades.
¶ 5. Tracks—how laid.
¶ 5½. Time of completion.
¶ 6. Overhead wires.
¶ 7. Feeder wires.
¶ 8. Passenger traffic—heating cars.
¶ 9. Rate of fare.
¶ 10. Grant 20 years.
¶ 11. Restoration of streets.
¶ 12. Street improvements and repairs.
¶ 13. Rights reserved.
¶ 14. Running time.
¶ 15. Indemnity clause.
¶ 16. Acceptance.
¶ 17. License fee.
¶ 18. Bond.
¶ 19. When in force.

An ordinance authorizing the Jefferson Street Railway company to construct and operate a street railroad in certain streets therein named. (Passed April 5, 1893. Accepted April 15, 1893.)

¶ 1. **Grant—motive power to be approved.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and same is hereby given and granted to the Jefferson Street Railway Company, its successors and assigns, to construct and operate a railroad with one or more tracks, not exceeding two, to be operated by a mechanical motor of the best improved type—either electric, gas, compressed air, overhead wires, or a combination to be approved by the commissioner of public works, with such tracks for turntables, turnouts, side tracks and switches, as said company may deem necessary, along or upon certain streets or parts of streets in the corporate limits of the city of Chicago, hereinafter particularly mentioned, and to operate said railway in the manner, for the time and upon the conditions herein after prescribed.

¶ 2. **Tracks may be laid.**] § 2. That said Jefferson Street Railway Company, or its successors or assigns, is hereby authorized to lay the tracks with all necessary turntables, turnouts, side tracks and switches as provided in the first section of this ordinance, along and upon the following streets in the city of Chicago:

¶ 3. **Route specified.**] § 3. Commencing at the intersection of Elston avenue and Milwaukee avenue, northwesterly along Elston avenue to the city limits.

Also, commencing at the intersection of Elston avenue and Belmont avenue, easterly along Belmont avenue to the intersection of Belmont, Clybourne and Western avenues.

Also, commencing at the intersection of Elston avenue and Crawford avenue, northerly on Crawford avenue to Peterson avenue and thence easterly along Peterson avenue to the intersection of Lincoln avenue and southerly on Crawford avenue from the intersection of Elston avenue to Irving Park boulevard.

Also, commencing at the intersection of Elston avenue and Lawrence avenue, westerly on Lawrence avenue to Milwaukee avenue and thence northwesterly on Milwaukee avenue to the city limits.

Also, commencing at the intersection of Elston avenue and Montrose boulevard, westerly on Montrose boulevard to Stewart avenue; thence northerly on Stewart avenue to Franklin street; thence westerly on Franklin street to Jefferson avenue; thence southerly on Jefferson avenue to Irving Park boulevard and thence westerly on Irving Park boulevard to the city limits.

Also, commencing at the intersection of Elston avenue and Warner avenue, easterly on Warner avenue to the point of intersection of Warner avenue and Western avenue and westerly on Warner avenue to Ridgeland avenue; thence north on Ridgeland avenue to the city limits.

Also, on Jefferson avenue northerly from Warner avenue to Irving Park boulevard.

Also, commencing at the intersection of Elston avenue and Western avenue, running thence northerly along Western avenue to the city limits.

Also, commencing at the intersection of Elston avenue and California avenue, thence along California avenue northerly to a point one hundred and twenty-eight feet north from Melrose avenue.

¶ 4. **Conform to street grades.**] § 4. The said Jefferson Street Railway Company, its successors or assigns, in the construction of said railway shall conform to all grades in the streets to be so traversed by said railway as they now exist, or which may be hereafter adopted by the city of Chicago.

¶ 5. **Tracks—how laid.**] § 5. The tracks of said railway shall not be elevated above the surface of said street and shall be laid with modern improved rails and in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction and shall, also, be laid as near to the center of the said street as practicable. Section 1509 of the municipal code of Chicago, of 1881 shall not apply to the railroad tracks herein authorized, but the rails to be used shall be satisfactory to the commissioner of public works, and shall be laid under his direction.

¶ 5½. **Time of completion.**] § 5½. The railway hereby authorized shall be completed and in operation on or before two years; Provided, that if said company shall be delayed by the order or injunction of any court, the time of such delay shall be deducted from the above time prescribed; Provided, however, that counsel for the city of Chicago may intervene in any suit in which any injunction or restraining order may issue or be entered and may move for its dissolution or dismissal.

¶ 6. **Overhead wires.**] § 6. The cars upon said railway if propelled by electric over head contact wires, shall be suspended from the poles set within the curb line limit of the street on either side thereof or from bracket poles placed in the center of the streets and so adjusted as to obstruct the public use of the streets or sidewalks as little as possible. The said wires shall be suspended not less than eighteen and one-half feet above the rails, and the said poles and supports shall be placed on an average of not less than one hundred and fifteen feet apart, except at the intersection of streets and avenues when the said distance will place the poles or supports on said intersecting streets and avenues. And, in the event that some more favorable and practicable method of furnishing electricity or other motive power for the operation of said road be discovered, said Jefferson Street Railway Company, its successors or assigns, shall have the right, or may be required, to adopt the same in the place of or in connection with the use of said electrical over head contact wires.

¶ **7. Feeder wires.**] § 7. Said Jefferson Street Railway Company, its successors or assigns, shall operate said railway by electric, gas or compressed air motor power, or such other power as may be approved by the commissioner of public works, except that, in case of accident to machinery making it necessary, said cars may be propelled by animal power, for a period not exceeding thirty days for any one accident, and to enable the said road to be operated, the said Jefferson Street Railway Company, its successors or assigns, shall have the right to connect the wires herein authorized with the generator or power station or any station or car houses that may be erected along the line of said railway.

¶ **8. Passenger traffic—heating cars.**] § 8. The cars or carriages to be used on such railway shall be used for no other purpose than to carry passengers and their ordinary baggage and mail, and the said cars shall be entitled to the track and in all cases where any team or vehicle shall meet or be overtaken by a car upon said railway said team or vehicle shall give way to said car. The cars to be used on said railway shall be of the best style and class now in use and they shall not be used for any purpose other than to transport passengers and their ordinary baggage, and shall be provided, during the months of November, December, January, February and March of each year with heating apparatus, of a kind and nature which shall be reasonably effective in raising the temperature in said car and heating the same, and the said apparatus shall be operated at such times, during the said months aforesaid as the nature of the weather and degree of temperature shall require.

¶ **9. Rate of fare.**] § 9. The rates of fare for any continuous and regular trip from one point to another within the city limits on the line of said railway may be fixed by said company, but shall not exceed five (5) cents.

¶ **10. Grant twenty years.**] § 10. The right and privileges hereby and heretofore granted the said Jefferson Street Railway Company, its successors or assigns, shall continue for a period of twenty (20) years from and after the time this ordinance shall take effect.

¶ **11. Restoration of streets.**] § 11. The said Jefferson Street Railway Company, its successors or assigns, shall do no permanent injury to any street, sidewalk, alley or avenue, nor interfere with any water pipe, sewer or gas pipe now or hereafter laid by said city of Chicago, but in construction of the said railway shall restore the streets, pavements, sidewalks or ground, or water pipe, sewers or gas pipe to a condition equally as good as before the laying of said railway, at the expense of said Jefferson Street Railway Company, its successors or assigns, and if it, its successors or assigns, as the case may be, shall fail or refuse so to do, the same may be done by the city of Chicago, and it, or they, as the case may be, shall be liable for the cost thereof.

¶ 12. **Street improvements and repairs.**] § 12. The said Jefferson Street Railway Company, its successors or assigns, as respects the grading, paving, macadamizing, planking and repairing, or using of the aforesaid streets and avenues shall, at its own cost and expense, keep if single track eight feet, or if double track sixteen feet paved and in good repair and condition, during all the time to which the privileges hereby granted shall extend, in accordance with the orders and regulations of the commissioner of public works of said city. And when any new improvement of any character shall be ordered by the city council of said city, said Jefferson Street Railway Company, its successors or assigns, at its own cost and expense shall, in the manner required by the city authorities, make such improvements for the width of sixteen feet, said sixteen feet to include the side tracks as laid in said streets and avenues. And if the said Jefferson Street Railway Company, its successors or assigns, shall neglect or fail to make any repairs or improvements, as aforesaid, for the space of twenty days after notice so to do from the commissioner of public works or other proper officer of said city to any officer, agent or employe of said Jefferson Street Railway Company, or its successors or assigns, then and in such case the city may at its option do the same at the cost and expense of said company.

¶ 13. **Rights reserved.**] § 13. Nothing herein contained shall impair or abridge the right of the city to dig or open said streets and avenues, or any portion thereof, and to temporarily remove said tracks and roadbed for the purpose of laying sewers or water pipes, or making any similar improvements, or of repairing the same.

¶ 14. **Running time.**] § 14. This ordinance is granted upon the express condition that trains shall run upon each track constructed by said Jefferson Street Railway Company, its successors or assigns, at least once each hour, between the hours of six (6) a. m. and twelve (12) p. m., except when delay is caused through unavoidable accident, breakage of machinery, or other cause beyond the control of said Jefferson Street Railway Company, its successors or assigns.

¶ 15. **Indemnity clause.**] § 15. The said Jefferson Street Railway Company, its successors or assigns, shall defend and save harmless the city of Chicago of and from any and all damages, judgments, decrees and costs connected herewith which may be rendered against said city reason of the granting of the rights and privileges herein contained, or which may in any way accrue or arise or grow out of the exercise by the said Jefferson Street Railway Company, or its successors or assigns, of the rights and privileges hereby granted.

¶ 16. **Acceptance.**] § 16. This ordinance is passed upon the express agreement and understanding that the said company, before availing itself of any of the rights and privileges granted by this ordi-

nance, shall file with the city clerk its acceptance of all the terms and conditions of this ordinance.

¶ 17. **License fee.**] § 17. The said Jefferson Street Railway Company shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of fifty dollars, and no more, as an annual license fee for each and every car used by said company. In computing the number of cars upon which said license charge may be imposed, thirteen round trips, when the car is used in the transportation of passengers, shall be taken as equivalent to one day's use of one car. One-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter. Such quotient shall be the number of cars subject to such license fee. The president or other chief officer of said company shall, under oath, make report quarter-yearly to the comptroller of the city of Chicago of the whole number of cars run by said company and, at the same time, pay to said comptroller $12.50 for each car, to be ascertained as above prescribed in this section. The first quarter shall begin upon the first day upon which the said company shall run a car or cars for the carriage of passengers.

¶ 18. **Bond.**] § 18. The said Jefferson Street Railway Company, its successors or assigns, shall within thirty days from the passage of this ordinance execute a bond to the said city of Chicago in the penal sum of twenty-five thousand dollars, with satisfactory sureties, conditioned to indemnify and save harmless the city of Chicago from any and all damages which may accrue or rise or grow out of the exercise by the Jefferson Street Railway Company, its successors or assigns, of the privileges hereby granted; said bond to be subject to the approval of the commissioner of public works of the city of Chicago.

¶ 19. **When in force.**] § 19. This ordinance shall take effect when the said Jefferson Street Railway Company, its successors or assigns, shall file with the city clerk the bond herein required and accept in writing the terms and conditions of this ordinance, and said bond shall be approved; provided, that if the said Jefferson Street Railway Company, its successors or assigns, shall not file an acceptance in writing of this ordinance and the bond herein required within thirty (30) days from the passage hereof, then this ordinance shall be of no force and effect, and all rights herein granted shall absolutely cease and determine.

Note.—See following amendatory ordinance.

§ 524. Chicago Electric Transit company.

¶ 1. Preamble.
¶ 2. Amending section 5½ of foregoing ordinance.

An ordinance to amend an ordinance passed on April 5, 1893, authorizing the Jefferson Street Railway company, its successors and assigns, to construct

and operate a street railway on Elston avenue and other streets. (Passed April 17, 1893.)

¶ 1. **Preamble.**] Be it ordained by the city council of the city of Chicago: § 1. Whereas, an ordinance passed April 5, 1893, authorized the Jefferson Street Railway Company, its successors and assigns to construct and operate a street railway on Elston avenue and other streets.

¶ 2. **Amending section 5½ of foregoing ordinance.**] § 2. That section 5½ of said ordinance be, and the same is, hereby stricken out and repealed, and in lieu thereof the following be inserted: "§ 5½. Not less than five (5) miles of the railway authorized shall be completed and in operation on or before two (2) years from the date of the acceptance of this ordinance; Provided, that if said company shall be delayed by legal proceedings, the time of such delay shall be deducted from the above time prescribed; Provided, however, that counsel for the city of Chicago may intervene in any suit in which any injunction or restraining order may issue or be entered and may move for its dissolution or dismissal."

Note.—See following supplementary ordinance.

§ 525. Chicago Electric Transit company.

¶ 1. Preamble.
¶ 2. Supplementary to ordinance of April 5, 1893.
¶ 3. When in force.

An ordinance relating to the laying of sewer pipes in a portion of Irving Park boulevard along the tracks of the Chicago Electric Transit company. (Passed November 23, 1896.)

¶ 1. **Preamble.**] Whereas, Under an ordinance passed April 5th, 1893, and amended April 17th, 1893, by the city council of the city of Chicago, granting certain rights to the Jefferson Street Railway Company (since assigned to the Chicago Street Railway Electric Transit Company), among other things granting the right to build a street railroad on that part of Irving Park boulevard lying between the west line of Milwaukee avenue and the western city limits of the city of Chicago, and providing for the manner of laying the tracks and the operation of the same; now, therefore,

¶ 2. **Supplementary to ordinance of April 5, 1893.**] Be it ordained by the city council of the city of Chicago: § 1. That providing the said Chicago Electric Transit Company (successor to the Jefferson Street Railway Company) shall lay any tracks on that portion of Irving Park boulevard between the west line of Milwaukee avenue and the westerly city limits, before the sewer is placed in the center of the street by the city authorities, the sewer shall be laid on either side of the street, and so as not to disturb or interfere with the railroad tracks heretofore and hereby authorized.

¶ 3. **When in force.**] § 3. This ordinance shall take effect and be in force from and after its passage.

§ 526. Chicago Electric Transit company.

¶ 1. Grant—term.
¶ 2. Tracks—how laid.
¶ 3. Motive power.
¶ 4. Cable power—overhead wires.
¶ 5. Street repairs and improvements.
¶ 6. Restoration of streets.
¶ 7. License fee.
¶ 8. Cars to be heated.
¶ 9. Indemnity clause.
¶ 10. Bond.
¶ 11. Rate of fare; free rides.
¶ 12. Time of completion.
¶ 13. When in force.

An ordinance granting permission and authority to the Chicago Electric Transit company to construct and operate a street railway in Belmont avenue. (Passed February 11, 1895. Accepted February 20, 1895.)

¶ 1. Grant—term.] Be it ordained by the city council of the city of Chicago: § 1. Permission and authority are hereby granted to the Chicago Electric Transit Company, its successors and assigns to lay down, construct and operate for the period of twenty (20) years from the passage hereof, a double track street railway with all the necessary and convenient turnouts and switches in, upon and along Belmont avenue, in the city of Chicago, as follows:

First—Commencing at the southwest line of Milwaukee avenue, and thence easterly in said Belmont avenue to the northeast line of Elston avenue.

Second—Commencing at the west line of Western avenue, and thence easterly in said Belmont avenue to the east line of Robey street.

Third—Commencing at the west line of Ashland avenue, and thence easterly in said Belmont avenue to the east line of North Halsted street, with the right to connect with other street railways, and to use the same for the transportation of passengers and their ordinary baggage.

¶ 2. Tracks—how laid.] § 2. The tracks of said railway shall not be elevated above the surface of the street, and shall be laid with modern improved rails, and in such a manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction, and shall also be laid as near the center of the street as practicable. Section 1509 of the municipal code of Chicago, of 1881, shall not apply to the railway tracks herein authorized, but the rails to be used shall be satisfactory to the mayor and commissioner of public works, and shall be laid under their direction.

¶ 3. Motive power.] § 3. The cars to be used on said railway may be operated by electric power, cable or such other motive power as said company shall by any ordinance of the city of Chicago be authorized to use.

¶ 4. **Cable power—overhead wires.**] § 4. In case said company, upon the line hereby authorized, shall use cable power, the method of laying and constructing such cable and operating the same shall in all respects be the same and be governed by the same conditions and limitations as provided by an ordinance of the city council of the city of Chicago, passed June 7th, 1886, authorizing the North Chicago Street Railroad Company to use cable power, sections 3475 and 3477 of the compiled laws and ordinances of the city.

And in case said company, upon the line hereby authorized, shall use electric power by means of electric overhead contact wires, the method of construction and operation shall be the same and governed by all the conditions and limitations as provided in an ordinance of the city of Chicago, passed April 30th, 1894, authorizing the operation by electric overhead contact wires of certain lines of the North Chicago Street Railroad Company and the West Chicago Street Railroad Company.

¶ 5. **Street repairs and improvements.**] § 5. The said company, as to the parts of said streets in and upon which its said railway may be laid, shall pave and keep sixteen feet in width in good condition and repair during all the time to which the privileges hereby granted shall extend, in accordance with whatever order, ordinance or regulation may be passed or adopted by the city council in relation to such repairing; and when any new improvement shall be ordered by the city council of said part of said street, the said railway company shall, in the manner which may be required of the owners of the property fronting on said part of said street, make such new improvement for the width of sixteen feet; and if the company shall refuse or fail so to do, the same may be done by the city and the company shall be liable to the city for the cost thereof.

¶ 6. **Restoration of streets.**] § 6. When the right of said railway company to operate its railway on said street shall cease and determine, said company shall remove the tracks from the said part of said street, and put the said part of the street from which said tracks shall be removed in as good condition as the adjacent part of said street.

¶ 7. **License fees.**] § 7. The said Chicago Electric Transit Company shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of fifty (50.00) dollars as an annual license fee for each and every car used by said company, in the manner following: In computing the number of cars upon which said license charge may be imposed, thirteen round trips, when the car is used in the transportation of passengers, shall be taken as equivalent to one day's use of the car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter, such quotient shall be the number of cars subject to such license fee; provided, however, that such cars shall not already be liable for the pay-

ment of a license fee on one of the other lines of this company or its connections. The president or any other officer of said company shall, under oath, make report quarter-yearly to the comptroller of the city of Chicago, of the whole number of cars so run by said company, and at the same time pay to said comptroller twelve dollars and a half ($12.50) for each car, to be ascertained as above prescribed in this section. The first quarter shall begin on the first day upon which said company shall run a car or cars for the carriage of passengers.

¶ 8. **Cars to be heated.**] § 8. The cars upon the railway hereby authorized shall be provided during the months of November, December, January, February and March of each year with heating apparatus of a kind and nature to be selected by said company, which shall be reasonably effective in raising the temperature in said cars and heating the same; and the said apparatus shall be operated at such times during the months aforesaid as the need of the weather and degree of temperature shall require, and on all cars, both day and night. And the cars upon said tracks herein authorized to be laid shall be run at such intervals as may be necessary to accommodate the public.

¶ 9. **Indemnity clause.**] § 9. The company shall forever indemnify and save harmless the city of Chicago against and from any and all legal damages, judgments, decrees and costs and expenses of the same which it may suffer, or which may be recovered or obtained against said city for or by reason of the granting of such privileges, or for, or by reason of, or growing out of, or resulting from the exercise by the said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 10. **Bond.**] § 10. The Chicago Electric Transit Company shall execute to the city of Chicago a good and sufficient bond in the penal sum of $25,000, to be approved by the mayor, conditioned for the faithful observance and performance of the provisions and conditions of this ordinance, on its part to be performed and observed as aforesaid.

¶ 11. **Rate of fare—free rides.**] § 11. The rate of fare shall be five cents for one continuous ride from the southwest line of Milwaukee avenue to the east line of North Halsted street, going either way, including connecting lines in said Belmont avenue, between the points aforesaid. The city police and firemen in uniform shall be carried free of charge.

¶ 12. **Time of completion.**] § 12. The tracks authorized to be laid and operated under this ordinance shall be laid within one year from and after the passage of this ordinance; Provided, however, that said railroad company shall not be required to lay down said tracks and construct said railroad until all the sewer and water pipes and their connections shall have been laid in said Belmont avenue; and

in event said sewer and water pipes and their connections shall not be laid until after the expiration of said period fixed herein for the laying of said tracks, then said tracks shall be laid within six months after the completion of the work of laying said water and sewer pipes and their connections.

If said company shall be restrained or prevented from proceeding with the work upon said railway by the order or writ of any court of competent jurisdiction, the time during which said company may be so delayed shall be added to the time herein prescribed for the completion of said work. The city of Chicago shall, however, have the right to intervene in any suit for an injunction to restrain the said company as aforesaid, and move for a dissolution of said injunction.

The time during which said company may be so delayed as aforesaid shall, however, be reckoned only from the time when the said company shall have given notice to the corporation counsel of the city of Chicago of the institution of such legal proceedings as aforesaid.

Unless said company shall within the time hereinabove provided, have ready and in operation the line hereby authorized, the city of Chicago shall have the right to remove all tracks and other obstacles placed in the street by virtue of the authority granted by this ordinance, and the said company shall be liable to the city for the expense of such removal.

¶ 13. When in force.] § 13. This ordinance shall take effect and be in force from and after its passage and approval by the mayor, and filing of the bond and acceptance as herein prescribed; Provided, however, that if said acceptance and bond shall not be filed as aforesaid within sixty (60) days of the passage hereof, then all the rights and privileges herein granted to said Chicago Electric Transit Company shall be void and of no effect.

§ 527. Chicago Electric Transit company.

¶ 1. Grant—term.
¶ 2. Tracks—how laid.
¶ 3. Motive power.
¶ 4. Cable power—overhead wires.
¶ 5. Street improvements and repairs.
¶ 6. Restoration of streets.
¶ 7. License fee.
¶ 8. Heating cars.
¶ 9. Rate of fare.
¶ 10. Time of completion.
¶ 11. Indemnity clause.
¶ 12. Bond.
¶ 13. When in force.

An ordinance granting permission to the Chicago Electric Transit company to construct and operate a street railway in Irving Park boulevard and Graceland avenue. (Passed October 21, 1895. Accepted October 28, 1895.)

¶ 1. Grant—term.] Be it ordained by the city council of the city of Chicago: § 1. Permission and authority are hereby granted

to the Chicago Electric Transit Company, its successors and assigns, to lay down, construct and operate for the period of twenty (20) years from the passage hereof, a double track street railway, with all the necessary and convenient turnouts and switches in, upon and along Irving Park boulevard and Graceland avenue, between the west line of Milwaukee avenue and the east line of Ashland avenue, in the city of Chicago.

¶ 2. **Tracks—how laid.**] § 2. The tracks of said railway shall not be elevated above the surface of the street, and shall be laid with modern improved rails, and in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction, and shall also be laid as near the center of the street as practicable, section 1509 of the municipal code of Chicago, of 1881 shall not apply to the railway tracks herein authorized, but the rails to be used shall be satisfactory to the mayor and commissioner of public works, and shall be laid under their direction; and provided, further, that if said tracks shall not have been laid by the time Irving Park boulevard is paved, then the 16 feet of paving, provided for in the ordinance, shall be put down at the same time said Irving Park boulevard is paved.

¶ 3. **Motive power.**] § 3. The cars to be used on said railway may be operated by electric power, cable or such other motive power as said company shall by any ordinance of the city of Chicago be authorized to use.

¶ 4. **Cable power—overhead wires.**] § 4. In case said company, upon the line hereby authorized, shall use cable power, the method of laying and constructing such cable and operating the same shall in all respects be the same and be governed by the same conditions and limitations as provided by an ordinance of the city council of the city of Chicago, passed June 7th, 1886, authorizing the North Chicago Street Railroad Company to use cable power.

And in case said company, upon the line hereby authorized, shall use electric power by means of electric overhead contact wires, the method of construction and operation shall be the same and governed by all the conditions and limitations as provided in an ordinance of the city of Chicago, passed April 30th, 1894, authorizing the operation by electric overhead contact wires of certain lines of the North Chicago Street Railroad Company and the West Chicago Street Railroad Company; Provided, however, that the iron poles for supporting the trolley wires shall be placed between the curb lines and the sidewalk and next to the curb line.

¶ 5. **Street improvements and repairs.**] § 5. The said company, as to the parts of said streets in and upon which its said railway may be laid, shall pave and keep sixteen feet in width in good condition and repair during all the time to which the privileges hereby granted shall extend, in accordance with whatever order, ordinance

or regulation may be passed or adopted by the city council in relation to such repairing; and when any new improvement shall be ordered by the city council of said part of said street, the said railway company shall, in the manner which may be required of the owners of the property fronting on said part of said street, make such new improvement for the width of sixteen feet; and if the company shall refuse or fail so to do, the same may be done by the city, and the company shall be liable to the city for the cost thereof. Said railroad company shall pave the center sixteen feet of that part of said Irving Park boulevard and that part of Graceland avenue hereby authorized to be used for railroad purposes at the time when its tracks shall be laid, and in event said street shall have been paved before said tracks shall be laid, said company shall refund to the property owners the cost of said sixteen feet.

¶ 6. **Restoration of streets.**] § 6. When the right of said railway company to operate its railway on said street shall cease and determine, said company shall remove the tracks from the said part of said street, and put the said part of the street from which said tracks shall be removed in as good condition as the adjacent part of said street.

¶ 7. **License fee.**] § 7. The said Chicago Electric Transit Company shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of fifty (50) dollars as an annual license fee for each and every car used by said company, in the manner following: In computing the number of cars upon which said license charge may be imposed, thirteen round trips, when the car is used in the transportation of passengers, shall be taken as equivalent to one day's use of the car, one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter, such quotient shall be the number of cars subject to such license fee; Provided, however, that such cars shall not already be liable for the payment of a license fee on one of the other lines of this company or its connections. The president or any other officer of said company shall, under oath, make report quarter-yearly to the comptroller of the city of Chicago, of the whole number of cars so run by said company, and at the same time pay to said comptroller twelve dollars and a half ($12.50) for each car, to be ascertained as above prescribed in this section. The first quarter shall begin on the first day upon which said company shall run a car or cars for the carriage of passengers.

¶ 8. **Heating cars.**] § 8. The cars upon the railway hereby authorized shall be provided during the months of November, December, January, February and March of each year with heating apparatus of a kind and nature to be selected by said company, which shall be reasonably effective in raising the temperature in said cars and heating the same; and the said apparatus shall be operated at such times during the months aforesaid as the need of the weather and degree

of temperature shall require and on all cars, both day and night. And the cars upon said tracks herein authorized to be laid shall be run at such intervals as may be necessary to accommodate the public.

¶ 9. **Rate of fare.**] § 9. The rate of fare shall be five cents for one continuous ride from the west line of said Milwaukee avenue to the east line of said Ashland avenue going either way. City police and firemen in uniform shall be carried free of charge.

¶ 10. **Time of completion.**] § 10. The railroad authorized to be constructed and operated under this ordinance shall be completed and in operation by July 1st, 1896; Provided, however, that the tracks authorized to be laid under the ordinance shall be laid at the same time that said Irving Park boulevard, between the west line of Milwaukee avenue and the west line of Western avenue shall be paved, and said railroad company shall not be required to lay down said track or construct and operate said railroad before said paving shall be done, and when the water pipes shall be laid in Irving Park boulevard, between said Milwaukee avenue and said Western avenue, the same shall be laid on either side of the street and so as not to disturb or interfere with the railroad tracks hereby authorized.

If said company shall be restrained or prevented from proceeding with the work upon said railway by the order or writ of any court of competent jurisdiction, the time during which said company may be so delayed shall be added to the time herein prescribed for the completion of said work. The city of Chicago shall, however, have the right to intervene in any suit for an injunction to restrain the said company as aforesaid, and move for a dissolution of said injunction.

The time during which said company may be so delayed as aforesaid shall, however, be reckoned only from the time when the said company shall have given notice to the corporation counsel of the city of Chicago of the institution of such legal proceedings as aforesaid.

¶ 11. **Indemnity clause.**] § 11. The company shall forever indemnify and save harmless the city of Chicago against and from any and all legal damages, judgments, decrees and costs and expenses of the same which it may suffer, or which may be recovered or obtained against said city for or by reason of the granting of such privileges, or for or by reason of, or growing out of, or resulting from the exercise by the said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 12. **Bond.**] § 12. The Chicago Electric Transit Company shall execute to the city of Chicago a good and sufficient bond in the penal sum of $25,000, to be approved by the mayor, conditioned for the faithful observance and performance of the provisions and conditions of this ordinance, on its part to be performed and observed as aforesaid.

¶ **13. When in force.**] § 13. This ordinance shall take effect and be in force from and after its passage and approval by the mayor, and filing of the bond and acceptance as herein prescribed; Provided, however, that if said acceptance and bond shall not be filed as aforesaid within sixty (60) days of the passage hereof, then all the rights and privileges herein granted to said Chicago Electric Transit Company shall be void and of no effect.

CHICAGO GENERAL RAILWAY COMPANY.

(Successors to West and South Towns' Horse Railway company.)

§ 528. Chicago General Railway company.
¶ 1. Streets named—grant 20 years.
¶ 2. Tracks, how laid—rails prescribed.
¶ 3. Motive powers—excavations for cable.
¶ 4. Repair and improvement of streets.
¶ 5. Rights ceasing—restoration of streets.
¶ 6. Damage to abutting owners.
¶ 7. Car license fee.
¶ 8. Per mile tax.
¶ 9. Heating of cars compelled.
¶ 10. Indemnify the city.
¶ 11. Bond—conditions.
¶ 12. Subject to general ordinances.
¶ 13. Connect with other tracks—continuous fare.
¶ 14. Five miles constructed—default—rights cease.
¶ 15. When in force—void when.

An ordinance authorizing the West and South Towns' Horse Railway company to construct, maintain and operate a street railway in certain streets in the city of Chicago. (Passed February 8, 1892. Accepted February 25, 1892.)

¶ **1. Streets named—grant, 20 years.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof and the undertaking of the West and South Towns' Horse Railway Company to comply with the provisions herein contained, consent is hereby given, permission granted and authority duly vested in said company, its successors and assigns, to lay down, construct, operate and maintain a single or double track street railway, with all necessary and convenient turn-outs, turn-tables, side-tracks, connections and switches in, upon, over and along certain portions of certain streets, lots, blocks or ground in the city of Chicago, including the right to cross all connecting, abutting or intersecting streets, avenues, courts, places, alleys and public highways as follows: Upon that portion of Twenty-second street lying between the east line of Grove street and the west line of Johnson street; also upon that portion of Twenty-second street lying between the west line of May

street and the west line of Crawford avenue; also upon that portion of Lawndale avenue lying between the north line of West Twenty-second street and the south line of Thirty-fifth street; also connecting the road terminating at the west line of Johnson street with the road beginning at the west line of May street by constructing or operating over, along and across such lots, blocks, ground, public highways or tracks now laid, as it may have or acquire by lease, contract, purchase, condemnation or otherwise according to law, said connection to be made within three hundred and fifty (350) feet north or south of the center line of said Twenty-second street. Said company may construct, maintain and operate its railways aforesaid upon the terms and conditions and subject to the restrictions mentioned in this ordinance for the period of twenty years from the passage hereof and no longer. Provided, said company will refund to the owners of property abutting on Twenty-second street, between Union street and Halsted street, the cost of improving the sixteen feet in the center of said part of Twenty-second street.

¶ 2. **Tracks, how laid—rails prescribed.**] § 2. The tracks of said railway shall not be elevated above the surface of said street and shall be laid with modern improved rails and in such a manner that carriages and other vehicles can easily and freely cross the same, at all points and in all directions, without obstruction, and shall also be laid as near to the center of the street as practicable. Section 1509 of the Municipal Code of Chicago of 1881 shall not apply to the railroad tracks herein authorized, but the rails to be used shall be satisfactory to the mayor and commissioner of public works and shall be laid under their direction.

¶ 3. **Motive powers—excavations for cable.**] § 3. The cars to be used on said railway may be operated by animal or cable power, electric, compressed air or gas motor: provided, if overhead wires are used the main electrical feeders shall be placed under ground and connections to the trolley wire shall be made through hollow iron pipes, and for the purpose of operating the said cars by cable or other mechanical power, said company may make all needful and convenient curves, trenches, excavations and sewer connections and may place all needful and convenient cables and machinery in said street. Such cables and machinery shall be under ground and constructed in a substantial and workmanlike manner, of the most approved method and convenience, and constructed in a manner satisfactory to the commissioner of public works so as not to interfere with public travel; provided, that if, in the construction of said trenches and excavations, any damage or injury shall result to any of the sewers, water pipes or private drains, then said company shall be held liable and pay therefor. If at any time, by reason of the permission hereby granted and the making of such trenches and running of such cables, or the construction or operation of said road, under any system of motive

power, any injury or damage shall result to any person or property, then said company shall be liable therefor. All needful and convenient connections with the motive power or engines shall be subject to the same restrictions. The aperture opening into said trenches shall not exceed five-eighths of an inch in width. In case said road shall be operated by cable or other mechanical power, said company may operate not exceeding three cars and one grip car attached together, with a grip man in charge of the grip car and one conductor in charge of each additional car. Provided, until the lines of railway herein authorized to be constructed can be constructed, operated and kept in repair without actual loss, said company may operate the same with cars drawn by a single horse and in charge and under the control of the driver of said car; provided, that at any time after the expiration of five years said company shall, upon the order of the mayor and commissioner of public works, operate said line on Twenty-second street with such additional modern, improved and enlarged cars as the increased amount of traffic demands.

¶ 4. **Repair and improvement of streets.**] § 4. The said company, as to the part of said street in and upon which its said railway may be laid, shall keep eight feet in width where a single track shall be laid and sixteen feet in width where a double track shall be laid in good condition and repair, during all the time to which the privileges hereby granted shall extend, in accordance with whatever order, ordinance or regulation may be passed or adopted by the city council in relation to such repairing; and when any new improvement shall be ordered by the city council of said part of said street, the said railway company shall, in the manner which may be required of the owners of property fronting on said part of said street, make such new improvement for the width of eight feet where a single track shall be laid, of sixteen feet where a double track shall be laid, and if the company shall refuse or fail so to do, the same may be done by the city, and the company shall be liable to the city for the cost thereof.

¶ 5. **Rights ceasing—restoration of streets.**] § 5. When the right of said railway company to operate its railway on said part of said street shall cease and determine said company shall remove the tracks from the said part of said street and put the said part of the said street from which said tracks shall be removed in as good condition as the adjacent part of said street.

¶ 6. **Damage to abutting owners.**] § 6. The said company shall pay all damages to the owners of property abutting on the said part of said street upon or over which its road may be constructed which said owners may sustain by reason of the location or construction of said road.

¶ 7. **Car license fee.**] § 7. The said company shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of fifty dollars ($50) as an annual license fee for each and every car

used by said company in the manner following: In computing the number of cars upon which said license charge may be imposed, thirteen round trips, when the car is used in the transportation of passengers, shall be taken as equivalent to one day's use of one car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter; such quotient shall be the number of cars subject to such license fee. Provided, however, that such cars shall not already be liable for the payment of a license fee on one of the other lines of this company or its connections. The president or other chief officer of said company shall, under oath, make report quarter-yearly, to the comptroller of the city of Chicago, of the whole number of cars so run by said company, and, at the same time, pay to said comptroller twelve dollars and a half ($12.50) for each car, to be ascertained as above prescribed in this section. The first quarter shall begin on the first day upon which said company shall run a car or cars for the carriage of passengers.

¶ 8. **Per mile tax.**] § 8. The rights, privileges and franchises herein conferred are granted upon the further condition and consideration that, on and after December 1, 1895, the said company or their legal assigns, or any person, firm, company or corporation in any way claiming under or through them or operating the road herein authorized, shall pay into the city treasury of the city of Chicago, annually, for each and every lineal mile of their road laid under the provisions of this ordinance and a proportionate amount for any fraction of a mile laid as herein authorized the sum of five hundred (500) dollars. The payments under the conditions herein prescribed shall be due and payable on the first day of December of each year and the first payment due, as herein provided, to be made on the first day of December, 1896.

¶ 9. **Heating of cars compelled.**] § 9. The cars upon the railway hereby authorized shall be provided during the months of November, December, January, February and March of each year with heating apparatus, of a kind and nature to be selected by said company, which shall be reasonably effective in raising the temperature in said car and heating the same; and the said apparatus shall be operated at such times during the months aforesaid as the need of the weather and degree of temperature shall require and on all cars, both day and night. There shall be operated, at all times, upon said line a sufficient number of cars to be run upon such schedule time as will reasonably and properly accommodate the necessities of the public.

¶ 10. **Indemnify the city.**] § 10. The company shall forever indemnify and save harmless the city of Chicago against and from any and all legal damages, judgments, decrees and costs and expenses of the same which it may suffer, or which may be recovered or obtained against said city, for or by reason of the granting of such privi-

leges, or for or by reason of, or growing out of, or resulting from the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 11. **Bond—conditions.**] § 11. The said company shall execute to the city of Chicago a good and sufficient bond in the penal sum of twenty-five thousand (25,000) dollars, to be delivered to and approved by the mayor, conditioned for the faithful observance and performance of the provisions and conditions of this ordinance, on its part to be observed and performed as aforesaid.

¶ 12. **Subject to general ordinances.**] § 12. The franchises granted by this ordinance, except as herein specially provided, are granted subject to all general ordinances of the city of Chicago concerning horse railroads now in force or which may hereafter be passed by said city under its police power.

¶ 13. **Connect with other tracks—continuous fare.**] § 13. Said company shall have the right to connect its tracks with those of the Chicago City Railway Company on Twenty-second street, at or near Grove street, but shall have no right to construct any tracks east of the Chicago river on said street without the consent in writing of said Chicago City Railway Company. Said company shall also have the right to operate its cars over tracks not owned by it upon such terms and conditions, by lease or contract, as may be agreed upon between the companies owning such respective tracks, or otherwise not in conflict with any of the conditions of this ordinance or the general ordinances of the city; and provided, further, that the rate of fare to be charged upon the lines herein authorized, or over which said company may so operate, shall not exceed five cents for one continuous ride for any distance within the present or future city limits.

¶ 14. **Five miles constructed—default—rights cease.**] § 14. Said company shall commence work as early in the spring of 1892 as circumstances will permit and not less than five miles of the tracks hereby authorized shall be laid on or before December 1, 1892, and if the said company shall fail to complete the same within the said time the rights and privileges hereby granted shall cease and determine; provided, that if the said company shall be restrained or prevented from proceeding with the work upon said railway tracks by the order or writ of any court of competent jurisdiction, the time which said company may be so delayed shall be added to the time herein prescribed for the completion of said railway tracks. The city shall, however, have the right to intervene in any suit for an injunction to restrain said company, as aforesaid, and move for the dissolution of the injunction in case such suit shall be deemed collusive, or for the purpose of delay, or of extending the time for the completion of said tracks.

¶ 15. **When in force—void when.**] § 15. This ordinance

shall take effect and be in force from and after its passage and approval by the mayor and the filing with the city clerk of the bond and acceptance as herein prescribed; provided, however, that if said acceptance and bond shall not be filed, as aforesaid, within ninety (90) days of the passage hereof, then all rights and privileges herein granted to said company shall be void and of no effect.

§ 529. Chicago General Railway company.

¶ 1. Preamble.
¶ 2. Grant—extension of lines—conditions same as ordinance of February 8, 1892.
¶ 3. Rate of fare—license fee.
¶ 4. Acceptance—bond.

An ordinance authorizing the West and South Towns' Street Railway company to construct, operate and maintain a street railway on certain streets therein named. (Passed April 5, 1893. Accepted April 6, 1893.)

¶ 1. Preamble.] Whereas, the city of Chicago, by an ordinance passed February 8th, 1892, granted to the West and South Towns' Horse Railway Company, its successors and assigns, authority to construct a street railway on certain portions of Twenty-second street and Lawndale avenue, as more fully appears by reference to said ordinance; and whereas, on March 21st, A. D. 1892, the said company changed its name to West and South Towns' Street Railway Company; and whereas, said company caused a notice to be published that on Monday, September 21, A. D. 1891, at 7:30 p. m., or as soon thereafter as a hearing might be had, said company would present its petition to the corporate authorities of the city of Chicago, at the council chamber in the city hall of said city, for consent to locate, construct and operate a certain railroad on Twenty-second street, beginning at Portland avenue and extending to Crawford avenue, also on Lawndale avenue, beginning at Twenty-second street and extending to Thirty-fifth street; which said notice was duly published in two newspapers of general circulation, published weekly in said county and state, both of which were and are in general circulation in the particular neighborhood in and through which it was proposed to construct and operate said railway. And that accordingly, at the time and place mentioned in said notice, said company presented to the said city council of the city of Chicago its petition for an ordinance substantially as proposed in said notice; which said petition was received by said council and referred to its committee on streets and alleys for the west division of said city. And that on or about October 19, A. D. 1891, a petition of the owners of property fronting on the line of said proposed railway was presented to said city council of the city of Chicago, by one of the members of said council, together with a draft of an ordinance granting the authority prayed for in and by said petition, and that thereupon said petition of property owners was duly referred to the department of public works for verification, with a direction after such verification to send the same to

the committee on streets and alleys for the west division of said city, and said draft or ordinance was, also, thereupon duly referred to said committee for their report thereon. And that on or about December 7, 1891, the commissioner of public works made his report to said committee, showing that from the east line of Grove street the owners of the land, representing more than one-half of the frontage of each mile and of each fractional mile of so much of the street as was sought to be used for railway purposes had petitioned that said company be granted the right to use such portions of said street as were mentioned in said report. And that on or about December 21, A. D. 1891, a further petition of property owners for the construction of the said proposed railway was presented to the city council of the city of Chicago, praying the passage of the ordinance granting authority to said company to construct the street railway proposed by such petitioners, which said last named petition was thereupon duly referred to the commissioner of public works for verification, with a direction after such verification to transmit the same to the committee on streets and alleys of the west division of said city. And that on or about January 4th, A. D. 1892, a second draft of an ordinance of said council for the construction of said proposed street railway was presented to said common council, and duly referred to the said committee on streets and alleys for the west division of said city. That on or about January 18, A. D. 1892, the said committee on streets and alleys for the west division of the said city of Chicago held a formal and open public hearing on the matter of said petition and proposed ordinance, at which full opportunity was given to all and any persons who might be concerned therein to attend and make any objections which they might see fit to present; and no objection being made by or on behalf of any one to the proposed ordinance, or to the petition of owners herein mentioned, which meeting was held in the council chamber of the said city of Chicago, and it appearing to said committee that the owners of land representing more than one-half of the frontage of each mile and of each fractional mile of so much of said streets as were described in said report of said commissioner, said committee decided to place on file the proposed ordinance for the construction thereof and to adopt and recommend to the city council for passage a substitute therefor, in conformity to the said report of the commissioner of public works; that said committee thereupon adjourned, and on the evening of the same day, presented their said report and submitted said substitute so as aforesaid adopted by them to the said city council for passage. And that thereupon said report and proposed ordinance were ordered published and action thereon deferred, pursuant to law, and said report and ordinance were accordingly published in full in the proceedings of said city council of the date last aforesaid. And that on or about February 1, 1892, a third petition of property owners for the construction of said railway was presented in a meeting of said council of said city of Chicago and duly

referred to said committee on streets and alleys for the west division of said city. And that on or about February 8, 1892, the said report and ordinance, so as aforesaid recommended by said committee to said council, were brought before said council for its action thereon and no objection having been filed to said ordinance, and it appearing to said council that the owners of the land representing more than one-half of the frontage of each mile and of each fractional mile of so much of the streets as were mentioned in said substitute ordinance had petitioned for the passage thereof, and that the public interests required the substitution of said ordinance of said committee; thereupon said council, on motion, concurred in said report and, by an unanimous vote, passed said ordinance, as more fully and at large appears in the official report of the proceedings of said council on the date last aforesaid, and which said ordinance, not having been vetoed by the mayor of said city, became valid and effectual by the lapse of time, without any objection thereto having been made. And that on or about February 25, A. D. 1892, said company having previously filed in the office of the clerk of said city its formal acceptance of the ordinance aforesaid, the same was thereupon, on the day last aforesaid, duly presented by said clerk to said city council and, upon such presentation, was duly placed on file. And that on or about April 8, A. D. 1892, this respondent duly filed the bond required by said ordinance, the same having been duly approved by the mayor of said city. And that on or about April 28, A. D. 1892, a permit for the construction of said railway was duly issued by the commissioner of public works of said city of Chicago, authorizing this respondent to construct its said railway under said ordinance; now, therefore,

¶ 2. **Grant—extension of lines—conditions same as ordinance of February 8, 1892.**] Be it ordained by the city council of the city of Chicago: § 1. Upon the petition of the owners of the land representing more than one-half of the frontage of each mile and of each fractional mile of so much of the streets herein named as is sought to be used for railway purposes, and in consideration of the acceptance hereof and the undertaking of the West and South Towns' Street Railway Company to comply with the provisions of this ordinance, said company, its successors and assigns, are hereby given authority and consent to construct, operate and maintain a single or double track street railway, with all necessary and convenient curves, turnouts, side-tracks, connections and switches in, upon, over and along the streets mentioned, as follows: On West Twenty-fifth street, beginning at the west line of Lawndale avenue and extending to the east line of Rockwell street; on Rockwell street, commencing at the south line of Twenty-sixth street and extending to the north line of Nineteenth street; on Kedzie avenue, commencing at the north line of Twenty-second street and extending to the south line of Thirty-

first street; on Homan avenue from the north line of Twenty-second street to the south line of Twenty-third street, including the right to cross all connecting, abutting or intersecting streets, avenues, courts, places, alleys and public highways. The privileges hereby granted shall be deemed an extension of the road authorized to be constructed by said company on West Twenty-second street from Grove street to Crawford avenue and Lawndale avenue from Twenty-second street to Thirty-fifth street, and the provisions of said ordinance of February 8th, 1892, shall extend to and apply to the streets herein named, and same shall be subject to the further conditions herein contained; that whenever said company shall desire to condemn any property, as provided for in the laws of the state of Illinois, said company may connect the property so acquired by condemnation, purchase or otherwise, with the lines herein mentioned, and for such purposes said company may cross any connecting, abutting or intersecting streets, avenues, courts, places, alleys and public highways.

¶ 3. **Rate of fare—license fee.**] § 2. Said company shall not be allowed to charge exceeding the fare of five (5) cents on the lines herein authorized, and any person paying a fare of five (5) cents on either of the other lines of said company shall be entitled to a transfer ticket on any of the lines herein authorized without additional cost. All cars run on said lines shall pay an annual license fee of fifty (50) dollars for each car, to be computed as provided in said ordinance of February 8th, 1892. As specified in the petition of property owners, said tracks shall be laid as soon as the underground work in said streets is completed, and if said streets are paved the original improvement to be paid for by assessment on the property abutting thereon, and all subsequent improvement or repairs shall be paid for by said company as provided for in said ordinance of February 8th, 1892, except that section 8 of the same shall not apply to the roads herein mentioned, but the rail to be used shall be subject to the approval of the commissioner of public works.

¶ 4. **Acceptance—bond.**] § 3. This ordinance must be accepted by said company within ninety (90) days after its passage and approval by the mayor, and the same shall take effect and be in force from and after its passage. An additional bond of ten thousand dollars ($10,000), with said company as principal, shall also be filed with the city clerk, conditioned to the performance of the conditions herein named.

§ 530. Chicago General Railway company.

¶ 1. Grant—connecting line—grant ends February 8, 1912.
¶ 2. Conditions—rate of fare—license—bond—subject to ordinances.

An ordinance granting permission to the Chicago General Railway company to construct a connecting street railway track on Homan avenue. (Passed December 10, 1894. Accepted January 7, 1895.)

¶ 1. **Grant—connecting line—grant ends February 8, 1912.**] Be it ordained by the city council of the city of Chicago: § 1. For the purpose of connecting Twenty-second street and Lawndale avenue lines of railway, without a double crossing of the main tracks of the Chicago, Burlington & Quincy Railroad Company, and upon the petition of owners of land representing more than one-half of the frontage of so much of the street named in said petition as is sought to be used for railroad purposes, and in consideration of the acceptance of the conditions herein named, authority is hereby granted to the Chicago General Railway Company to construct, operate and maintain for and during the period ending February 8th, 1912, a double track railway, with all the necessary and convenient curves, turn-outs, sidetracks, connections and switches in, upon over and along Homan avenue, from the north line of West Twenty-third street to the south line of West Twenty-fifth street, and being the distance of two blocks.

¶ 2. **Conditions—rate of fare—license—bond—subject to ordinances.**] § 2. This franchise is granted upon the following conditions: The construction of said road shall commence within thirty days after the ordinance becomes a law, and shall be completed without unnecessary delay, under the direction of the commissioner of public works; six tickets shall be sold for twenty-five cents; said road shall be equipped with first-class electric cars; said company shall at their own expense pave the center sixteen feet of said street, from Twenty-second street to Twenty-fifth street, with block pavement, and will make said street safe and accessible for all vehicles, and will keep said sixteen feet in proper repair, under the direction of the commissioner of public works, during the lifetime of this franchise. Said company shall pay into the city treasury an annual license fee of fifty dollars ($50) for each car used by said company, the number of cars to be computed, according to the method prescribed in the ordinance authorizing tracks on West Twenty-second street and Lawndale avenue, passed February eighth, eighteen hundred and ninety-two. Said company shall forever indemnify the city of Chicago from all damages, judgments, decrees, costs and expenses of the same, which it may suffer by reason of the granting of this privilege. Said company shall execute to the city of Chicago a good and sufficient bond in the penal sum of five thousand dollars ($5,000), to be delivered to and approved by the mayor, and conditioned for the faithful observance and performance of the conditions of this ordinance. This franchise is granted subject to all general ordinances now in force, or which may hereafter be passed, by the city under its police power. This ordinance shall be accepted, and said bond filed within thirty days after this ordinance shall become a law.

CHICAGO AND JEFFERSON URBAN TRANSIT COMPANY.

§ 531. Chicago and Jefferson Urban Transit company.

¶ 1. Grant—route.
¶ 2. Construction of tracks—rails.
¶ 3. Motive power.
¶ 4. Cable or electric power construction.
¶ 5. Improvement and repair of streets.
¶ 6. Removal of tracks.
¶ 7. Indemnity.
¶ 7½. Compensation.
¶ 8. License—heating cars—running time.
¶ 9. Indemnity clause.
¶ 10. Bond—approval.
¶ 11. Subject to general ordinances.
¶ 12. Fare—transfers—police, etc., to ride free.
¶ 13. Consent of city council required to lease, etc.
¶ 14. Compensation.
¶ 15. Time for completion.
¶ 16. When in force—acceptance.

An ordinance authorizing the Chicago and Jefferson Urban Transit company to lay down, maintain and operate a double track street railway in Monroe street, Morgan street, Fulton street and Ashland avenue. (Passed April 11, 1892. Accepted July 9, 1892.)

¶ 1. **Grant—route.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof and the undertaking of the Chicago and Jefferson Urban Transit Company to comply with the provisions herein contained, consent, permission and authority are hereby granted to said company, its successors and assigns, to lay down, construct, maintain and operate, for the period of twenty years from the passage hereof, a double track street railway, with all the necessary and convenient turn-outs and switches, in, upon, over and along Monroe street, Morgan street, Fulton street and Ashland avenue, commencing at the intersection of Canal and Monroe streets, running thence west on Monroe street to continue Morgan street; thence north on Morgan street to Fulton street; thence west on Fulton street to Ashland avenue; thence north on and across Ashland avenue to Fulton street; thence west on said Fulton street to Western avenue, with the right to connect with other street railroad tracks. And said company may diverge from its main line on Fulton street and its tracks by commencing at a point on the north side of Fulton street, between the northwest corner of St. John's place and Fulton street and the northeast corner of Ashland avenue and Fulton street, and then extend its tracks northwesterly over and upon any lands said company may acquire by lease, purchase, condemnation or otherwise, between Ashland avenue and the alley north of Ashland avenue in block fifteen (15) in County Clerk's division of the south half of block fifteen (15) to Ashland avenue; thence across Ashland avenue to Fulton street, as extended.

¶ 2. **Construction of tracks—rails.**] § 2. The tracks of said

railway shall not be elevated above the surface of the street, and shall be laid with modern improved rails, and in such a manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction, and shall also be laid as near the center of the street as practicable. Section 2074 of the Laws and Ordinances of 1890 shall not apply to the railroad tracks herein authorized, but the rails to be used shall be satisfactory to the mayor and commissioner of public works and shall be laid under their direction; but a permit shall first be obtained from the commissioner of public works before commencing work under this ordinance.

¶ 3. **Motive power.**] § 3. The cars to be used on said railway may be operated by electric power, either by storage battery or conduit or such other improved motive power as shall be approved by the commissioner of public works of the city of Chicago; Provided, however, no overhead wires shall be used.

¶ 4. **Cable or electric power—construction.**] § 4. For the purpose of operating said cars by electric power, or by such other power as may be approved by the mayor and commissioner of public works, as above provided, the said company may make all needful and convenient curves, trenches, excavations and sewer connections, and may place all necessary wires, cables and machinery in said streets, and may connect the same with stationary engine or engines, dynamo or dynamos or other appliances necessary to properly operate the same, which stationary engine or engines, dynamo or dynamos, or other appliances, shall not be located upon any street or public place of the city. Such appliances and machinery shall, with the exception of the storage batteries, car connections and car appliances, be underground, and all shall be constructed in a substantial and workmanlike manner, of most approved method and convenience, and the method and manner of construction shall be satisfactory to the commissioner of public works so as not to interfere with public travel. In case the said cars shall be operated by electricity, or the system of electric traction, the contact and feed wires shall, where necessary for protection, be securely insulated from their supports and shall be securely fastened, and so arranged as not to interfere with the public use of the streets and sidewalks; Provided, however, that if in the construction of said trenches and excavations and sewer connections, or in the laying or running of wires or cables, or placing of machinery, any damage or injury shall result to any of the sewers, water pipes or private drains, then said company shall be held liable and shall pay therefor. If, at any time, by reason of the permission hereby granted and the making of such excavations, trenches and sewer connections or the construction or operation of said road, under any system of motive power, any injury or damage shall result to any person or property, then said company shall be held liable therefor. All needful and convenient

connections with the motive power, cables or engines shall be subject to the same restrictions. The aperture opening into trenches herein authorized shall not exceed five-eighths of an inch in width. In case said road shall be operated by electric power, or other power herein authorized, said company may operate not to exceed two cars and one motor or grip car attached together, with a gripman or motorman in charge of the grip or motor car, and one conductor in charge of each additional car.

¶ 5. **Improvement and repair of streets.**] § 5. The said company, as to the part of said Grand avenue in and upon which its said railway may be laid, shall pave and keep sixteen feet in width in good condition and repair, during all the time to which the privileges hereby granted shall extend, in accordance with whatever order, ordinance or regulation may be passed or adopted by the city council in relation to such repairing, and as to the sections of its proposed line that are paved on and along which its tracks shall be laid, being Monroe, Morgan and Fulton streets, said company shall likewise at all times keep the roadway of said streets in repair from curb to curb; and when any new improvement shall be ordered by the city council of the said streets, or either of them, upon or over or along which its roadways be constructed, or the said railway company shall, in the manner which may be required of the owners of the property fronting on said part of said streets, or either of them, make such new improvements for the width of sixteen feet, and if the company shall refuse or fail to do so, the same may be done by the city and the company shall be liable for the cost thereof.

¶ 6. **Removal of tracks.**] § 6. When the rights of said railway company to operate its railway on said part of said streets shall cease and determine, said company shall remove the tracks from the said part of said streets and put the said part of the said streets from which said tracks shall be removed in as good condition as the adjacent parts of said streets.

¶ 7. **Indemnity.**] § 7. The said Chicago and Jefferson Urban Transit Company shall pay all damages to the owners of property abutting on the said part of said streets upon or over which its road may be constructed, which said owners may sustain by reason of the location or construction of said road.

¶ 7½. **Compensation.**] § 7½. This ordinance is granted and given upon the condition that said company shall pay into the city treasury the sum of seven thousand one hundred and forty-three (7,143) dollars for each and every mile of said route so granted by said city, payable as follows: One-fifth (1-5) of said amount when this ordinance shall have been passed by the city council and approved by the mayor, and one-twentieth (1-20) of the balance annually on or before the first day of June of each year until said sum of seven thousand one hundred and forty-three (7,143) dollars for each mile shall

have been entirely paid, and in case said payments are not so made as aforesaid, the ordinance hereby granted, with all its privileges, shall be subject to forfeiture on the part of said company.

¶ 8. **License—heating cars—running time.**] § 8. The said Chicago and Jefferson Urban Transit Company shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of fifty dollars as an annual license fee for each and every car used by the said company on said line herein authorized, in the following manner: In computing the number of cars upon which said license charge may be imposed, thirteen round trips, when the car is used in the transportation of passengers, shall be taken as equivalent to one day's use of one car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter, such quotient shall be the number of cars subject to such license fee. The president or other chief officer of said company shall, under oath, make report quarter-yearly to the comptroller of the city of Chicago of the whole number of cars so run by said company, and at the same time pay to said comptroller twelve dollars and one-half ($12.50) for each car, to be ascertained as above prescribed in this section. The first quarter shall begin upon the first day upon which said company shall run a car or cars for the carriage of passengers. The cars to be used on said railway shall be constructed with all the latest improvements for the comfort and convenience of passengers and shall be used for no other purpose than to carry passengers and their ordinary packages. They shall be provided during the months of November, December, January, February and March of each year with heating apparatus, of a kind and nature which shall be reasonably effective in raising the temperature in said car and heating the same, and the said apparatus shall be operated at such time, during the months aforesaid, as the nature of the weather and degree of temperature shall require and on all cars, both day and night. There shall be operated at all times, upon said line, a sufficient number of cars to be run upon such schedule time as will reasonably and properly accommodate the necessities of the public, and the city council shall have the power, at all times, to make such regulations as to the time of running and rate of speed of said cars on said line as the public convenience and safety may require.

¶ 9. **Indemnity clause.**] § 9. The company shall forever indemnify and save harmless the city of Chicago against and from any and all legal damages, judgments, decrees and costs and expenses of the same which it may suffer, or which may be recovered or obtained against said city, for or by reason of the granting of such privileges hereby granted, or from any act or acts of said company, its servants or agents under or by virtue of the provisions of this ordinance.

¶ 10. **Bond—approval.**] § 10. The Chicago and Jefferson Urban Transit Company shall execute to the city of Chicago a good and

sufficient bond in the penal sum of ten thousand (10,000) dollars, to be approved by the mayor, conditioned for the faithful observance and performance of the provisions and conditions of this ordinance on its part to be observed and performed, as aforesaid.

¶ 11. **Subject to general ordinances.**] § 11. The franchises granted by this ordinance are so granted subject to any and all the general ordinances of the city of Chicago concerning street railroads now in force or which may hereafter be passed by said city, so far as applicable thereto.

¶ 12. **Fare—transfers—police, etc., to ride free.**] § 12. The rate of fare to be charged on the line hereby authorized shall not exceed five cents for one continuous ride of one trip for any distance within the city limits; Provided, that said company shall provide and furnish free of charge to passengers, who have paid fare upon said line, transfer tickets to a point or points, which may be agreed upon by the mayor and commissioner of public works and said company, permitting such passengers to ride upon the street railway line or lines owned, leased, controlled or operated by said company which intersect the line hereby authorized at the points so designated. And in case said company and the mayor and the commissioner of public works shall fail to agree upon the points at which transfer tickets shall be issued, then the city council shall have the right to designate such points of transfer. And provided, further, no fare shall be charged for policemen, firemen and U. S. mail carriers in uniform.

¶ 13. **Consent of city council required to lease, etc.**] § 13. The rights, privileges and franchises hereby granted are upon the further express condition and stipulation that the said Chicago and Jefferson Urban Transit Company shall not lease, rent or grant to any other street railroad company or corporation the right to use or occupy any portion of the tracks laid down under the provisions of this ordinance, without first obtaining the consent of the city council.

¶ 14. **Compensation.**] § 14. The rights, privileges and franchises herein conferred are granted upon the further condition and consideration that on or after December 1, 1894, the said company or their legal assigns, or any person, firm, company or corporation in any way claiming under or through them, or operating the road herein authorized, shall pay into the city treasury of the city of Chicago, annually, for each and every lineal mile of their track laid under the provisions of this ordinance and a proportionate amount for any fraction of a mile laid, as herein authorized, such sum as shall be taxed uniformly on all other companies owning or operating street railways within the city of Chicago. The payments under the conditions herein prescribed shall be due and payable on the first day of December of each year and the first payment due, as herein provided, to be made on the first day of December, 1895.

¶ 15. **Time for completion.**] § 15. Two miles of the track

hereby authorized shall be laid on or before December 1, 1892, and the entire line shall be laid on or before May 1, 1893; and if said company shall fail to complete said tracks within said time, the rights and privileges hereby granted shall cease and determine; Provided, that if said company shall be restrained or prevented from proceeding with the work upon said railway tracks by the order or writ of any court of competent jurisdiction, the time during which said company may be so delayed shall be added to the time herein prescribed for the completion of said railway tracks. The city shall, however, have the right to intervene in any suit for an injunction to restrain the said company, as aforesaid, and move for the dissolution of the injunction in case said suit shall be deemed collusive, or for the purpose of delay or of extending the time for the completion of said tracks.

¶ **16. When in force—acceptance.**] § 16. This ordinance shall take effect and be in force from and after its passage and approval by the mayor and the filing of the bond and acceptance as herein prescribed; Provided, however, that if said acceptance and bond shall not be filed, as aforesaid, within ninety days of the passage hereof, then all rights and privileges herein granted to said Chicago and Jefferson Urban Transit Company shall be void and of no effect.

Note.—See following amendatory ordinance.

§ 532. Chicago and Jefferson Urban Transit company.

¶ 1. Amending sections 3 and 4 of the foregoing ordinance.
¶ 2. When in force—time of completion.
¶ 3. Sections 3 and 4 as amended.

An ordinance amending an ordinance passed April 11, 1892, granting certain rights to the Chicago and Jefferson Urban Transit company. (Passed February 18, 1895. Accepted February 28, 1895.)

¶ **1. Amending sections 3 and 4 of the foregoing ordinance.**] Be it ordained by the city council of the city of Chicago: § 1. That sections 3 and 4 of an ordinance passed by the city council of the city of Chicago April 11, 1892, authorizing and empowering the Chicago and Jefferson Urban Transit Company to construct, maintain and operate a street railroad, in upon, over and along Monroe street, Morgan street, Fulton street and Ashland avenue, in the city of Chicago, be, and said sections 3 and 4 are hereby, amended by striking out the whole of said sections 3 and 4, and inserting in lieu thereof the following, that is to say:

¶ **2. Sections 3 and 4 as amended.**] § 3. The cars to be used on said railway may be operated by electric power or other improved motive power, as shall be approved by the commissioner of public works of the city of Chicago. If electric power shall be used, by means of overhead contact wires, said electric power shall be installed, constructed, maintained and operated in the same manner as is provided in the ordinance granting to the West Chicago Street Railroad Company and North Chicago Street Railroad Company the right

to use electric power, passed March 21, 1892, as amended by ordinance passed April 30, 1894, and subject to the same limiations and restrictions."

¶ 3. **When in force--time of completion.**] § 4. This ordinance shall take effect and be in force from and after its passage; and all work rendered necessary by this ordinance shall be done, and said railroad be fully completed, on or before January 1, 1896."

§ 533. Chicago and Jefferson Urban Transit company.

¶ 1. Grant.
¶ 2. Route.
¶ 3. Construction of tracks—rails.
¶ 4. Improvement and repair of streets.
¶ 5. Time for completion.
¶ 6. Motive power—approval.
¶ 7. Excavations—damages.
¶ 8. Style of cars—use—heating.
¶ 9. Rate of fare—transfers.
¶ 10. Indemnity clause.
¶ 11. License fee.
¶ 12. Bond.
¶ 13. Grant 20 years.
¶ 14. When in force—acceptance.

An ordinance authorizing the Chicago and Jefferson Urban Transit company to lay down, maintain and operate a single or double track street railroad in certain streets in the city of Chicago. (Passed July 14, 1892. Accepted September 8, 1892.)

¶ 1. **Grant.**] Be it ordained by the city council of the city of Chicago: § 1. That, in consideration of the acceptance hereof and the undertaking of the Chicago and Jefferson Urban Transit Company to comply with the provisions hereinafter contained, permission and authority are hereby granted and duly vested in said Chicago and Jefferson Urban Transit Company, its successors and assigns, to lay down, maintain and operate a single or double track street railroad, will all necessary and convenient turnouts, side tracks and switches, in and along the course of certain streets in the city of Chicago, hereinafter mentioned, and to connect at any and all street intersections any track or tracks hereby authorized to be laid with the track or tracks of any railroad owned, leased or operated by said company, and, with the right to connect with other street railway companies and to operate upon said street railroads hereby authorized railway cars and carriages, in the manner and for the time and upon the conditions hereinafter prescribed.

¶ 2. **Route.**] § 2. "The said Chicago & Jefferson Urban Transit Company is hereby authorized to lay a double track street railroad in and along the following streets: Fulton street between Western avenue and Kedzie avenue; also on Kedzie avenue, between Fulton street and North avenue; also on Chicago avenue, between Kedzie avenue and Crawford avenue; also on Crawford avenue, between

Chicago avenue and Grand avenue; also on Grand avenue, between Crawford avenue and the junction of said Grand avenue and Armitage avenue.

¶ **3. Construction of track—rails.**] § 3. The tracks of said railway shall [not] be elevated above the surface of the street and shall be constructed with modern improved rails and so laid that vehicles may freely and safely cross the said tracks; and when two tracks are laid in the said street, the said tracks shall be laid parallel as near as practicable. Section 1509 of the municipal code of Chicago, of 1881, shall not apply to the railroad tracks herein authorized.

¶ **4. Improvement and repair of streets.**] § 4. The said company, as to the part of said street in and upon which its said several railways shall be laid, shall keep eight feet in width where a single track shall be laid, and sixteen feet in width where a double track shall be laid, in good condition and repair, during all of the time to which the privileges hereby granted shall extend, in accordance with such ordinances or regulations as shall be passed or adopted by the city council in relation to such repairing and, when any new improvement shall be ordered by the city council of said part of said street, the said railway company shall, in the manner which may be required of the owners of property fronting on the said part of said street, make such new improvement for the width of eight feet where a single track shall be laid, and of sixteen feet where a double track shall be laid, and, if said company shall refuse or fail so to do, the same may be done by the city and the company shall be liable to the city for the cost thereof; Provided, however, that said company shall pay the owner or owners of property abutting on streets where such tracks shall be laid, the cost of the improvement of eight feet in width where a single track shall be laid and sixteen feet in width where a double track shall be laid, on all such streets that have been improved within the past year.

¶ **5. Time for completion.**] § 5. The several railways hereby authorized shall be completed within twelve months after the passage of this ordinance, not counting the months of December, January, February and March; Provided, however, that the tracks hereby authorized to be laid shall be laid in the unimproved streets within six months after the sewer and water pipes and their connections shall have been laid in such unimproved streets and, at the same time, when the paving shall be done in every such unimproved street; and provided, further, that if said company shall be delayed by the order or injunction of any court, the time of such delay shall be deducted from the time above prescribed.

¶ **6. Motive power—approval.**] § 6. The cars to be used upon the tracks hereby authorized, may be operated with animal power or cable or electric power, or with such other practically noiseless motor or power as shall be approved by the mayor and commissioner of public works.

¶ 7. **Excavations—damages.**] § 7. When said cars shall be operated by cable or electric power, said company may make all needful and convenient curves, trenches, excavations and sewer connections and may place all needful and convenient cables, wires and conductors for the transmission of electricity and machinery in said street; such cables, wires and conductors and machinery to be constructed in a substantial and workmanlike manner, and under the supervision of the commissioner of public works, so as not to interfere with the public travel; Provided, that if in the construction of said trenches and excavation any damage or injury shall result to any of the sewers, water pipes or private drains, then, said company shall be held liable and pay therefor. If, at any time, by reason of the permission hereby granted and the making of such trenches and the running of such cables, wires and conductors or the construction or operation of said road under any system of motive power, any injury or damage shall result to any person or property, then said company shall be liable therefor. All needful and convenient connections with the motive power or engines shall be subject to the same restrictions.

The aperture opening in to said trenches where cable power is used shall not exceed five-eighths of an inch in width and, in case said road shall be operated by cable or electric power, said company may operate not exceeding three cars and one grip car attached together, with one conductor in charge of each car.

¶ 8. **Style of cars—use—heating.**] § 8. The cars to be used on said several railways shall be of the best style and class now in use; and, they shall not be used for any purpose other than to transport passengers and their ordinary baggage, and shall be provided during the months of November, December, January, February and March of each year with heating apparatus, of a kind and nature which shall be reasonably effective in raising the temperature in said car and heating the same; and the said apparatus shall be operated at such times during the said months aforesaid as the nature of the weather and degree of temperature shall require.

¶ 9. **Rate of fare—transfers.**] § 9. The rate of fare for any continuous ride on the same car shall not exceed five cents for each passenger, except when the cars or carriages shall be chartered for special purposes; and transfers shall be given on all east and west lines with such connecting or cross lines owned and operated by said company, at such points as shall be agreed upon between the mayor and the said company.

¶ 10. **Indemnity clause.**] § 10. The said company shall forever indemnify and keep harmless the city of Chicago against and from any and all legal damages, judgments, decrees and costs and expenses of the same which it may suffer, or which may be recovered or obtained against the said city, for or by reason of or growing out of

or resulting from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 11. **License fee.**] § 11. The said Chicago and Jefferson Urban Transit Company shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of fifty (50) dollars, as an annual license fee for each and every car used by said company in the manner following: In computing the number of cars upon which said license charge may be imposed, thirteen round trips, when the car is used in the transportation of passengers, shall be taken as equivalent to one day's use of one car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter, such quotient shall be the number of cars subject to the license fee; Provided, however, that such cars shall not already be liable for the payment of a license fee on one of the other lines of this company or its connections. The president or other chief officer of said company shall, under oath, make report quarter-yearly to the comptroller of the city of Chicago of the whole number of cars so run by said company and, at the same time, pay to said comptroller twelve dollars and a half ($12.50) for each car, to be ascertained as above prescribed in this section. The first quarter shall begin on the first day upon which said company shall run a car or cars on said several railways for the carriage of passengers.

¶ 12. **Bond.**] § 12. The said Chicago and Jefferson Urban Transit Company shall execute to the city of Chicago a good and sufficient bond in the penal sum of ten thousand (10,000) dollars, to be approved by the mayor, conditioned for the faithful observance and performance of the conditions and provisions of this ordinance on its part to be performed and observed.

¶ 13. **Grant twenty years.**] § 13. All of the rights and privileges hereby granted to and conferred upon the said Chicago and Jefferson Urban Transit Company, its successors and assigns, or intended so to be, shall continue and be in force for the full term and period of twenty years from and after the passage of this ordinance.

¶ 14. **When in force—acceptance.**] § 14. This ordinance shall take effect and be in force from and after its passage and filing of the bond aforesaid and acceptance by said company; Provided, however, that if said bond and acceptance by said company shall not be filed with the city clerk, within ninety days after the passage hereof then all of the rights and privileges herein granted shall be void and of no effect.

CHICAGO NORTH SHORE STREET RAILWAY COMPANY.

(Successors to the Chicago and Evanston Electric Railway company.)

§ 534. Chicago North Shore Street Railway company.

¶ 1. Grant—route—term 20 years.
¶ 2. Tracks—how laid, etc.
¶ 3. Trolley wires, poles, etc.
¶ 4. Animal power prohibited.
¶ 5. Passenger service.
¶ 6. Rate of fare.
¶ 7. Transfer of line to work a forfeiture.
¶ 8. Restoration of streets.
¶ 9. Improvement and repair of streets.
¶ 10. Rights reserved.
¶ 11. Time of completion.
¶ 12. Indemnity clause—acceptance.
¶ 13. License fee.
¶ 14. Bond of indemnity.
¶ 15. When in force.

An ordinance authorizing the Chicago and Evanston Electric Railway company to construct and operate a street railway on Evanston avenue and Church street. (Passed April 11, 1892. Accepted May 3, 1892.)

¶ 1. Grant—route—term, 20 years.] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof and the undertaking of the Chicago & Evanston Electric Railway Company to comply with the provisions herein contained, consent, permission and authority are hereby granted to said company, its successors and assigns, to lay down, construct, maintain and operate, for the period of twenty years from the passage hereof, a double track street railway, with all necessary and convenient turnouts, side-tracks, turn-tables and switches and with the right to connect with other street railway tracks, owner or operated by said company, in, upon, over and along the following streets: Commencing at the intersection of Clark street and Lawrence avenue, thence easterly and along and upon said Lawrence avenue to Evanston avenue, thence northerly and along and upon said Evanston avenue to Church (or the city limits) street. Also to lay down, construct, maintain and operate a single track street railway upon and along that portion of said Church street, between Evanston avenue aforesaid and Clark street, within the limits of the city of Chicago, together with all the necessary turn-outs, turn-tables, side-tracks and switches aforesaid and with the right to connect with the other street railway tracks owned and operated by said company.

¶ 2. Tracks—how laid, etc.] § 2. The tracks of said railway shall not be elevated above the surface of the street and shall be laid with modern improved rails and in such manner that carriages and other vehicles can easily and freely cross the same, at all points and in all directions, without obstruction, and shall be also laid as near to the center of said streets as practicable. Section 1509 of the Municipal

Code of Chicago of 1881 shall not apply to the railway tracks herein authorized; but the rails to be used shall be satisfactory to the mayor and commissioner of public works and shall be laid under their direction, but a permit shall be first obtained from the commissioner of public works before commencing work under this ordinance.

¶ 3. **Trolley wires, poles, etc.**] § 3. The cars upon said railway shall be propelled by electric overhead contact wires, suspended from iron or steel poles set within the curb line limit of the street on either side thereof. Provided, however, that along that portion of Evanston avenue lying between Sulzer and Church streets the said company, its successors or assigns, shall have the right, with the consent of the mayor and commissioner of public works, to place, instead of the two poles set within the curb on each side of the street, iron or steel center poles and suspend the said wires from cross-arms thereon; said poles to be set as nearly as practicable along the center of the street. All poles shall be so set and adjusted as to obstruct the public use of the streets or sidewalks as little as possible. The said wires shall be suspended not less than eighteen and one-half feet above the rails, and the said poles and supports shall be placed on an average of not less than one hundred and fifteen feet apart, except at the intersection of streets and avenues when the said distance will place the poles or supports on intersecting streets and avenues; Provided, that no trolley overhead wire shall be used, except upon the consent and approval of and conditions imposed by the mayor and commissioner of public works; and in the event that some more favorable and practical method of furnishing electricity or other motive power for the operation of said road be discovered, said company, its successors or assigns, shall have the right, subject to the approval of the mayor and commissioner of public works, to adopt the same in the place or in connection with the use of said electrical overhead contact wires. Said company shall allow the city to use its poles for the suspension of its wires and electric lights thereon, but such use shall not interfere with their use by said company.

¶ 4. **Animal power prohibited.**] § 4. Said company, its successors or assigns, shall not operate said railway by animal power, except in case of accident to machinery making it necessary; said cars may be so propelled for a period not exceeding thirty days for any one accident and to enable the said road to be operated. The said company, its successors or assigns, shall have the right to connect the wires herein authorized with the generator or power station or any station or car houses that may be erected along the line of said railway.

¶ 5. **Passenger service.**] § 5. The cars or carriages to be used on such railway shall be used for no other purpose than to carry passengers and their ordinary baggage.

¶ 6. **Rate of fare.**] § 6. The rate of fare for any continuous

and regular trip from one point to another on the line of said railway, or upon any connecting line thereof running northerly in the township of Evanston, shall not exceed five (5) cents for each passage.

¶ 7. **Transfer of line to work a forfeiture.**] § 7. If said the Chicago and Evanston Electric Railway Company, its successors or assigns, shall sell or lease the line or lines herein provided for to the North Chicago City Railway Company or the North Chicago Street Railroad Company, or their successors or assigns, the city of Chicago shall have a right to declare all the rights herein granted forfeited, and compel the said the Chicago and Evanston Electric Railway Company, or its successors or assigns, to remove all tracks laid down hereunder from the streets aforesaid; Provided, however, that if such lease or sale shall provide for the carrying of passengers over the line or lines so leased or sold, and those of the company to whom the same are leased or sold, for one fare of five cents for each passenger for a continuous trip from one point to another within the present limits of the city of Chicago, then the rights granted under this ordinance shall not be forfeited by such lease or sale, but shall remain in full force and effect.

¶ 8. **Restoration of streets.**] § 8. The said the Chicago and Evanston Electric Railway Company, its successors or assigns, shall do no permanent injury to any street, sidewalk, alley or avenue, nor interfere with any water pipe, sewer or gas pipe now laid or hereafter to be laid by said city of Chicago; but in the construction of the said railway shall restore the streets, pavements, sidewalks or grounds, or water pipes, sewer or gas pipe to a condition equally as good as before the laying of said railway, at the expense of said company, and if it, or its successors or assigns, as the case may be, shall fail or refuse so to do, the same may be done by the city of Chicago and it or they, as the case may be, shall be liable for the cost thereof.

¶ 9. **Improvement and repair of streets.**] § 9. The said company, its successors or assigns, as respects the grading, paving macadamizing, planking and repairing or using of the aforesaid streets and avenues shall, at its own cost and expense, keep sixteen feet, where double tracks are laid, and eight feet, where single tracks are laid, in good repair and condition during all the time to which the privileges hereby granted shall extend, in accordance with the orders and regulations of the commissioner of public works of said city. Wherever any street shall be paved at the time the said company may lay its tracks thereon the said company shall pay back to the abutting property owners the value of the pavement on the portions of such streets which it is hereby required to pave and keep in repair, such value to be fixed by the commissioner of public works, and in no case to exceed the cost of such portions of pavement; and in laying its tracks upon paved streets the said company shall leave the pavement in as good condition after its tracks are laid as it was before. And when

any new improvements of any character shall be ordered by the city council of said city said street railway company, its successors and assigns, at its own cost and expense shall, in the manner required by the city authorities, make such improvement for the width of sixteen feet and eight feet aforesaid, said sixteen and eight feet to include the said tracks as laid in said streets and avenues; and if the said street railway company, its successors or assigns, shall neglect or fail to make any repairs or improvements as aforesaid, for the space of twenty days after notice so to do from the superintendent of public works or other proper officer of said city, to any officer, agent or employe of said company, or its successors or assigns, then and in such case the city may, at its option, do the same at the cost of and expense of said company.

¶ 10. **Rights reserved.**] § 10. Nothing herein contained shall impair or abridge the right of the city to dig up or open said streets and avenues, or any portion thereof, and to temporarily remove said tracks and roadbed for the purpose of laying sewers or water pipes or making any similar improvements or of repairing the same.

¶ 11. **Time of completion.**] § 11. The tracks authorized to be constructed, by this ordinance, shall be laid and completed on all the above mentioned streets and said railway shall be in full operation upon said streets within the period of one year after the passage of this ordinance; and all the rights and privileges herein granted shall, at the expiration of said period, revert to the said city of Chicago as to all streets and parts of streets which, at the expiration of said period, shall not be occupied by said railway tracks with the said railway thereon in full operation: Provided, that if the said company shall be restrained or prevented from proceeding with the work upon said railway tracks or railway by the order or writ of any court of competent jurisdiction the time which said company shall be so delayed shall be added to the time herein prescribed for the completion of said railway tracks and the operation of said railway. The city shall have, however, the right to intervene in any suit for an injunction to restrain said company, as aforesaid, and move for the dissolution of the injunction in case such suit shall be deemed collusive, or for the purpose of delay, or of extending the time for the completion of said railway tracks and operation of said railway.

¶ 12. **Indemnity clause—acceptance.**] § 12. The said company, its successors or assigns, shall defend and save harmless the city of Chicago from any and all damages, judgments, decrees and costs connected therewith which may be rendered against said city by reason of the granting of the rights and privileges herein contained, or which may in any way accrue or arise or grow out of the exercise by the said company, or its successors or assigns, of the rights and privileges hereby granted. This ordinance is passed upon the express agreement and understanding that the said company, before availing

itself of the rights and privileges granted by this ordinance, shall file with the city clerk its acceptance of all the terms and conditions of this ordinance.

¶ **13. License fee.**] § 13. The said company shall pay into the city treasury of the city of Chicago, for the use of the said city, the sum of fifty dollars, and no more, as an annual license fee for each and every car used by said company, in the manner following: In computing the number of cars upon which said license charge may be imposed, thirteen round trips, when one car is used in the transportation of passengers, shall be taken as equivalent to one day's use of one car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter; such quotient shall be the number of cars subject to such license fee. The president or other chief officer of said company shall, under oath, make report quarter-yearly to the comptroller of the city of Chicago of the whole number of cars run by said company, and at the same time pay to said comptroller $12.50 for each car, to be ascertained as above prescribed in this section. The first quarter shall begin the first day upon which said company shall run a car or cars for the carriage of passengers.

¶ **14. Bond of indemnity.**] § 14. The said company, its successors or assigns, shall within thirty days from the passage of this ordinance execute a bond to said city of Chicago in the penal sum of twenty-five thousand dollars, conditioned to indemnify and save harmless the city of Chicago of any and from all damages which may accrue or arise or grow out of the exercise by the said company, its successors or assigns, of the privileges hereby granted; said bond to be subject to the approval of the commissioner of public works of the city of Chicago.

¶ **15. When in force.**] § 15. This ordinance shall take effect when the said company, its successors or assigns, shall file the bond herein required and accept, in writing, the terms and conditions of this ordinance and said bond shall be approved. Provided, that if the said company, its successors or assigns, shall not file an acceptance in writing of this ordinance and the bond herein required within thirty days from the passage hereof, then this ordinance shall be of no force and effect, and all rights herein granted shall absolutely cease and determine.

Note.—See following amendatory ordinance.

§ 535. Chicago North Shore Street Railway company.

¶ 1. Amending section 1 of foregoing ordinance.
¶ 2. Acceptance.

An ordinance to amend section one (1) of an ordinance entitled "An ordinance authorizing the Chicago & Evanston Electric Railway company to construct and operate a street railway on Evanston avenue and Church street," passed April 11, 1892. (Passed April 25, 1892. Accepted May 3, 1892.)

¶ 1. **Amending section one of foregoing ordinance.**] Be it ordained by the city council of the city of Chicago: § 1. That section 1 of an ordinance entitled "An ordinance authorizing the Chicago & Evanston Electric Railway Company to construct and operate a street railway on Evanston avenue and Church street," passed April 11th, 1892, be and the same hereby is amended so as to read as follows: "Section 1. That in consideration of the acceptance hereof and the undertaking of the Chicago & Evanston Electric Railway Company to comply with the provisions herein contained, consent, permission and authority are hereby granted to said company, its successors and assigns, to lay down, construct, maintain and operate, for the period of twenty years from the passage hereof, a double track street railway, with all necessary and convenient turn-outs, side-tracks, turn-tables and switches and with the right to connect with other street railway tracks owned or operated by said company, in, upon, over and along the following streets: Commencing at the intersection of Graceland and Evanston avenues, thence northwesterly and north along and upon said Evanston avenue to Church (or the city limits) street. Also to lay down, construct, maintain and operate a single track street railway upon and along that portion of said Church street, between Evanston avenue, aforesaid, and Clark street, within the limits of the city of Chicago, together with all the necessary turn-outs, turn-tables, side-tracks and switches aforesaid and with the right to connect with the other street railway tracks owned and operated by said company."

¶ 2. **Acceptance.**] § 2. The Chicago & Evanston Electric Railway Company shall, within fifteen (15) days from the passage of this ordinance, file with the city clerk of the city of Chicago its acceptance, in writing, of the terms and conditions of the ordinance passed April 11th, 1892, as hereby amended.

Note.—See following amendatory ordinance.

§ 535a. Chicago North Shore Street Railway company.

¶ 1. Name of company changed.
¶ 2. Route, fare, transfers, etc.
¶ 3. Time schedule.
¶ 4. Former contracts not affected.
¶ 4½. Underground electric motor power may be required.
¶ 5. Rate of fare.
¶ 6. Laws and ordinances to prevail.
¶ 7. Term of grant.
¶ 8. Acceptance.

An ordinance to amend an ordinance entitled, "An ordinance authorizing the Chicago & Evanston Electric Railway company to 'construct and operate a street railway on Evanston avenue and Church street," passed April 11, 1892; also, to amend an ordinance passed April 25, 1892, amending section one (1) of said ordinance, passed April 11, 1892. (Passed April 5, 1893. Accepted by Chicago & North Shore Street Railway company April 13, 1893.)

¶ 1. **Name of company changed.**] Be it ordained by the city

council of the city of Chicago: § 1. Whereas, "The Chicago & Evanston Electric Railway Company" has changed its name to "Chicago North Shore Street Railway Company," said ordinance passed April 11th, 1892, and said amendatory ordinance, passed April 25th, 1892, are, and each of them is, hereby amended as follows: By striking out the name "Chicago & Evanston Electric Railway Company," wherever the same occurs in said ordinance, passed April 11th, 1892, and in said amendatory ordinance thereof, passed April 25th, 1892, and substituting in place thereof the name "Chicago North Shore Street Railway Company."

¶ 2. **Route—fare—transfers, etc.**] § 2. That section one (1) of said amendatory ordinance, passed April 25th, 1892, amending section one (1) of said ordinance, passed April 11th, 1892, be and the same is hereby amended by adding to section one (1) of said amendatory ordinance, and at the end of said section the following: Also to lay down, construct, maintain and operate a double track street railroad over and upon those portions of Evanston avenue, Halsted street and Clark street, now occupied by the tracks of the North Chicago City Railway Company, as follows: Beginning on Evanston avenue, at the north line of Graceland avenue, running thence south and southerly to the point where Evanston avenue intersects Halsted street, thence southerly on Halsted street to the intersection of Halsted and Clark street, thence south and easterly on Clark street to Dewey court, which said right of way is now occupied by the North Chicago Street Railroad Company; Provided, however, that the Chicago North Shore Street Railway Company shall first obtain, before making any use of any part of said tracks and right of way in Evanston avenue, Halsted street and Clark street, lying between said Graceland avenue and said Dewey court, the written assent of the said North Chicago City Railway Company and said North Chicago Street Railroad Company to such user between said points aforesaid; and provided, further, that this grant shall not be construed as authorizing the Chicago North Shore Street Railway Company to lay down, construct or operate in said Evanston avenue, Halsted street and said Clark street, between the points aforesaid, any track or tracks outside of the space now occupied by the North Chicago City Railway Company and the North Chicago Street Railroad Company; and provided, further, that the written contract hereby authorized and required to be entered into between the said Chicago North Shore Street Railway Company, of the one part, and the North Chicago City Railway Company and the North Chicago Street Railroad Company, of the other part, shall contain an agreement that the said Chicago North Shore Street Railway Company shall operate between the points aforesaid at least one trail car with each and every train run and operated by the said Chicago North Shore Street Railway Company; the said car to be furnished by the North Chicago Street Railroad

Company, and to be in charge of a conductor employed by the North Chicago Street Railroad Company, and in which said trail car all passengers receiving transfers from the North Chicago Street Railroad Company shall be entitled and permitted to ride without payment of an additional fare; and also only five cents for one continuous passage south from Graceland avenue to the center of the city upon the cars operated over said line by the North Chicago City Railway Company and North Chicago Street Railroad Company.

¶ 3. **Time schedule.**] § 3. The said Chicago North Shore Street Railway Company shall begin the running of cars, in each direction, not later than six o'clock in the morning and continue running the same until, at least, twelve o'clock midnight of each and every day, said cars to run at an interval of not over ten minutes apart, in each direction until 10:30 p. m., and every thirty minutes thereafter until twelve o'clock midnight; except during the hours of six to nine o'clock in the morning and from four to seven o'clock in the afternoon, when said cars shall run at an interval of not over eight minutes apart, in each direction.

¶ 4. **Former contracts not affected.**] § 4. The permission and authority hereby given are upon the express condition that the same shall in no way alter or abridge the obligations of the North Chicago City Railway Company, or its assigns, to furnish cars to the Chicago North Shore Street Railway Company, for transportation of passengers over its line, as now existing, to points northerly of Dewey court, and the privileges by this ordinance conferred are upon the further express condition that if the failure of the North Chicago City Railway Company to comply with the terms and conditions of its ordinance should result in a forfeiture of its rights and privileges under its ordinance, so far as the same affect the route in this ordinance described, then in that case all the rights and privileges hereby granted to the Chicago North Shore Street Railway Company, and its assigns, shall thereupon at once cease and determine.

¶ 4½. **Underground electric motor power may be required.**] § 4½. And in the event that a system of underground electric motor power being invented or discovered which the city council and mayor of the city of Chicago shall, at any future time, determine to be practicable and useful, said company shall be required to put in use and cause to be operated the cars of said company by underground electric motor power within one year from the date of the passage of the order of the city council directing the use of underground electric motor power as aforesaid, and failure to comply with such order of the city council for the period of one year as aforesaid by said company shall work an absolute forfeiture of all rights and privileges granted by this ordinance. And shall be required to remove all poles of every kind and overhead electric wires erected or used by said company, within the period of one year after the city council and

mayor of the city of Chicago has ordered or determined as aforementioned.

¶ 5. **Rate of fare.**] § 5. Section six (6) of said ordinance passed April 11, 1892, be and the same is hereby amended so as to read as follows: The rate of fare for any continuous ride, in either direction, north and south, from one point to another on the line of said railway, or any connecting line thereof, running northerly in to the township of Evanston, shall not exceed five cents; that is, no greater sum shall be charged or exacted for any continuous ride from one point to another on the line of said railway between Dewey court and Davis street, in the city of Evanston.

¶ 6. **Laws and ordinances to prevail.**] § 6. The rights and privileges herein granted shall be subject to all laws and ordinances governing railroads now in force or which shall hereafter be passed by the city council.

¶ 7. **Term of grant.**] § 7. The grant herein given shall extend for the term ending April 11th, 1912; Provided, the same shall be accepted by said company within thirty days after its passage, and said road shall be in operation within the city limits in twelve months from said acceptance, injunction and operation of law excepted in accordance with article 11, of the ordinance passed April 11th, 1892, which is hereby extended as above.

¶ 8. **Acceptance.**] § 8. This ordinance shall be in force from and after its passage and the filing, with the city clerk of the city of Chicago, an acceptance thereof by the said company, together with a certified copy of the contract entered into, between said company and the North Chicago Street Railroad Company and the North Chicago City Railway Company, for the use of the tracks hereby authorized; and unless said acceptance and said copy of said contract are filed within sixty days after the passage of this ordinance this ordinance shall be null and void.

§ 536. Chicago North Shore Street Railway company.

¶ 1. Former grants re-enacted and confirmed.
¶ 2. Time extended.
¶ 3. When in force—acceptance.

An ordinance re-enacting and re-establishing in the Chicago North Shore Street Railway company the right to construct and operate a street railway upon Evanston avenue and Church street. (Passed March 20, 1893. Accepted March 22, 1893.)

¶ 1. **Former grants re-enacted and confirmed.**] Be it ordained by the city council of the city of Chicago: § 1. That all the rights and privileges heretofore granted to the Chicago and Evanston Electric Railway Company to construct and operate a street railway upon Evanston avenue, from Graceland avenue to Church street, and on Church (or the city limits street from Evanston avenue to Clark) street, in the city of Chicago, by virtue of an ordinance entitled "An

ordinance authorizing the Chicago and Evanston Electric Railway Company to construct and operate a street railway on Evanston avenue and Church street," passed April 11th, 1892, and by virtue of an ordinance amending the same, passed April 25th, 1892, and entitled "An ordinance to amend section one (1) of an ordinance entitled 'An ordinance authorizing the Chicago & Evanston Electric Railway Company to construct and operate a street railway on Evanston avenue and Church street,' passed April 11th, 1892," be and the same are hereby re-enacted, re-established and confirmed in said company under the name of the Chicago North Shore Street Railway Company and in its successors and assigns.

¶ 2. **Time extended.**] § 2. The time for the completion of the said street railway on said portions of Evanston avenue and Church street, and for the commencement of the operation of the same, is hereby extended for sixty (60) days from and after the passage of this ordinance.

¶ 3. **When in force—acceptance.**] § 3. Unless the said Chicago North Shore Street Railway Company shall within thirty (30) days after the passage and approval of this ordinance file with the city clerk its acceptance of the same, in writing, and of the said ordinances of April 11th and 25th, 1892, then this ordinance shall be void and of no further force or effect, and this ordinance shall take effect after the filing of the acceptance as aforesaid.

CHICAGO PASSENGER RAILWAY COMPANY.

(Formerly Chicago Horse and Dummy Railway company.)

§ 537. Chicago Passenger Railway company.

¶ 1. Grant—route—fare.
¶ 2. Tracks—how laid.
¶ 3. Motive power.
¶ 4. Prohibition.
¶ 5. Street improvements and repair.
¶ 6. Adams street bridge—proportion of cost.
¶ 7. Regulations as to running time and speed.
¶ 8. Limitation as to completion.
¶ 9. Track removed—street restored.
¶ 10. Damages.
¶ 11. License fee.
¶ 12. Indemnity clause.
¶ 13. Condition as to viaduct on Adams street.
¶ 14. When in force—bond and acceptance.

An ordinance granting permission to the Chicago Horse and Dummy Railway company to lay down and operate a street railroad. (Passed April 21, 1884. Accepted April 28, 1884, by Chicago Passenger Railway company.)

¶ 1. **Grant—route—fare.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof and the undertaking by the Chicago Horse and Dummy Railway Company to comply with the provisions herein contained, consent is hereby given, permission granted and authority duly vested in said company, its successors and assigns, to lay down, operate and maintain a double track railway, with all necessary and convenient turn-outs, turn-tables, side-tracks and switches, in, upon, over and along the certain portions of the certain streets in the city of Chicago, in the county of Cook and state of Illinois, hereinafter mentioned and described, to wit:

Upon all that portion of Adams street, including the bridge across the Chicago river, in the city of Chicago, lying between Clark street and a point five hundred feet west of Desplaines street; also upon all that portion of Desplaines street lying between Adams street and the south line of Harrison street; also upon all that portion of Harrison street lying between the east line of Desplaines street and the west line of Western avenue; also upon all that portion of Western avenue lying between the north line of Harrison street and the south line of Twelfth street, and also upon all that portion of Twelfth street lying between the east line of Western avenue and Crawford avenue; and the said company may construct, maintain and operate its railways aforesaid upon the terms and conditions, and subject to the restrictions, mentioned in this ordinance, for the period of twenty years from the passage hereof, and no longer, and the rate of fare shall not exceed five cents for each passenger for any continuous travel of one trip.

¶ 2. **Tracks, how laid.**] § 2. The track or tracks of said railway shall not be elevated above the surface of the street, and shall be laid with modern improved rails, and shall be so laid that carriages and other vehicles can easily and freely cross said track, or tracks, at any and all points, and in any and all directions, without obstruction; and each of said tracks shall be laid as near the center of the street as practicable, and shall not be laid nearer than twelve feet of [to] the sidewalk, except in turning street corners, and then no nearer than may be required to make the necessary curves.

¶ 3. **Motive power.**] § 3. The cars or carriages to be used upon said track or tracks hereby authorized to be constructed upon said streets, shall be operated with animal power only, and shall be used for no other purpose than to transport passengers and their ordinary baggage, and no car shall be run upon said tracks except under the charge of a competent driver and conductor, who shall be two separate persons.

¶ 4. **Prohibition.**] § 4. Said railways shall not, or any of them, connect with any other railway operated by other power.

¶ 5. **Street improvements and repair.**] § 5. The said com-

pany as to the grading, paving, macadamizing, filling, repairing or using of said streets upon which shall be constructed said railways, or any of them, shall keep sixteen feet in width, where two tracks are laid, and eight feet in width, where one track is laid, in good repair and condition during all the time to which the privileges hereby granted shall extend, in accordance with whatever order or regulation respecting such filling, grading, paving or repairing as may be passed or adopted by the city council, and when any repairing, planking, filling or other improvements of like character shall be ordered by the city council thereon, said company shall, in the manner required by the city authorities of the owners of property fronting on said streets, make such new improvements for the width of sixteen feet where two tracks are laid, and eight feet where one track is laid, and if said company fails so to do, the same may be done by the city and the cost thereof collected of said company.

¶ 6. **Adams street bridge—proportion of cost.**] § 6. If the city of Chicago shall hereafter, during the term of the license hereby granted, provide by ordinance for the construction of a large four-track bridge over the Chicago river at Adams street, to be operated by steam or other power, to take the place of the existing bridge over said river, on said Adams street, in consideration of such increased facilities afforded by crossing said river, the said company agrees to pay to the city of Chicago, as required by the city during the progress of the work, one-half the first cost of such bridge, including piers, abutments and steam or other machinery, and, upon a like consideration, to further pay to said city the sum of one thousand dollars per annum, payable quarterly, towards defraying the expense of operating and repairing such bridge, such annual payments to commence whenever such new structure is ready for use, and to continue during the term of the license hereby granted.

¶ 7. **Regulations as to running time and speed.**] § 7. The city council shall have the power at all times to make such regulations as to the time of running and rate of speed of said cars as public interests may require.

¶ 8. **Limitation as to completion.**] § 8. The track herein authorized shall be laid and the lines in operation by the first day of July, A. D. 1886, and if said company shall fail to complete said tracks within the time prescribed herein, the rights and privileges hereby granted shall cease and determine: Provided, however, that if the said company shall be restrained from proceeding with the work upon said tracks by the order or writ of any court of competent jurisdiction, the time during which said company is hereby delayed shall be excluded from the time prescribed herein for the completion of said railway track; and the same time, in addition to the period above described, shall be allowed for the completion of said railway as that during which said company may be so delayed.

Provided further, that the city law department may intervene in any such suit for an injunction and move for its dissolution, in case such suit shall be deemed by such department as collusive, or for the purpose of delay, or extension of such time.

¶ 9. **Track removed—street restored.**] § 9. When the right of said company to operate its said railway upon said streets shall cease, said company shall remove its tracks from said streets, and place the portions of said streets from which such track is removed in as good condition as the adjacent part of said streets.

¶ 10. **Damages.**] § 10. Said Chicago Horse and Dummy Railway Company shall pay all damages, to owners of property abutting upon the streets, alleys, roads, highways or public grounds upon or over which its said road is to be constructed, as above set forth, which such owners may sustain by reason of the location or construction of said company's road.

¶ 11. **License fee.**] § 11. The said Chicago Horse and Dummy Railway Company shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of fifty dollars, and no more, as an annual license fee for each and every car used by said company, in the manner following: In computing the number of cars upon which such license charge may be imposed, thirteen round trips when the car is used in the transportation of passengers shall be taken as equivalent to one day's use of said car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter; such quotient shall be the number of cars subject to such license fees. The president or other chief officer of said company shall, under oath, make report quarter-yearly to the comptroller of the city of Chicago, of the whole number of cars so run by said company, and at the same time pay to said comptroller twelve dollars and a half for each car, to be ascertained as above prescribed in this section. The first quarter shall begin on the first day upon which said company shall run a car, or cars, for the carriage of passengers.

¶ 12. **Indemnity clause.**] § 12. The said company shall forever indemnify and save harmless the city of Chicago against and from any and all legal damages, judgments, decrees and costs and expenses of the same, which it may suffer, or which may be recovered or obtained against said city, for or by reason of the granting of such privileges, or for or by reason of, or growing out of, or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 13. **Condition as to viaduct on Adams street.**] § 13. The permission and authority hereby granted are upon the express conditions that the said company shall pay to the city of Chicago the cost and expense of widening the viaduct on Adams street over the rail-

road tracks, between Canal street and the Adams street bridge, upon plans and specifications of the commissioner of public works, or shall pay to said city, in case it shall not be found practicable by the commissioner of public works to widen said viaduct, the cost and expense of constructing and erecting, in lieu thereof, a new double roadway viaduct, with the necessary approaches thereto, between said points, to take the place of said present viaduct; the plans and specifications therefor, in case it shall be found impracticable to widen the present viaduct, to be prepared by the department of public works; the money required to be paid as aforesaid, shall be paid by said company as fast as needed by the city in paying for such widening or construction; Provided, however, the said company shall have no right to cross said viaduct until the same shall have been widened, or a new one constructed in its place, at the expense of said company, as aforesaid. And the commissioner of public works is hereby directed to prepare the necessary plans and specifications for widening, or in case said widening be found unpracticable, then for the construction of said new viaduct immediately upon the acceptance of this ordinance by said company, and to proceed with said widening or construction upon the receipt from said company of the money necessary therefor, or of a satisfactory bond or indemnity for the cost thereof from said company.

¶ **14. Bond.**] § 14. The said Chicago Horse and Dummy Railway Company shall enter into a good and sufficient bond with the city of Chicago, in the penal sum of ten thousand dollars, for the faithful performance of all the terms and conditions contained in this ordinance, and that said railway herein mentioned shall be completed at the times and manner herein stated, unless delayed by order of court, as provided by section eight of this ordinance.

¶ **15. When in force—bond and acceptance.**] § 15. This ordinance shall take effect and be in force as soon as the same shall have been duly accepted by said company, and the said company shall have executed and filed with the city clerk the bond provided for herein, in manner and form as hereinbefore required; Provided, however, that unless this ordinance shall be duly accepted, and said bond executed and filed within ninety days of the passage hereof, this ordinance shall be null and void.

Note.—See following ordinance, also ordinance dated March 21, 1887.

CHICAGO HORSE AND DUMMY RAILWAY COMPANY.

§ 538. Chicago Horse and Dummy Railway company.

¶ 1. Grant—route—term.
¶ 2. Tracks—how laid—position.
¶ 3. Motive power.
¶ 4. Improvement and repair of streets.
¶ 5. Running time.
¶ 6. Time of completion.
¶ 7. Restoration of streets.
¶ 8. Indemnity clause.
¶ 9. Bond.
¶ 10. Acceptance.

An ordinance authorizing the construction of a horse railway upon the street therein named. (Passed May 4, 1885. Accepted June 1, 1885.)

¶ 1. **Grant—route—term.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof, and the undertaking by the Chicago Horse and Dummy Railway Company to comply with the provisions herein contained, consent is hereby given, permission granted and authority duly vested in said company, its successors and assigns, to lay down, operate and maintain a double track railway, with all necessary and convenient turnouts, turn-tables, side tracks and switches, in, upon, over and along the certain portions of the certain streets in the city of Chicago, in the county of Cook and state of Illinois, hereinafter mentioned and described, to-wit:

Upon all that portion of Adams street, in said city of Chicago, lying between the west line of Clark street and the east line of Michigan avenue, and the said company may construct, maintain and operate its railways aforesaid, upon the terms and conditions and subject to the restrictions mentioned in this ordinance, for the period of twenty years from the passage hereof, and no longer, and the rate of fare shall not exceed five cents for each passenger for any continuous travel of one trip.

¶ 2. **Tracks, how laid—position.**] § 2. The track or tracks of said railway shall not be elevated above the surface of the street, and shall be laid with modern, improved rails, and shall be so laid that carriages and other vehicles can easily and freely cross said track, or tracks, at any and all points, and in any and all directions, without obstruction; and each of said tracks shall be laid as near the center of the street as practicable, and shall not be laid nearer than twelve feet of the sidewalk, except in turning street corners, and then no nearer than may be required to make the necessary curves.

¶ 3. **Motive power.**] § 3. The cars or carriages to be used upon said track or tracks hereby authorized to be constructed upon said streets, shall be operated with animal power only, and shall be used for no other purpose than to transport passengers and their ordinary baggage, and no car shall be run upon said tracks except under

the charge of a competent driver and conductor, who shall be two separate persons.

¶ 4. **Improvement and repair of streets.**] § 4. The said company, as to the grading, paving, macadamizing, filling, repairing or using of said streets upon which shall be constructed said railways, or any of them, shall keep sixteen feet in width where two tracks are laid, and eight feet in width where one track is laid, in good repair and condition during all the time to which the privileges hereby granted shall extend, in accordance with whatever order or regulation respecting such filling, grading, paving or repairing as may be passed or adopted by the city council, and when any repairing, planking, filling or other improvement of like character shall be ordered by the city council thereon, said company shall, in the manner required by the city authorities of the owners of property fronting on said streets, make such new improvements for the width of sixteen feet where two tracks are laid, and eight feet where one track is laid, and if said company fails so to do, the same may be done by the city and the cost thereof collected of said company.

¶ 5. **Running time.**] § 5. The city council shall have the power at all times to make such regulations as to the time of running and rate of speed of said cars as the public interests may require.

¶ 6. **Time of completion.**] § 6. The tracks herein authorized shall be laid and the lines in operation by the first day of July, A. D. 1887, and if said company shall fail to complete said tracks within the time prescribed herein, the rights and privileges hereby granted may be declared null and void; Provided, however, that if the said company shall be restrained from proceeding with the work upon said tracks by the order or writ of any court of competent jurisdiction, the time during which said company is delayed thereby shall be excluded from the time prescribed herein for the completion of said railway tracks.

¶ 7. **Restoration of streets.**] § 7. When the right of said company to operate its said railway upon said street shall cease, said company shall remove its tracks from said street and place the portions of said street from which such tracks are removed in as good condition as the adjacent parts of said street.

¶ 8. **Indemnity clause.**] § 8. The said company shall forever indemnify and save harmless the city of Chicago against and from any and all legal damages, judgments, decrees and costs and expenses of the same, which it may suffer, or which may be recovered or obtained against said city, for or by reason of the granting of such privileges, or for or by reason of, or growing out of, or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 9. **Bond.**] § 9. The said Chicago Horse and Dummy Railway Company shall enter into a good and sufficient bond with the city of Chicago, in the penal sum of five thousand dollars, for the faithful performance of all the terms and conditions contained in this ordinance, and that said railway herein mentioned shall be completed at the times and manner herein stated, unless delayed by order of court, as provided by section 8 of this ordinance.

¶ 10. **Acceptance.**] § 10. This ordinance shall take effect and be in force as soon as the same shall have been duly accepted by said company, and the said company shall have executed and filed with the city clerk the bond provided for herein, in manner and form as hereinbefore required. Provided, however, that unless this ordinance shall be duly accepted and said bond executed and filed within ninety days of the passage hereof, this ordinance shall be null and void.

§ 539. Amendment to foregoing.

An ordinance to amend an ordinance passed May 4, 1885, entitled "An ordinance authorizing the construction of a horse railway upon the street therein named."

Be it ordained by the city council of the city of Chicago: That the eighth section of the ordinance passed May 4th, 1885, entitled "an ordinance authorizing the construction of a horse railway upon the street therein named," be and the same is hereby amended to read as follows:

§ 8. That said company shall forever indemnify and save harmless the city of Chicago against and from any and all legal damages, judgments, decrees and costs and expenses of the same, which it may suffer, or which may be recovered or obtained against said city, for or by reason of the granting of such privileges, or for or by reason of, or growing out of, or resulting from the passage of this ordinance, or any matter or thing connected herewith, or with the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance, which said ordinance is granted upon the express condition that the said company will pay all damages to owners of property abutting upon the street, alley, road, highway, or public ground upon or over which such road is to be constructed, which they may sustain by reason of the location or construction of the road; the same to be ascertained and paid in the manner provided by law for the exercise of the right of eminent domain.

Passed August 10, 1885.

CHICAGO PASSENGER RAILWAY COMPANY.

§ 540. Chicago Passenger Railway company.

¶ 1. Grant—fare.
¶ 2. Tracks—how laid.
¶ 3. Motive power—passenger traffic.
¶ 4. Street improvement and repairs.
¶ 5. Time of completion.
¶ 6. Removal of tracks—restoration of streets.
¶ 7. Company liable for land damages.
¶ 8. License fee.
¶ 9. Indemnity clause.
¶ 10. Bond.
¶ 11. When to take effect—acceptance.

An ordinance granting authority to the Chicago Passenger Railway Company to lay down and operate a railway in Harrison street from Desplaines to State streets. (Passed December 31, 1885. Accepted February 8, 1886.)

¶ 1. **Grant—fare.**] Be it ordained by the city council of the city of Chicago § 1. That in consideration of the acceptance hereof, and the undertaking of the Chicago Passenger Railway Company to comply with the provisions herein contained, consent, permission and authority are hereby granted to said company, its successors and assigns, to lay down, construct, maintain and operate, for the period of twenty years from the passage hereof, a double or single track railway with all necessary and convenient turnouts, turntables, side tracks and switches in, upon, over and along all that part of Harrison street, including the bridge over the Chicago river, between the west line of Desplaines street and the west line of State street, in the city of Chicago. The rate of fare for carrying passengers on said railway shall not exceed five cents for each passenger for any continuous travel of one trip.

¶ 2. **Tracks, how laid.**] § 2. The tracks of said railway shall not be elevated above the surface of the street, and shall be laid with modern improved rails, and in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions, without obstruction, and shall also be laid as near to the center of the street as practicable.

¶ 3. **Motive power—passenger traffic.**] § 3. The cars or carriages to be used on said railway shall be operated by animal power only, and shall be used for no other purpose than to carry passengers and their ordinary baggage.

¶ 4. **Street improvements and repairs.**] § 4. The said company, as to the part of street in and upon which its said railway may be laid, shall keep eight feet in width where a single track shall be laid, and sixteen feet in width where a double track shall be laid, in good condition and repair during all the time to which the privileges hereby granted shall extend, in accordance with whatever order, ordinance or regulation may be passed or adopted by the city council

in relation to such repairing; and when any new improvements shall be ordered by the city council of the said part of Harrison street, the said railway company shall, in the manner which may be required of the owners of property fronting on said part of Harrison street, make such new improvements for the width of eight feet where a single track shall be laid, and for the width of sixteen feet where a double track shall be laid; and, if the said company shall refuse or fail so to do, the same may be done by the city, and the said company shall be liable to the city for the cost thereof.

¶ 5. **Time of completion.**] § 5. The tracks herein authorized shall be laid and in operation within two years from the acceptance of this ordinance, and if the said company shall fail to complete said tracks within the said time, the rights and privileges hereby granted shall, as to said uncompleted tracks, cease and determine; Provided, that if the said company shall be restrained or prevented from proceeding with the work upon said railway tracks, by the order or writ of any court of competent jurisdiction, the time during which said company may be so delayed shall be added to the time herein prescribed for the completion of said railway tracks. The city shall, however, have the right to intervene in any suit for an injunction to restrain the said company, as aforesaid, and to move for the dissolution of the injunction, in case such suit shall be deemed collusive, or for the purpose of delay or extending the time for the completion of said tracks.

¶ 6. **Removal of tracks—restoration of streets.**] § 6. When the right of said railway company to operate its railways on said part of Harrison street shall cease and determine, said company shall remove its tracks from said part of street, and put the said part of street from which said tracks shall be removed in as good condition as the adjacent parts of Harrison street.

¶ 7. **Company liable for land damages.**] § 7. The said Chicago Passenger Railway Company shall pay all damages, to the owners of property abutting on the said part of Harrison street upon or over which its road may be constructed, which said owners may sustain by reason of the location or construction of said road.

¶ 8. **License fee.**] § 8. The said Chicago Passenger Railway Company shall pay into the city treasury of the city of Chicago for the use of said city, the sum of fifty dollars, and no more, as an annual license fee for each and every car used by said company, in the manner following. In computing the number of cars upon which such license charge may be imposed, thirteen round trips, when the car is used in the transportation of passengers, shall be taken as equivalent to one day's use of one car, one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter, such quotient shall be the number of cars subject to such license fee. The president or other chief officer of said company shall,

under oath, make report quarter yearly to the comptroller of the city of Chicago, of the whole number of cars so run by said company, and at the same time pay to said comptroller twelve dollars and a half for each car, to be ascertained as above prescribed in this section. The first quarter shall begin on the first day upon which said company shall run a car or cars for the carriage of passengers.

¶ 9. **Indemnity clause.**] § 9. The said company shall forever indemnify and save harmless the city of Chicago against and from any and all legal damages, judgments, decrees and costs and expenses of the same, which it may suffer, or which may be recovered or obtained against said city, for or by reason of the granting of such privileges or for or by reason of, or growing out of or resulting from, the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 10. **Bond.**] § 10. The Chicago Passenger Railway Company shall execute to the city of Chicago a good and sufficient bond, in the penal sum of ten thousand dollars, to be approved by the commissioner of public works, conditioned for the faithful observance and performance of the provisions and conditions of this ordinance, on its part to be observed and performed, as aforesaid.

¶ 11. **When to take effect—acceptance.**] § 11. This ordinance shall take effect and be in force as soon as the said company shall file with the city clerk its formal acceptance of the same and its bond as hereinbefore prescribed; Provided, however, that if said acceptance and bond shall not be filed, as aforesaid, within ninety days from the passage hereof, this ordinance shall be void and of no effect.

§ 541. Chicago Passenger Railway company.

¶ 1. Grant—extension—term—fare.
¶ 2. Tracks—how laid.
¶ 3. Motive power—passenger traffic.
¶ 4. Street improvement and repair.
¶ 5. Time of completion.
¶ 6. Removal of tracks—restoration of streets.
¶ 7. Damages.
¶ 8. License fee.
¶ 9. Indemnity clause.
¶ 10. Bond.
¶ 11. When to take effect—acceptance.

An ordinance granting authority to the Chicago Passenger Railway Company to lay down and operate tracks in Adams street, Center avenue and Twenty-first street. (Passed January 11, 1886. Accepted February 8, 1886.)

¶ 1. **Grant—extension—term—fare.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof, and the undertaking of the Chicago Passenger Railway Company to comply with the provisions herein contained,

consent, permission and authority are hereby granted to said company, its successors and assigns, to lay down, construct, maintain and operate, for the period of twenty years from the passage hereof, a double or single track railway, with all necessary and convenient turnouts, turntables, side tracks and switches, in, upon, over and along all the following described parts of streets in the city of Chicago, namely: On Adams street from a point 500 feet west of Desplaines street to Center avenue; on Center avenue from Adams street to Twenty-first street; and on Twenty-first street from Center avenue to Western avenue; said tracks to be connected at the intersection of Center avenue with Adams and Twenty-first streets. The rate of fare for carrying passengers on said railway shall not exceed five cents for each passenger for any continuous travel of one trip.

¶ 2. **Tracks—how laid.**] § 2. The tracks of said railway shall not be elevated above the surface of the street, and shall be laid with modern improved rails, and in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction, and shall also be laid as near to the center of the street as practicable.

Section 1509 of the municipal code of Chicago of 1881, (§ 1704, 1897) shall not apply to the railway tracks herein authorized, but the rails to be used shall be satisfactory to the mayor, and shall be laid under his direction.

¶ 3. **Motive power—passenger traffic.**] § 3. The cars or carriages to be used on said railway shall be operated by animal power only, and shall be used for no other purpose than to carry passengers and their ordinary baggage.

¶ 4. **Street improvements and repairs.**] § 4. The said company, as to the part of street in and upon which its said railway may be laid, shall keep eight feet in width where a single track shall be laid, and sixteen feet in width where a double track shall be laid, in good condition and repair during all the time to which the privileges hereby granted shall extend, in accordance with whatever order, ordinance or regulation may be passed or adopted by the city council in relation to such repairing; and when any new improvement shall be ordered by the city council of the said parts of streets, or any of them, the said railway company shall, in the manner which may be required of the owners of property fronting on said parts of streets, or any of them, make such new improvements for the width of eight feet where a single track shall be laid, and for the width of sixteen feet where a double track shall be laid; and if the said company shall refuse or fail so to do the same may be done by the city, and the company shall be liable to the city for the cost thereof.

¶ 5. **Time of completion.**] § 5. The tracks on said parts of Adams street and Center avenue herein authorized shall be laid within one year from the acceptance of this ordinance, and the tracks on said

part of Twenty-first street herein authorized shall be laid when said part of street is being paved; and, if the said company shall fail to complete said tracks within the said time, the rights and privileges hereby granted shall, as to said uncompleted tracks, cease and determine;

Provided, that if the said company shall be restrained or prevented from proceeding with the work upon said railway tracks by the order or writ of any court of competent jurisdiction, the time during which said company may be so delayed shall be added to the time herein prescribed for the completion of said railway tracks. The city shall, however, have the right to intervene in any suit for an injunction to restrain the said company, as aforesaid, and move for the dissolution of the injunction, in case such suit shall be deemed collusive, or for the purpose of delay, or of extending the time for the completion of said tracks.

¶ 6. **Removal of tracks—restoration of streets.**] § 6. When the right of said railway company to operate its railways on said parts of streets shall cease and determine, said company shall remove its tracks from said parts of streets, and put the said parts of streets from which said tracks shall be removed in as good condition as the adjacent parts of streets.

¶ 7. **Damages.**] § 7. The said Chicago Passenger Railway company shall pay all damages to the owners of property abutting on the said parts of streets upon or over which its road may be constructed which said owners may sustain by reason of the location or construction of said road.

¶ 8. **License fee.**] § 8. The said Chicago Passenger Railway company shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of fifty (50) dollars, and no more, as an annual license fee, for each and every car used by said company in the manner following: In computing the number of cars upon which such license charge may be imposed, thirteen round trips, when the car is used in the transportation of passengers, shall be taken as equivalent to one day's use of one car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter; such quotient shall be the number of cars subject to such license fee. The president or other chief officer of said company shall, under oath, make report quarter-yearly to the comptroller of the city of Chicago of the whole number of cars so run by said company, and at the same time pay to said comptroller twelve dollars and a half for each car, to be ascertained as above prescribed in this section. The first quarter shall begin on the first day upon which said company shall run a car or cars for the carriage of passengers.

¶ 9. **Indemnity clause.**] § 9. The said company shall forever indemnify and save harmless the city of Chicago against and from any and all legal damages, judgments, decrees and costs and expenses of the same, which it may suffer, or which may be recovered

or obtained against said city, for or by reason of the granting of such privileges, or for or by reason of, or growing out of, or resulting from, the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted, or from an act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ **10. Bond.**] § 10. The Chicago Passenger Railway company shall execute to the city of Chicago a good and sufficient bond in the penal sum of ten thousand ($10,000) dollars, to be approved by the commissioner of public works, conditioned for the faithful observance and performance of the provisions and conditions of this ordinance on its part to be observed and performed as aforesaid.

¶ **11. When to take effect—acceptance.**] § 11. This ordinance shall take effect and be in force as soon as the said company shall file with the city clerk its formal acceptance of the same, and its bond as hereinbefore described;

Provided, however, that if said acceptance and bond shall not be filed, as aforesaid, within ninety days from the passage hereof, this ordinance shall be void and of no effect.

§ 542. Chicago Passenger Railway company.

¶ 1. Grant—term—route—fare.
¶ 2. Tracks—how laid—rails used.
¶ 3. Cars and carriages.
¶ 4. Street improvements and repairs.
¶ 5. Time of completion.
¶ 6. Streets restored—when.
¶ 7. Damages.
¶ 8. License fee.
¶ 9. Indemnity clause.
¶ 10. Bond.
¶ 11. When to take effect—acceptance.

An ordinance granting authority to the Chicago Passenger Railway company to lay down and operate tracks on sundry streets. (Passed February 1, 1886. Accepted March 8, 1886.)

¶ **1. Grant—term—route—fare.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof, and the undertaking of the Chicago Passenger Railway company to comply with the provisions herein contained, consent, permission and authority are hereby granted to said company, its successors and assigns, to lay down, construct, maintain and operate, for the period of twenty years from the passage hereof, a double or single track railway, with all necessary and convenient turn-outs, turn-tables, side-tracks and switches, in, upon, over, and along all the following described parts of streets in the city of Chicago, namely: On Austin avenue, from Center avenue to Desplaines street; on Desplaines street, from Austin avenue to Adams street; on Franklin street, from Harrison street to Washington street; said tracks to be connected

at the intersection of Desplaines street with Austin avenue and Adams street, and at the intersections of Franklin street with Harrison street, Adams street and Washington street.

The rate of fare for carrying passengers on said railway shall not exceed five cents for each passenger for any continuous travel of one trip.

¶ 2. **Tracks—how laid.**] § 2. The tracks of said railway shall not be elevated above the surface of the street, and shall be laid with modern improved rails, and in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions, without obstruction, and shall also be laid as near to the center of the street as practicable. Section 1509 of "The Municipal Code of Chicago," of 1881 (§ 1704, 1897), shall not apply to the railway tracks herein authorized, but the rails to be used shall be satisfactory to the mayor, and shall be laid under his direction.

¶ 3. **Cars and carriages.**] § 3. The cars or carriages to be used on said railways shall be operated by animal power only, and shall be used for no other purpose than to carry passengers and their ordinary baggage.

¶ 4. **Street improvements and repairs.**] § 4. The said company, as to the parts of the streets in and upon which its said railway may be laid, shall keep eight feet in width where a single track shall be laid, and sixteen feet in width where double track shall be laid, in good condition and repair during all the time to which the privileges hereby granted shall extend, in accordance with whatever order, ordinance or regulation may be passed or adopted by the city council in relation to such repairing; and when any new improvement shall be ordered by the city council of the said parts of streets, or any of them, the said railway company shall, in the manner which may be required of the owners of property fronting on said parts of streets, or any of them, make such new improvements for the width of eight feet where a single track shall be laid, and for the width of sixteen feet where a double track shall be laid, and if the said company shall refuse or fail so to do, the same may be done by the city, and the company shall be liable to the city for the cost thereof.

¶ 5. **Time of completion.**] § 5. The tracks in said parts of Austin avenue, Desplaines street and Franklin street herein authorized shall be laid on or before July 1st, 1888, and if the said company shall fail to complete said tracks within the said time, the rights and privileges hereby granted shall, as to said uncompleted tracks, cease and determine.

Provided, that if the said company shall be restrained or prevented from proceeding with the work upon said railway tracks by the order or writ of any court of competent jurisdiction, the time during which said company may be so delayed, shall be added to the time herein prescribed for the completion of said railway tracks. The city shall,

however, have the right to intervene in any suit for an injunction to restrain the said company, as aforesaid, and move for the dissolution of the injunction, in case such suit shall be deemed collusive, or for the purpose of delay or of extending the time for the completion of said tracks.

¶ 6. **Streets restored, when.**] § 6. When the right of said railway company to operate its railways on said parts of streets shall cease and determine, said company shall remove its tracks from said parts of streets and put the said parts of streets from which said tracks shall be removed in as good condition as the adjacent parts of said streets.

¶ 7. **Damages.**] § 7. The said Chicago Passenger Railway Company shall pay all damages to the owners of property abutting on the said parts of streets upon or over which its road may be constructed, which said owners may sustain by reason of the location or construction of said road.

¶ 8. **License fee.**] § 8. The said Chicago Passenger Railway Company shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of fifty (50) dollars, and no more, as an annual license fee for each and every car used by said company, and in the manner following: In computing the number of cars upon which such license charge may be imposed, thirteen round trips, when the car is used in the transportation of passengers, shall be taken as equivalent to one day's use of one car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter, such quotient shall be the number of cars subject to such license fee. The president, or other chief officer of said company shall, under oath, make report quarter-yearly, to the comptroller of the city of Chicago of the whole number of cars so run by said company, and at the same time pay to said comptroller twelve dollars and a half ($12.50) for each car, to be ascertained as above prescribed in this section. The first quarter shall begin on the first day upon which said company shall run a car or cars for the carriage of passengers.

¶ 9. **Indemnity clause.**] § 9. The said company shall forever indemnify and save harmless the city of Chicago against and from any and all legal damages, judgments, decrees and costs, and expenses of the same, which it may suffer or which may be recovered or obtained against said city, for or by reason of the granting of such privileges, or for or by reason of, or growing out of, or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 10. **Bond.**] § 10. The Chicago Passenger Railway Company shall execute to the city of Chicago a good and sufficient bond

in the penal sum of ten thousand (10,000) dollars, to be approved by the mayor, conditioned for the faithful observance and performance of the provisions and conditions of this ordinance on its part to be observed and performed, as aforesaid.

¶ 11. **When to take effect—acceptance.**] § 11. This ordinance shall take effect and be in force as soon as the said company shall file with the city clerk its formal acceptance of the same, and its bond as hereinbefore described;

Provided, however, that if said acceptance and bond shall not be filed, as aforesaid, within ninety days from the passage hereof, this ordinance shall be void and of no effect.

§ 543. Chicago Passenger Railway company.

¶ 1. Grant—term—route—fare.
¶ 2. Tracks—how laid.
¶ 3. Motive power—carry passengers only.
¶ 4. Street repairs and improvements.
¶ 5. Time of completion.
¶ 6. Removal of tracks—streets restored.
¶ 7. Damages.
¶ 8. License fee.
¶ 9. Indemnity clause.
¶ 10. Bond.
¶ 11. When to take effect—acceptance.

An ordinance granting authority to the Chicago Passenger Railway company to lay tracks on Michigan avenue between Adams and Washington streets. (Passed February 1, 1886. Accepted March 8, 1886.)

¶ 1. **Grant—term—route—fare.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance and the undertaking of the Chicago Passenger Railway Company to comply with the provisions herein contained, consent, permission and authority are hereby granted to said company, its successors and assigns, to lay down, construct, maintain and operate, for the period of twenty years from the passage hereof, a double or single track railway, with all necessary and convenient turn-outs, turn-tables, side-tracks and switches, in, upon, over and along all that part of Michigan avenue which lies between Adams street and Washington street, said tracks to be connected at the intersections of Michigan avenue with Adams and Washington streets with other tracks of said company which may hereafter be laid. The rate of fare for carrying passengers on said railway shall not exceed five cents for each passenger for any continuous travel of one trip.

¶ 2. **Tracks—how laid.**] § 2. The tracks of said railway shall not be elevated above the surface of the street, and shall be laid with modern improved rails, and in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction, and shall also be laid as near to the center of the street as practicable. Section 1509 of the Municipal

Code of Chicago of 1881 (§ 1704-1897) shall not apply to the railway tracks herein authorized, but the rails to be used shall be satisfactory to the mayor, and shall be laid under his direction.

¶ 3. **Motive power—carry passengers only.**] § 3. The cars or carriages to be used on said railway shall be operated by animal power only, and shall be used for no other purpose than to carry passengers and their ordinary baggage.

¶ 4. **Street repairs and improvements.**] § 4. The said company, as to the parts of streets in and upon which its said railway may be laid, shall keep eight feet in width where a single track shall be laid, and sixteen feet in width where a double track shall be laid, in good condition and repair during all the time to which the privileges hereby granted shall extend, in accordance with whatever order, ordinance or regulation may be passed or adopted by the city council in relation to such repairing; and when any new improvement shall be ordered by the city council of the said part of said street, the said railway company shall, in the manner which may be required of the owners of property fronting on said part of said street, make such new improvements for the width of eight feet where a single track shall be laid, and for the width of sixteen feet where a double track shall be laid; and if the said company shall refuse or fail so to do, the same may be done by the city, and the company shall be liable to the city for the cost thereof.

¶ 5. **Time of completion.**] § 5. The tracks in said parts of Michigan avenue herein authorized shall be laid on or before July 1, 1888, and if the said company shall fail to complete said tracks within the said time, the rights and privileges hereby granted shall, as to said uncompleted tracks, cease and determine;

Provided, that if the said company shall be restrained or prevented from proceeding with the work upon said railway tracks, by the order or writ of any court of competent jurisdiction, the time during which said company may be so delayed shall be added to the time herein prescribed for the completion of said railway tracks. The city shall, however, have the right to intervene in any suit for an injunction to restrain the said company as aforesaid, and move for the dissolution of the injunction, in case such suit shall be deemed collusive, or for the purpose of delay, or of extending the time for the completion of said tracks.

¶ 6. **Removal of tracks—streets restored.**] § 6. When the right of said railway company to operate its railways on said part of said street shall cease and determine, said company shall remove its tracks from said part of street, and put the said part of street from which said tracks shall be removed in as good condition as the adjacent parts of said street.

¶ 7. **Damages.**] § 7. The said Chicago Passenger Railway Company shall pay all damages to the owners of property abutting

on the said part of street upon or over which its road may be constructed which said owners may sustain by reason of the location or construction of said road.

¶ 8. **License fee.**] § 8. The said Chicago Passenger Railway Company shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of fifty dollars, and no more, as an annual license fee, for each and every car used by said company, and in the manner following: In computing the number of cars upon which such license charge may be imposed, thirteen round trips, when the car is used in the transportation of passengers, shall be taken as equivalent to one day's use of one car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter; such quotient shall be the number of cars subject to such license fee. The president or other chief officer of said company shall, under oath, make report quarter-yearly to the comptroller of the city of Chicago of the whole number of cars so run by said company, and at the same time pay to said comptroller twelve dollars and a half for each car, to be ascertained as above prescribed in this section. The first quarter shall begin on the first day upon which said company shall run a car or cars for the carriage of passengers.

¶ 9. **Indemnity clause.**] § 9. The said company shall forever indemnify and save harmless the city of Chicago against and from any and all legal damages, judgments, decrees, and costs and expenses of the same, which it may suffer, or which may be recovered or obtained against said city, for or by reason of the granting of such privileges, or for or by reason of, or growing out of, or resulting from, the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 10. **Bond.**] § 10. The Chicago Passenger Railway Company shall execute to the city of Chicago a good and sufficient bond, in penal sum of ten thousand dollars, to be approved by the mayor, conditioned for the faithful observance and performance of the provisions and conditions of this ordinance on its part to be observed and performed as aforesaid.

¶ 11. **When to take effect—acceptance.**] § 11. This ordinance shall take effect and be in force as soon as the said company shall file with the city clerk its formal acceptance of the same, and its bond as hereinbefore prescribed; Provided, however, that if said acceptance and bond shall not be filed, as aforesaid, within ninety days from the passage hereof, this ordinance shall be void and of no effect.

Note.—See ordinance dated March 21st, 1887.

§ 544. Chicago Passenger Railway company

¶ 1. Grant—term—route—fare.
¶ 2. Tracks—how laid—rails.
¶ 3. Motive power—passenger traffic.
¶ 4. Street improvements and repairs.
¶ 5. Time of completion.
¶ 6. Streets restored—when.
¶ 7. Damages.
¶ 8. License fee.
¶ 9. Indemnity clause.
¶ 10. Bond.
¶ 11. When to take effect—acceptance.

An ordinance granting authority to the Chicago Passenger Railway company to lay down tracks on sundry streets and to use Washington street tunnel. (Passed February 1, 1886. Accepted March 8, 1886.)

¶ 1. **Grant—term—route—fare.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof, and the undertaking of the Chicago Passenger Railway Company to comply with the provisions herein contained, consent, permission and authority are hereby granted to said company, its successors and assigns, to lay down, construct, maintain and operate, for the period of twenty years from the passage hereof, a double or single track railway, with all necessary and convenient turnouts, turn-tables, side-tracks and switches, in, upon, over, and along all of the following described parts of streets in the city of Chicago, namely: On North Ashland avenue, from North Avenue to Erie street; on Erie street, from North Ashland avenue to North Center avenue; on North Center avenue, from Erie street to Austin avenue; and on Washington street, from Desplaines street to Michigan avenue, including the tunnel under the Chicago river; said tracks to be connected at the intersections of Erie street with North Ashland avenue and North Center avenue. The tracks in the tunnel shall be so laid and the cars in passing through the tunnel so operated as not to delay unnecessarily public travel. The rate of fare for carrying passengers on said railway shall not exceed five cents for each passenger for any continuous travel of one trip.

¶ 2. **Tracks—how laid.**] § 2. The tracks of said railway shall not be elevated above the surface of the street, and shall be laid with modern improved rails, and in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions, without obstruction, and shall also be laid as near to the center of the street as practicable.

Section 1509 of "The Municipal Code of Chicago," of 1881 (§ 1704-1897), shall not apply to the railway tracks herein authorized, but the rails to be used shall be satisfactory to the mayor, and shall be laid under his direction.

¶ 3. **Motive power—passenger traffic.**] § 3. The cars or carriages to be used on said railway shall be operated by animal power

only, and shall be used for no other purpose than to carry passengers and their ordinary baggage.

¶ 4. **Street improvements and repairs.**] § 4. The said company, as to the parts of streets in and upon which its said railway may be laid, shall keep eight feet in width where a single track shall be laid, and sixteen feet in width where a double track shall be laid, in good condition and repair during all the time to which the privileges hereby granted shall extend, in accordance with whatever order, ordinance or regulation may be passed or adopted by the city council in relation to such repairing; and when any new improvement shall be ordered by the city council of the said parts of streets, or any of them, the said railway company shall, in the manner which may be required of the owners of property fronting on said parts of streets, or any of them, make such new improvements for the width of eight feet where a single track shall be laid, and for the width of sixteen feet where a double track shall be laid; and if the said company shall refuse or fail so to do the same may be done by the city, and the company shall be liable to the city for the cost thereof.

¶ 5. **Time of completion.**] § 5. The tracks in said parts of North Ashland avenue, Erie street, North Center avenue, and Washington street, herein authorized, shall be laid on or before July 1st, 1888, and if the said company shall fail to complete said tracks within the said time, the rights and privileges hereby granted shall, as to said uncompleted tracks, cease and determine.

Provided, that if the said company shall be restrained or prevented from proceeding with the work upon said railway tracks by the order or writ of any court of competent jurisdiction, the time during which said company may be so delayed shall be added to the time herein prescribed for the completion of said railway tracks. The city shall, however, have the right to intervene in any suit for an injunction to restrain the said company, as aforesaid, and move for the dissolution of the injunction, in case such suit shall be deemed collusive, or for the purpose of delay or of extending the time for the completion of said tracks.

¶ 6. **Streets restored—when.**] § 6. When the right of said railway company to operate its railways on said parts of streets shall cease and determine, said company shall remove its tracks from said parts of streets and put the said parts of streets from which said tracks shall be removed in as good condition as the adjacent parts of said streets.

¶ 7. **Damages.**] § 7. The said Chicago Passenger Railway Company shall pay all damages to the owners of property abutting on the said parts of streets upon or over which its road may be constructed, which said owners may sustain by reason of the location or construction of said road.

¶ 8. **License fee.**] § 8. The said Chicago Passenger Railway Company shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of fifty (50) dollars, and no more, as an annual license fee for each and every car used by said company, in the manner following: In computing the number of cars upon which such license charge may be imposed, thirteen round trips, when the car is used in the transportation of passengers, shall be taken as equivalent to one day's use of one car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter; such quotient shall be the number of cars subject to such license fee. The president, or other chief officer of said company, shall, under oath, make report quarter-yearly to the comptroller of the city of Chicago of the whole number of cars so run by said company, and at the same time pay to said comptroller twelve dollars and a half ($12.50) for each car, to be ascertained as above prescribed in this section. The first quarter shall begin on the first day upon which said company shall run a car or cars for the carriage of passengers.

¶ 9. **Indemnity clause.**] § 9. The said company shall forever indemnify and save harmless the city of Chicago against and from any and all legal damages, judgments, decrees and costs, and expenses of the same, which it may suffer, or which may be recovered or obtained against said city, for or by reason of the granting of such privileges, or for or by reason of or growing out of or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 10. **Bond.**] § 10. The Chicago Passenger Railway Company shall execute to the city of Chicago a good and sufficient bond in the penal sum of ten thousand (10,000) dollars, to be approved by the commissioner of public works, conditioned for the faithful observance and performance of the provisions and conditions of this ordinance on its part, to be observed and performed as aforesaid.

¶ 11. **When to take effect—acceptance.**] § 11. This ordinance shall take effect and be in force as soon as the said company shall file with the city clerk its formal acceptance of the same, and its bond as hereinbefore prescribed.

Provided, however, that if said acceptance and bond shall not be filed, as aforesaid, within ninety days from the passage hereof, this ordinance shall be void and of no effect.

Note.—See following ordinance amendatory as to repair of roadway in tunnel.

§ 545. Chicago Passenger Railway company.

¶ 1. As amended.

An ordinance amending an ordinance granting authority to the Chicago Passenger Railway company to lay down tracks on sundry streets and to use Washington street tunnel. (Passed February 8, 1886.)

¶ 1. Amending section 4.] Be it ordained by the city council of the city of Chicago: § 1. That section four of the ordinance passed February 1, 1886, granting to the Chicago Passenger Railway Company the right to lay its tracks upon certain streets, and through the tunnel under the Chicago river, at Washington street, be and said section is hereby amended so as to read as follows:

¶ 2. Section 4 as amended.] § 4. The said company, as to the parts of streets in and upon which its said railway may be laid, and as to said tunnel, shall keep eight feet in width where a single track shall be laid, and sixteen feet in width where a double track shall be laid, in good condition and repair during all the time to which the privileges hereby granted shall extend, in accordance with whatever order, ordinance or regulation may be passed or adopted by the city council in relation to such repairing; and when any new improvement shall be ordered by the city council of the said streets, or any of them, the said railway company shall, in the manner which may be required of the owners of property fronting on said parts of streets, or any of them, make such new improvements for the width of eight feet where a single track shall be laid and for the width of sixteen feet where a double track shall be laid, and said company shall make, for the same width, any new improvement of the road-way of said tunnel as may be required by said city council; and if said company shall refuse or fail so to do the same may be done by the city, and the company shall be liable to the city for the cost thereof. Nothing in this ordinance contained shall be construed as imposing any obligation or duty upon the city of Chicago concerning the repair or maintenance of said Washington street tunnel.

§ 546. Chicago Passenger Railway company.

¶ 1. Preamble.
¶ 2. Release from obligation to build on Western avenue and on Twelfth street.
¶ 3. Street improvement and repair.
¶ 4. When to take effect—acceptance.

An ordinance modifying terms of ordinance of April 21, 1884, to the Chicago Horse and Dummy Railway company (now the Chicago Passenger Railway company) as to Western avenue and Twelfth street. (Passed February 8, 1886. Accepted March 8, 1886.)

¶ 1. Preamble.] Whereas, by a certain ordinance passed heretofore, to-wit, April 21, 1884, consent and permission were granted to the Chicago Horse and Dummy Railway Company, now known as the Chicago Passenger Railway Company, to construct, maintain and op-

erate a double-track railway on certain parts of streets, among which are all that part of Western avenue between the north line of Harrison street and the south line of Twelfth street, and all that part of Twelfth street between the east line of Western avenue and Crawford avenue; and, whereas, by said ordinance the time for the laying of said railway track is limited to and will expire July 1, 1886; and, whereas, said parts of streets are unimproved, and it is desirable that the said railway track shall not be laid in the same before the same shall be paved or otherwise improved; therefore,

¶ 2. **Release from obligation to build on Western avenue and on Twelfth street.**] Be it ordained by the city council of the city of Chicago: § 1. That it shall not be necessary or obligatory on the Chicago Passenger Railway Company to lay down or construct its railway tracks on that part of Western avenue between the north line of Harrison street and the south line of Twelfth street, or on that part of Twelfth street between the east line of Western avenue and Crawford avenue, until such time as the said parts of streets shall be ordered paved or otherwise improved by this council; and the said Chicago Passenger Railway Company, formerly known as the Chicago Horse and Dummy Railway Company, shall lay its railway tracks in said parts of street at the time when, and while, the roadway of said parts of streets are being paved or otherwise improved by the order or under the authority of this council.

¶ 3. **Street improvement and repair.**] § 2. When the said parts of streets, or either of them, shall be ordered to be paved or otherwise improved by the city council, the said Chicago Passenger Railway Company shall, in the manner required of the owners of property fronting on said parts of streets, or either of them, make such new improvements of the width of eight feet where a single track shall be laid; and of the width of sixteen feet where a double track shall be laid; and if the said company shall fail or refuse so to do, the same may be done by the city, and the said company shall be liable for and pay the cost thereof.

¶ 4. **When to take effect—acceptance.**] § 3. This ordinance shall be in effect from and after its acceptance by the Chicago Passenger Railway Company; Provided, that if it shall not be so accepted within twenty days from its passage it shall be null, void and of no effect.

§ 547. Chicago Passenger Railway company.

¶ 1. Grant—term—fare.
¶ 2. Tracks—how laid.
¶ 3. Motive power—passenger traffic.
¶ 4. Street improvements and repairs.
¶ 5. Time of completion—limitation.
¶ 6. Removal of tracks—restoration of streets.
¶ 7. Damages.
¶ 8. License fee.
¶ 9. Indemnity clause.

¶ 10. Bond.
¶ 11. When to take effect—acceptance.

An ordinance granting authority to the Chicago Passenger Railway company to lay down and operate tracks in Sangamon street. (Passed March 22, 1886.)

¶ 1. **Grant—term—fare.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance and the undertaking of the Chicago Passenger Railway Company to comply with the provisions herein contained, consent, permission and authority are hereby granted to said company, its successors and assigns, to lay down, construct, maintain and operate, for the period of twenty years from the passage hereof, a double or single track railway with all necessary and convenient turnouts, turntables, side tracks and switches in, upon, over and along all that part of Sangamon street which lies between Austin avenue and Adams street, said tracks to be connected at the intersections of Sangamon street with Austin avenue and Adams street with other tracks of said company which may hereafter be laid. The rate of fare for carrying passengers on said railway shall not exceed five cents for each passenger for any continuous travel of one trip.

¶ 2. **Tracks—how laid.**] § 2. The tracks of said railway shall not be elevated above the surface of the street, and shall be laid with modern, improved rails, and in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions, without obstruction, and shall also be laid as near to the center of the street as practicable. Section 1509 of "the municipal code of Chicago," of 1881 (§ 1704-1897) shall not apply to the railway tracks herein authorized; but the rails to be used shall be satisfactory to the mayor, and shall be laid under his direction.

¶ 3. **Motive power—passenger traffic.**] § 3. The cars or carriages to be used on said railway shall be operated by animal power only, and shall be used for no other purpose than to carry passengers and their ordinary baggage.

¶ 4. **Street improvements and repairs.**] § 4. The said company, as to the part of said street in and upon which its said railway may be laid, shall keep eight feet in width where a single track shall be laid, and sixteen feet in width where a double track shall be laid, in good condition and repair during all the time to which the privileges hereby granted shall extend, in accordance with whatever order, ordinance or regulation may be passed or adopted by the city council in relation to such repairing; and when any new improvement shall be ordered by the city council of the said part of said street the said railway company shall, in the manner which may be required of the owners of property fronting on said part of said street, make such new improvements for the width of eight feet where a single track shall be laid, and for the width of sixteen feet where a double track shall be laid; and if the said company shall refuse or fail so to do, the same

may be done by the city, and the company shall be liable to the city for the cost thereof.

¶ 5. **Time of completion—limitation.**] § 5. The tracks in said part of Sangamon street herein authorized shall be laid on or before December 1st, 1888; and if the said company shall fail to complete said tracks within the said time, the rights and privileges hereby granted shall, as to said uncompleted tracks, cease and determine; Provided, that if the said company shall be restrained or prevented from proceeding with the work upon said railway tracks, by the order or writ of any court of competent jurisdiction, the time during which said company may be so delayed shall be added to the time herein prescribed for the completion of said railway tracks. The city shall, however, have the right to intervene in any suit for an injunction to restrain the said company, as aforesaid, and move for the dissolution of the injunction, in case such suit shall be deemed collusive, or for the purpose of delay, or of extending the time for the completion of said tracks.

¶ 6. **Removal of tracks—restoration of street.**] § 6. When the right of said railway company to operate its railways on said part of said street shall cease and determine, said company shall remove its tracks from said part of said street, and put the said part of said street from which said tracks shall be removed in as good condition as the adjacent parts of said street.

¶ 7. **Damages.**] § 7. The said Chicago Passenger Railway Company shall pay all damages to the owners of property abutting on the said part of said street, upon or over which its road may be constructed, which said owners may sustain by reason of the location or construction of said road.

¶ 8. **License fee.**] § 8. The said Chicago Passenger Railway Company shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of fifty dollars and no more, as an annual license fee for each and every car used by said company, and in the manner following: In computing the number of cars upon which such license charge may be imposed, thirteen round trips, when the car is used in the transportation of passengers, shall be taken as equivalent to one day's use of one car, one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter, such quotient shall be the number of cars subject to such license fee. The president or other chief officer of said company shall, under oath, make report quarter-yearly to the comptroller of the city of Chicago, of the whole number of cars so run by said company, and at the same time pay to said comptroller twelve dollars and a half for each car, to be ascertained as above prescribed in this section. The first quarter shall begin on the first day upon which said company shall run a car or cars for the carriage of passengers.

¶ 9. **Indemnity clause.**] § 9. The said company shall forever

indemnify and save harmless the city of Chicago against and from any and all legal damages, judgments, decrees and costs and expenses of the same, which it may suffer, or which may be recovered or obtained against said city, for or by reason of the granting of such privileges, or for or by reason of, or growing out of, or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ **10. Bond.**] § 10. The Chicago Passenger Railway Company shall execute to the city of Chicago a good and sufficient bond in the penal sum of ten thousand dollars, to be approved by the mayor, conditioned for the faithful observance and performance of the provisions and conditions of this ordinance, on its part to be observed and performed, as aforesaid.

¶ **11. When to take effect—acceptance.**] § 11. This ordinance shall take effect and be in force as soon as the said company shall file with the city clerk its formal acceptance of the same, and its bond as hereinbefore prescribed;

Provided, however, that if said acceptance and bond shall not be filed, as aforesaid, within ninety days from the passage hereof, this ordinance shall be void and of no effect.

§ 548. Chicago Passenger Railway company.

¶ 1. Grant—route—term—fare.
¶ 2. Tracks—how laid.
¶ 3. Motive power—passenger traffic.
¶ 4. Street improvements and repairs.
¶ 5. Time of construction—limitation.
¶ 6. Cessation of grant—restoration of streets.
¶ 7. Damages.
¶ 8. License fee.
¶ 9. Indemnity clause.
¶ 10. Bond.
¶ 11. When to take effect—acceptance.

An ordinance granting authority to the Chicago Passenger Railway company to operate a street railway on Adams street from Clark street to Michigan avenue. (Passed April 8, 1886. Accepted May 10, 1886.)

¶ **1. Grant—route—term—fare.**] Be it ordained by the city council of the city of Chicago: § 1. That, in consideration of the acceptance hereof and the undertaking of the Chicago Passenger Railway Company to comply with the provisions herein contained, consent, permission and authority are hereby granted to said company, its successors and assigns, to lay down, construct, maintain and operate, for the period of twenty years from the passage hereof, a double or single track railway, with all necessary and convenient turnouts, turntables, side tracks and switches, in, upon, over and along all the following described parts of streets in the city of Chicago, namely: On Adams

street, from the west line of Clark street to Michigan avenue, said tracks to be connected at the intersection of Adams street with Michigan avenue with other tracks of said company which may hereafter be laid on said Michigan avenue. The rate of fare for carrying passengers on said railway shall not exceed five cents for each passenger for any continuous travel of one trip.

¶ 2. **Tracks—how laid.**] § 2. The tracks of said railway shall not be elevated above the surface of the street, and shall be laid with modern improved rails, and in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction, and shall also be laid as near to the center of the street as practicable. Section 1509 of the municipal code of Chicago (§ 1704-1897) of 1881 shall not apply to the railway tracks herein authorized; but the rails to be used shall be satisfactory to the mayor, and shall be laid under his direction.

¶ 3. **Motive power—passenger traffic.**] § 3. The cars or carriages to be used on said railway shall be operated by animal power only, and shall be used for no other purpose than to carry passengers and their ordinary baggage.

¶ 4. **Street improvements and repairs.**] § 4. The said company, as to the part of street in and upon which its said railway may be laid, shall keep eight feet in width where a single track shall be laid, and sixteen feet in width where a double track shall be laid, in good condition and repair during all the time to which the privileges hereby granted shall extend in accordance with whatever order, ordinance or regulation may be passed or adopted by the city council in relation to such repairing; and when any new improvement shall be ordered by the city council of the said parts of street, or any of them the said railway company shall, in the manner which may be required of the owners of property fronting on said parts of street, or any of them, make such new improvements for the width of eight feet where a single track shall be laid, and for the width of sixteen feet where a double track shall be laid; and if the said company shall refuse or fail so to do, the same may be done by the city, and the company shall be liable to the city for the cost thereof.

¶ 5. **Time of completion—limitation.**] § 5. The tracks on said part of Adams street herein authorized shall be laid within two (2) years from the acceptance of this ordinance; and if the said company shall fail to complete said tracks within the said time, the rights and privileges hereby granted shall, as to said uncompleted tracks, cease and determine; Provided, that if the said company shall be restrained or prevented from proceeding with the work upon said railway tracks by the order or writ of any court of competent jurisdiction, the time during which said company may be so delayed shall be added to the time herein prescribed for the completion of said railway tracks. The city shall, however, have the right to intervene in any suit for an in-

junction to restrain the said company, as aforesaid, and move for the dissolution of the injunction in case such a suit shall be deemed collusive, or for the purpose of delay, or of extending the time for the completion of said tracks.

¶ 6. **Cessation of grant—restoration of street.**] § 6. When the right of said railway company to operate its railways on said parts of street shall cease and determine, said company shall remove its tracks from said parts of street, and put the said parts of said street from which said tracks shall be removed in as good condition as the adjacent parts of said street.

¶ 7. **Damages.**] § 7. The said Chicago Passenger Railway Company shall pay all damages to the owners of property abutting on the said parts of streets upon or over which its road may be constructed, which said owners may sustain by reason of the location or construction of said road.

¶ 8. **License fee.**] § 8. The said Chicago Passenger Railway Company shall pay into the city treasury of the city of Chicago for the use of said city, the sum of fifty dollars, and no more, as an annual license fee for each and every car used by said company in the manner following: In computing the number of cars upon which such license charge may be imposed, thirteen round trips, when the car is used in the transportation of passengers, shall be taken as equivalent to one day's use of one car, one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter, such quotient shall be the number of cars subject to such license fee. The president or other chief officer of said company shall, under oath, make report quarter-yearly to the comptroller of the city of Chicago of the whole number of cars so run by said company, and at the same time pay to said comptroller twelve dollars and a half for each car, to be ascertained as above prescribed in this section. The first quarter shall begin on the first day upon which said company shall run a car, or cars, for the carriage of passengers.

¶ 9. **Indemnity clause.**] § 9. The said company shall forever indemnify and save harmless the city of Chicago against and from any and all legal damages, judgments, decrees and costs, and expenses of the same which it may suffer, or which may be recovered or obtained against said city, for or by reason of the granting of such privileges, or for or by reason of, or growing out of, or resulting from the passage of this ordinance or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 10. **Bond.**] § 10. The Chicago Passenger Railway Company shall execute to the city of Chicago a good and sufficient bond in the penal sum of ten thousand dollars, to be approved by the commissioner of public works, conditioned for the faithful observance and perform-

ance of the provisions and conditions of this ordinance, on its part to be observed and performed, as aforesaid.

¶ 11. **When to take effect—acceptance**]. § 11. This ordinance shall take effect and be in force as soon as the said company shall file with the city clerk its formal acceptance of the same and its bond, as hereinbefore prescribed.

Provided, however, that if said acceptance and bond shall not be filed, as aforesaid, within ninety days from the passage hereof, this ordinance shall be void and of no effect.

Note.—See ordinance dated March 21, 1887.

§ 549. Chicago Passenger Railway company.

¶ 1. Preamble—naming routes.
¶ 2. Grant—route.
¶ 3. Bond.
¶ 4. When to take effect—acceptance.

An ordinance reaffirming certain grants heretofore made, and renewing the permission and authority to the Chicago Passenger Railway company to lay down and operate a railway in and upon certain streets in the city of Chicago. (Passed March 21, 1887. Accepted March 28, 1887.)

¶ 1. **Preamble—naming routes.**] Whereas, the city of Chicago, by an ordinance passed April 21st, 1884, granted to the Chicago Horse and Dummy Railway Company, its successors and assigns, consent, authority and permission to construct a single or double track railway upon all that portion of Adams street, including the bridge across the Chicago river in the city of Chicago, between Clark street and a point five hundred feet west of Desplaines street; and upon all that portion of Desplaines street lying between Adams street and the south line of Harrison street, and upon all that portion of Harrison street lying between the east line of Desplaines street and the west line of Western avenue, and upon all that portion of Western avenue lying between the north line of Harrison street and the south line of Twelfth street, and upon all that portion of Twelfth street lying between the east line of Western avenue and Crawford avenue, upon certain terms and conditions in the said ordinances mentioned, as by the said ordinances to which reference is hereby made, will more fully appear; and, Whereas, the name of the said Horse and Dummy Railway Company was afterwards, to-wit, on the 7th day of July, 1885, changed to that of the Chicago Passenger Railway Company; and, Whereas, the city of Chicago, by an ordinance passed April 8, 1886, granted to the Chicago Passenger Railway Company, its successors and assigns, consent, permission and authority to construct, maintain and operate a single or double track railway upon Adams street, from the west line of Clark street to Michigan avenue, said tracks to be connected at the intersection of Adams street and Michigan avenue with other tracks of the said Chicago Passenger Railway Company, which might thereafter be laid upon Michigan avenue, upon certain terms and conditions in the said or-

dinance mentioned, as by the said ordinance hereby referred to, will more fully appear; and, Whereas, the city of Chicago, by an ordinance passed February 1st, 1886, granted to the said Chicago Passenger Railway Company, its successors and assigns, consent, permission and authority to construct a double or single track railway upon all that part of Michigan avenue which lies between Adams street and Washington street, upon certain terms and conditions in the said ordinance mentioned, as by the said ordinance hereby referred to, will more fully appear; and, Whereas, it has been suggested that the owners of the land representing more than one-half of the frontage of some of said streets, or so much thereof as was sought to be used for railroad purposes in the said ordinances respectively mentioned, did not petition for or consent to the passage of the said respective ordinances before or at the time of the passage of the same respectively; and, Whereas, the said Chicago Passenger Railway Company has now procured petitions for or consents to the passage of an ordinance authorizing the use of and the right to lay down, maintain and operate a single or double railroad track in the said streets in the said ordinances respectively mentioned, or so much thereof as is sought to be used for railroad purposes by the owners of the land representing more than one-half of the frontage of the said streets, or so much thereof as is sought to be used for railroad purposes, so that the said Chicago Passenger Railway Company has now the petition for or consent of the owners of the land representing more than one-half of the frontage of all of the streets therein mentioned, or so much thereof as is sought to be used for railroad purposes in the respective ordinances respectively mentioned; and, Whereas, the said Chicago Passenger Railway Company has given more than ten days' notice of the time and place of presenting a petition for the passage of this ordinance by publication of said notice in the Chicago Evening Telegram, published in the city of Chicago; therefore,

¶ 2. **Grant—route.**] Be it ordained by the city council of the city of Chicago: § 1. That the said respective ordinances are hereby respectively confirmed; and consent, permission and authority is hereby granted to the said Chicago Passenger Railway Company, its successors and assigns, to construct, maintain and operate a single or double track railway in, upon and along the said streets or parts of streets in the said respective ordinances respectively mentioned in the same manner and upon the terms and conditions as in the said respective ordinances respectively mentioned, with the same liabilities and restrictions and duties on the part of the said Chicago Passenger Railway Company as are imposed by the said several ordinances.

¶ 3. **Bond.**] § 2. The Chicago Passenger Railway Company shall execute to the city of Chicago its bond, in the penal sum of ten thousand dollars, to be approved by the mayor, conditioned for the faithful observance and performance of the provisions and conditions

of this ordinance, on its part to be observed and performed, as aforesaid.

¶ 4. When to take effect—acceptance.] § 3. This ordinance shall take effect and be in force as soon as the said company shall file with the city clerk its formal acceptance of the same and its bond, as hereinbefore prescribed; Provided, however, that if said acceptance and bond shall not be filed, as aforesaid, within ninety days from the passage hereof this ordinance shall be void and of no effect.

§ 550. Chicago Passenger Railway company.

¶ 1. Change authorized—exception as to cable power.
¶ 2. Conditions.
¶ 3. Tracks—how laid.
¶ 4. Speed regulations.
¶ 5. License fee.
¶ 6. Removal of tracks.
¶ 7. Bond.
¶ 8. Indemnity clause.
¶ 9. Term of grant unchanged.
¶ 10. Subject to ordinances.
¶ 11. Tunnel extension—power of council.
¶ 12. Style of cars—heating.
¶ 13. When in force—acceptance.

An ordinance granting authority to the Chicago Passenger Railway company to operate its various lines by electric or cable power. (Passed March 30, 1888. Accepted April 21, 1888.)

¶ 1. Change authorized—exception as to cable power.] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof, and the undertaking of the Chicago Passenger Railway Company to comply with the provisions herein contained, permission and authority is hereby given to said company to construct, maintain and operate its various lines of railways, or any of them, or any part thereof, by electric power or by stationary engine or engines not located on the public streets or public places on the streets, and propelled by other than animal power, and may connect its tracks with other street railroads. Nothing in this section or ordinance contained shall authorize the Chicago Passenger Railway Company, its lessees or assigns, to construct any cable system upon any street or streets that the city council of the city of Chicago has not heretofore authorized to be used by said Chicago Passenger Railway Company, for street railway purposes, and not lost by nonuser or forfeiture.

¶ 2. Conditions.] § 2. That the said Chicago Passenger Railway Company, or its lessees or assigns, may for said purposes, make all needful and convenient trenches, excavations and sewer connections and may place all needful and convenient cables and machinery on any streets upon which its railways are now constructed or authorized by ordinance to be constructed; such cables and machinery shall be underground, and constructed in a substantial and workmanlike manner, of

the most approved method and convenience so as not to interfere with public travel. Provided, that if in the constructing said trenches and excavations or using the same any damage or injury shall result to any of the sewers, water pipes or private drains, then the said company shall pay and be held liable therefor; and if at any time, by reason of the permission hereby granted and the making of said trenches, or running said cables, any injury or damage shall result to any person or property, then said company shall be held liable therefor; and said company shall pay all damages to the owners of property abutting upon roads, streets, highways or public property upon or over which its said road is to be constructed, which said owners may sustain by reason of the location or construction of said company's roads. And all needful and convenient connections with the motive power or engines shall be subject to the same conditions and restrictions, and, Provided, further, that the aperture opening into the said trenches shall not exceed five-eighths of an inch in width; and, Provided, further, that the said Chicago Passenger Railway may operate not exceeding two cars and one grappling car attached together, with one driver in charge of the grip car and one conductor in charge of each additional car.

¶ 3. **Tracks, how laid.**] § 3. The tracks of said railway shall not be elevated in said streets above the surface of the streets and shall be laid with modern improved rails in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction. The rails to be used in the construction of said tracks shall be satisfactory to the mayor and commissioner of public works. Each of said tracks shall be laid as near the center of said street as practicable, and shall not be laid within twelve (12) feet of the sidewalk in any place, except in turning street corners or constructing curves, and there no nearer than may be required to make the necessary curve; and the cars to be constructed with all the latest improvements for the comfort and convenience of passengers, and shall be used for no other purpose than for the transportation of passengers. Animal power may be used to move the cars.

¶ 4. **Speed regulations.**] § 4. The city council shall have power at all times to make such regulations as to the rate of speed on said streets as the public safety and convenience may require.

¶ 5. **License fee.**] § 5. The said Chicago Passenger Railway Company shall pay into the city treasury of said city, the sum of fifty dollars ($50) as a license fee for each and every car used by said company on the railways hereby authorized, which has not been included for license fees for use on other lines. The number of cars upon which license shall be imposed shall be determined, and the license fee paid in the same manner as provided in an ordinance entitled "an ordinance concerning street railways in the city of Chicago," passed July 30th, 1883, and approved by the mayor, August 6th, 1883.

¶ 6. **Removal of tracks.**] § 6. When the right of said com-

pany to operate its said railway upon said streets shall cease, said company shall remove its tracks from the same and place the same in as good condition as when said tracks were laid.

¶ 7. **Bond.**] § 7. The Chicago Passenger Railway Company shall enter into a good and sufficient bond with the city of Chicago in the penal sum of one hundred thousand dollars ($100,000), for the faithful performance of all the terms and conditions in this ordinance contained.

¶ 8. **Indemnity clause.**] § 8. The said company shall forever indemnify and save harmless the city of Chicago against and from any and all legal damages, judgments, decrees and costs and expenses of the same which it may suffer, or which may be recovered or obtained against said city, for or by reason of the granting of such privileges, or for or by reason of, or growing out of, or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted, or from any acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 9. **Term of grant unchanged.**] § 9. The permission and authority hereby conferred, are given upon the express understanding and agreement that the provisions of this ordinance shall and does not extend the time during which the said Chicago Passenger Railway Company may operate its lines upon the streets of Chicago. The said privileges are to be governed in this respect by ordinances heretofore passed.

¶ 10. **Subject to ordinances.**] § 10. Unless otherwise provided in this ordinance, the privileges hereby granted are subject to all the general ordinances of the city of Chicago, now in force, or which may be passed in reference to horse railways or street railways and to all ordinances affecting the lines of railways of which the lines hereby authorized are extensions.

¶ 11. **Tunnel extension—power of council.**] § 11. The said company, in operating its cable line through the tunnel at Washington street, shall be governed by the provisions of the ordinance passed February 1st, 1886, as amended by ordinance passed February 8th, 1886, relative to the use of such tunnel by said company, so far as the same are not inconsistent herewith, and also to the provisions of this section. The time for laying the tracks through such tunnel, as determined by said ordinance of February 1st, 1886, shall be deferred until said company shall have first rebuilt and repaired the tunnel in accordance with plans to be approved by the commissioner of public works, and under the supervision of said commissioner. The said company shall pave the entire roadway, from end to end, with stone, or such other material as may be agreed upon by said company and said commissioner; and said company shall provide and operate suit-

able engines and machinery, for lighting and ventilating said tunnel and keeping the same free from water, and it shall, during the use of said tunnel, keep the same well lighted and ventilated and free from water. The said company shall also keep the walls of said tunnel whitened and shall maintain the tunnel in good repair during the time it shall use the same. The said company shall, at its own expense, pave, maintain and keep paved and in good order, the whole of the roadway through said tunnel.

Both the tram rails and the slot rails used in said tunnel shall first be approved by the mayor and commissioner of public works, and shall be laid to their satisfaction. Said company shall not run its cars through said tunnel at a speed greater than four miles per hour. The city council reserves the right to change or regulate such speed, but the same shall not be so increased as to exclude the use of said tunnel by vehicles other than the street cars; and whenever a carriage, wagon, or other vehicle shall be in front of a car passing through said tunnel on the up grade, then the speed of said car shall be governed by the speed of such carriage, wagon, or vehicle; Provided, however, that it shall be the duty of the driver of such carriage, wagon or other vehicle, to exercise a reasonable diligence, so as not to unnecessarily delay such car, it being expressly understood that the Chicago Passenger Railway Company shall, during its occupancy of said tunnel, maintain and keep the said tunnel in repair, and in the event it shall fail so to do, the city may repair the tunnel and the said railway company shall pay upon thirty days' notice, all moneys so expended or expenses incurred by said city.

¶ 12. **Style of cars—heating.**] § 12. The said company shall also provide upon all lines operated under this ordinance, cars of the most modern, approved fashion, of a kind equal to the best cars in use upon any cable road now in operation, and said company shall provide the best and most approved method for heating said cars, so that the same shall be kept properly heated at all times during cold weather.

¶ 13. **When in force—acceptance.**] § 13. This ordinance shall take effect and be in force as soon as the same shall have been duly accepted by said company, and the said company shall have executed and filed with the city clerk, the bond provided for herein in the manner and form as hereinbefore required. Provided, however, that unless this ordinance shall be duly accepted and said bond executed and filed within ninety (90) days of the passage hereof, this ordinance shall be null and void.

§ 551. Chicago Passenger Railway company.

¶ 1. Grant—term—route.
¶ 2. Motive power—passenger traffic.
¶ 3. Cable power—excavations—indemnity.
¶ 4. Street improvements and repairs.

¶ 5. Tracks—how laid.
¶ 6. Time of completion—limitation.
¶ 7. Rate of fare.
¶ 8. Streets restored.
¶ 9. Damages.
¶ 10. License fee.
¶ 11. Cars to be heated.
¶ 12. Indemnity clause.
¶ 13. Bond.
¶ 14. When to take effect—acceptance.

An ordinance granting permission to the Chicago Passenger Railway company to construct and operate an extension of the street railway in Western avenue. (Passed March 6, 1890.)

¶ 1. Grant—term—route.] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof and the undertaking of the Chicago Passenger Railway Company to comply with the provisions herein contained, consent, permission and authority are hereby granted to said company, its successors and assigns, to lay down, construct, maintain and operate for the period of twenty years from the passage hereof a double track street railway with all necessary and convenient turn-outs, turn-tables, side-tracks, and switches in, upon, over and along Western avenue, from Harrison street to Van Buren street, being an extension of the street railroad of said company on Western avenue, between Twelfth street and Harrison street, with the right to connect with other street railroad tracks.

¶ 2. Motive power—passenger traffic.] § 2. The cars to be used on said line of street railroad may be operated by animal, cable or electric power, and shall be used for no other purpose than to carry passengers and their ordinary packages.

¶ 3. Cable power—excavations—indemnity.] § 3. For the purpose of operating said cars by cable power said company may make all needful and convenient curves, trenches, excavations and sewer connections, and may place all needful and convenient cables and machinery in such street (and connect the same with the stationary engine or engines necessary to properly operate the same, which stationary engine or engines shall not be located upon any street or public place in the city.) Such cables and machinery shall be under ground, and constructed in a substantial and workmanlike manner, of most approved method and convenience, so as not to interfere with public travel; provided, that if in the construction of said trenches and excavations any damage or injury shall result to any of the sewers, water pipes or private drains, then said company shall pay and be held liable therefor. If at any time by reason of the permission hereby granted and the making of such trenches and running of such cables, any injury or damage shall result to any person or property, then said company shall be liable therefor. All needful and convenient connections with the motive power or engines shall be subject to the same restrictions. The aperture opening into said trenches shall not exceed five-

eighths of an inch in width. In case said line shall be operated by cable power, said company may operate not exceeding two cars and one grip car attached together, with a gripman in charge of the grip car and one conductor in charge of each additional car.

¶ 4. **Street improvements and repairs.**] § 4. The said company, as to the part of said street in and upon which its said railway may be laid, shall keep sixteen feet in width in good condition and repair during all the time to which the privileges hereby granted shall extend, in accordance with whatever order, ordinance, or regulation may be passed or adopted by the city council in relation to such repairing, and when any new improvement shall be ordered by the city council of the said part of said street, the said railway company shall, in the manner which may be required of the owners of property fronting on said part of said street, make such new improvement for the width of sixteen feet, and if the said company shall refuse or fail so to do, the same may be done by the city and the company shall be liable to the city for the cost thereof.

¶ 5. **Tracks—how laid.**] § 5. The tracks of said railway shall not be elevated above the surface of the said street and shall be laid with modern improved rails and in such a manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction, and shall also be laid as near to the center of the said street as practicable. Section 1509 of the Municipal Code of Chicago of 1881 shall not apply to the railway tracks herein authorized, but the rails to be used shall be satisfactory to the mayor and commissioner of public works and shall be laid under their direction.

¶ 6. **Time of completion—limitation.**] § 6. The tracks herein authorized shall be laid on or before December 1st, 1891; and if the said company shall fail to complete said tracks within the said time the rights and privileges hereby granted shall, as to said uncompleted tracks, cease and determine; provided, that if the said company shall be restrained or prevented from proceeding with the work upon said railway tracks by the order or writ of any court of competent jurisdiction, the time during which said company may be so delayed shall be added to the time herein prescribed for the completion of said railway tracks. The city shall, however, have the right to intervene in any suit for an injunction to restrain the said company as aforesaid, and move for the dissolution of the injunction in case such suit shall be deemed collusive or for the purpose of delay, or of extending the time for the completion of said tracks.

¶ 7. **Rate of fare.**] § 7. The rate of fare to be charged upon the line hereby authorized shall be five (5) cents for one continuous ride at one trip for each passenger; provided, however, that said company shall provide for a cross-town line in connection with the West Chicago Street Railroad Company on said Western avenue, and shall

furnish transfer tickets whereby a passenger may ride across town between Milwaukee avenue on the north and West 26th street on the south for one fare; and provided, also, that the cars upon the line hereby authorized shall run to and from the south division of the city for one fare in either direction.

¶ 8. **Streets restored.**] § 8. When the right of said railway company to operate its railway on said part of said street shall cease and determine, said company shall remove the tracks from the said part of said street, and put the said part of said street from which said tracks shall be removed in as good condition as the adjacent parts of said street.

¶ 9. **Damages.**] § 9. The said West Chicago Street Railroad Company shall pay all damages to the owners of property abutting on the said part of said streets upon or over which its road may be constructed, which said owners may sustain by reason of the location or construction of said road.

¶ 10. **License fee.**] § 10. The said West Chicago Street Railroad Company shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of fifty (50) dollars, and no more, as an annual license fee for each and every car used by said company on said lines herein authorized in the manner following: In computing the number of cars upon which said license charge may be imposed, thirteen round trips, when the car is used in the transportation of passengers, shall be taken as an equivalent to one day's use of one car; one-thirteenth of such round trips each quarter shall be divided by the number of days in such quarter, such quotient shall be the number of cars subject to such license fee. The president or other chief officer of said company shall, under oath, make report quarter-yearly to the comptroller of the city of Chicago of the whole number of cars so run by said company, and at the same time pay to said comptroller twelve dollars and a half ($12.50) for each car, to be ascertained as above prescribed in this section. The first quarter shall begin on the first day on which said company shall run a car or cars for the carriage of passengers.

¶ 11. **Cars to be heated.**] § 11. The cars upon the line hereby authorized shall be provided during the months of November, December, January, February and March of each year with heating apparatus, of a kind and nature to be selected by said company, which shall be reasonably effective in raising the temperature in said car and heating the same; and the said apparatus shall be operated at such times during the months aforesaid as the nature of the weather and degree of temperature shall require.

¶ 12. **Indemnity clause.**] § 12. The company shall forever indemnify and save harmless the city of Chicago against and from any and all legal damages, judgments, decrees, and costs and expenses of the same, which it may suffer, or which may be recovered or obtained

against said city, for or by reason of the granting of such privileges, or for or by reason, or growing out of, or resulting from the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ **13. Bond.**] § 13. The Chicago Passenger Railway Company shall execute to the city of Chicago a good and sufficient bond in the penal sum of five thousand (5,000) dollars, to be approved by the mayor, conditioned for the faithful observance and performance of the provisions and conditions of this ordinance on its part to be observed and performed as aforesaid.

¶ **14. When to take effect—acceptance.**] § 14. This ordinance shall take effect and be in force as soon as the said company shall file with the city clerk its formal acceptance of the same, and its bond as hereinbefore prescribed; provided, however, that if said acceptance and bond shall not be filed as aforesaid within ninety (90) days from the passage hereof, this ordinance shall be void and of no effect.

CHICAGO PASSENGER TRACTION COMPANY.

§ 552. Chicago Passenger Traction company.

¶ 1. Grant—term—route.
¶ 2. Construction of tracks—rails.
¶ 3. Overhead contact wires—construction—use of poles.
¶ 4. Feeder wires.
¶ 5. Passenger traffic.
¶ 6. Rate of fare.
¶ 7. Restoration of streets.
¶ 8. Improvement and repair of streets.
¶ 9. Reservation of rights.
¶ 10. Time of completion—reverter.
¶ 11. Indemnity clause—acceptance.
¶ 12. License—style of cars—heating.
¶ 13. Indemnity bond.
¶ 14. When in force.

An ordinance authorizing the Chicago Passenger Traction company to construct and operate a street railway on Fullerton avenue, Central avenue, Maynard avenue and Tanner road. Agreement dated June 26, 1895. Presented to the council by the mayor June 26, 1895, and ordered published and placed on file. (Passed June 20, 1895. Accepted August 19, 1895.)

¶ **1. Grant—term—route.**] Be it ordained by the city council of the city of Chicago: § 1. That, in consideration of the acceptance hereof, and the undertaking of the Chicago Passenger Traction Company to comply with the provisions herein contained, consent, permis-

sion and authority are hereby granted to said company, its successors and assigns, to lay down, construct, maintain and operate for the period of twenty years from the passage hereof, a single or double track street railway, with all necessary and convenient turnouts, side tracks, turntables and switches, and with the right to connect with other railway tracks owned or operated by said company in, upon, over and along the following streets: Commencing at the intersection of Milwaukee and Fullerton avenues, thence west on Fullerton avenue to the city limits; commencing at the intersection of Fullerton and Grand avenues, and northwesterly on Grand Avenue to the city limits; commencing at the intersection of Central avenue and Fullerton avenue, thence north on Central avenue to Maynard avenue; thence northwesterly on Maynard avenue to the city limits; also commencing at the intersection of Bryn Mawr avenue and Tanner road, thence northwesterly on Tanner road to the city limits.

¶ 2. **Construction of tracks—rails.**] § 2. The tracks of said railway shall not be elevated above the surface of the street, and shall be laid with modern improved rails, and in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction; and shall be also laid as near to the center of said street as practicable. Section 1509 of the municipal code of Chicago of 1881 shall not apply to the railway tracks herein authorized, but the rails to be used shall be satisfactory to the mayor and commissioner of public works, and shall be laid under their direction; and a permit shall be obtained from the commissioner of public works before commencing work under this ordinance.

¶ 3. **Overhead contact wires—construction—use of poles.**] § 3. The cars upon said railway shall be propelled by electric-overhead contact wires, suspended from poles set within the curb lines limit of the street on either side thereof. All poles shall be so set and adjusted as to obstruct the public use of the streets or sidewalks as little as possible; such poles and wires to be erected and maintained for the purpose of supplying electric current, which may be used for power, heat and light purposes connected with Chicago Passenger Traction Company. The said wires shall be suspended not less than eighteen and one-half feet above the rails, and the said poles and supports shall be placed on an average of not less than one hundred and fifteen feet apart, except at the intersection of streets and avenues, when the said distance would place the poles or supports on intersecting streets and avenues. And in the event that some more favorable and practical method of furnishing electricity, or other motive power for the operation of said road be discovered, said company, its successors, or assigns, shall have the right, subject to the approval of the mayor and commissioner of public works, to adopt the same in the place, or in connection with the use of said electrical overhead contact wires.

Said company shall allow the city to use its poles for the suspension

of its wires and electric lights thereon, but such use shall not interfere with their use by said company.

¶ 4. **Feeder wires.**] § 4. Said company, its successors or assigns, shall not operate said railway by animal power, except in case of accident to machinery, making it necessary; said cars may be so propelled for a period not exceeding thirty days for any one accident, and to enable the said road to be operated. The said company, its successors or assigns, shall have the right to connect the wires herein authorized, with any generator or power station leased, used or acquired by it, or any station or car houses that may be erected along the line of said railway.

¶ 5. **Passenger traffic.**] § 5. The cars or carriages on such railway shall be used for no other purpose than to carry passengers, their ordinary baggage, parcels and the United States mail.

¶ 6. **Rate of fare.**] § 6. The rate of fare for any continuous trip either way, from one point to another, on the line owned by said railway within the present limits of the city of Chicago, shall not exceed five (5) cents for each passenger.

¶ 7. **Restoration of streets.**] § 7. The said Chicago Passenger Traction Company, its successors or assigns, shall do no permanent injury to any street, sidewalk, alley or avenue, nor interfere with any water pipes, sewer or gas pipes now laid, or hereafter to be laid by said city of Chicago, without a permit from the commissioner of public works, and in the construction or repair of said railway it shall restore the streets, pavements, sidewalks or grounds, or water pipes, sewer or gas pipes to a condition equally as good as before the laying of said railway, and if it, or its successors or assigns, as the case may be, shall fail or refuse so to do, the same may be done by the city of Chicago, and it, or they, as the case may be, shall be liable for the cost thereof.

¶ 8. **Improvement and repair of streets.**] § 8. The said company, its successors or assigns, as respects the grading, paving, macadamizing, planking and repairing, or using of the aforesaid streets and avenues, shall, at its own cost and expense, keep sixteen feet where double tracks are laid, and eight feet where single tracks are laid, in good repair and condition during all the time to which the privileges hereby granted shall extend, in accordance with the orders and regulations of the Commissioner of public works of said city.

Wherever any street shall be paved at the time the said company may lay its tracks thereon, the said company shall pay back to the city of Chicago the value of the pavement on the portions of such streets, which it is hereby required to pave and keep in repair, such value to be fixed by the commissioner of public works, and in no case to exceed the cost of such portions of pavement; and in laying its tracks upon paved streets the said company shall leave the pavement in as good condition after its tracks are laid as it was before. And when any new

improvements of any character shall be ordered by the city council of said city, said street railway company, its successors and assigns, at its own cost and expense shall, in the manner required by the city authorities, make such improvement for the width of sixteen feet and eight feet aforesaid; said sixteen and eight feet to include the said tracks as laid in said streets and avenues. And if the said street railway company, its successors or assigns, shall neglect or fail to make any repairs or improvements as aforesaid, for the space of twenty days after notice so to do from the commissioner of public works, or other proper officer of said city, to any officer, agent, or employe of said company, or its successors or assigns, then, and in such case, the city may at its own option do the same at the cost and expense of said company.

¶ 9. **Reservation of rights.**] § 9. Nothing herein contained shall impair or abridge the right of the city to dig up or open said streets and avenues, or any portion thereof, and to temporarily remove said tracks and roadbed for the purpose of laying sewers or water pipes, or making any similar improvements, or for repairing the same.

¶ 10. **Time of completion—reverter.**] § 10. The tracks authorized to be constructed by this ordinance shall be laid and completed on all the above mentioned streets, and said railway shall be in full operation upon said streets within the period of eighteen months after the passage of said ordinance.

And all the rights and privileges herein granted shall, at the expiration of said period, revert to the city of Chicago, as to all streets and parts of streets which, at the expiration of said period, shall not be occupied by said railway tracks, with the said railway thereon, in full operation; Provided, that if the said company shall be restrained or prevented from proceeding with the work upon said railway tracks or railway by the order or writ of any court of competent jurisdiction, the time which said company shall be so delayed shall be so added to the time herein prescribed for the completion of said railway tracks, and the operation of said railway.

The city shall have, however, the right to intervene in any suit for an injunction to restrain said company, as aforesaid, and move for the dissolution of the injunction in case such suit shall be deemed collusive, or for the purpose of delay, or of extending the time for the completion of said railway tracks, and operation of said railway.

¶ 11. **Indemnity clause—acceptance.**] § 11. The said company, its successors or assigns, shall defend and save harmless the city of Chicago from any and all damages, judgments, decrees and costs connected therewith which may be rendered against said city by reason of the granting of the rights and privileges herein contained, or which may in any way accrue or arise or grow out of the exercise by said company, or its successors or assigns, of the rights and privileges hereby granted.

This ordinance is passed upon the express agreement and understanding that the said company, before availing itself of the rights and privileges granted by this ordinance, shall file with the city clerk its acceptance of all the terms and conditions of this ordinance.

¶ 12. **License — style of cars — heating.**] § 12. The said company shall pay into the city treasury of the city of Chicago, for the use of the said city, the sum of fifty dollars ($50), and no more, as an annual license fee for each and every car operated by said company under the privileges hereby granted in the manner following:

In computing the number of cars upon which said license charge may be imposed, thirteen round trips, when one car is used in the transportation of passengers, shall be taken as equivalent for one day's use of one car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter; such quotient shall be the number of cars subject to such license fee. The president or other chief officer of said company shall, under oath, make report quarter-yearly to the comptroller of the city of Chicago of the whole number of cars operated by said company within the privileges hereby granted, and at the same time pay to said comptroller twelve dollars and fifty cents ($12.50) for each car, to be ascertained as above prescribed in this section. The first quarter shall begin the first day upon which said company shall run a car or cars for the carriage of passengers.

The cars to be used on said railway shall be of the best style and class now in use, and shall be provided during the months of November, December, January, February and March of each year with heating apparatus, of a kind and nature which shall be reasonably effective in raising the temperature in said car and heating the same, and the said apparatus shall be operated at such times during the said months aforesaid as the nature of the weather and degree of temperature shall require.

¶ 13. **Indemnity bond.**] § 13. The said company, its successors or assigns, shall within sixty (60) days from the passage of this ordinance execute a bond to said city of Chicago in the penal sum of ten thousand (10,000) dollars, conditioned to indemnify and save harmless the city of Chicago of any and from all damages which may accrue or arise, or grow out of the exercise by the said company, its successors or assigns, of the privileges hereby granted; said bond to be subject to the approval of the commissioner of public works of the city of Chicago; Provided, that if the said company, its successors or assigns, shall not file an acceptance in writing of this ordinance and the bond herein required within sixty (60) days from the passage hereof, then this ordinance shall be of no force and effect, and all rights herein granted shall absolutely cease and determine.

¶ 14. **When in force.**] § 14. This ordinance shall take effect when the said company, its successors or assigns, shall file the bond

herein required, and accept in writing the terms and conditions of this ordinance, and said bond shall be approved.

AGREEMENT.

This agreement, made and entered into this twenty-sixth day of June, A. D. 1895, by the Chicago Passenger Traction Company, party of the first part, and the city of Chicago, party of the second part, witnesseth, that,

Whereas, on to-wit, the 20th day of June, 1895, the city council of the city of Chicago passed an ordinance entitled "An ordinance authorizing the Chicago Passenger Traction Company to construct and operate a street railway on Fullerton avenue, Central avenue, Maynard avenue and Tanner road," which ordinance is now before the mayor of said city of Chicago for his approval or his veto; and,

Whereas, said mayor has consented to approve said ordinance in the form in which it was passed if the said company shall make and enter into an agreement to do the things hereinafter provided.

Now, therefore, in consideration of the passage and approval of said ordinance and of the privileges therein granted to said company, the said Chicago Passenger Traction Company hereby agrees at any time hereafter, whenever it shall have constructed and have in operation any part of its proposed line or lines of street railroad, that it will, on demand of the mayor and commissioner of public works, place at each and every intersection of any street or avenue with such line or lines of street railroad an arc electric light, and that it will at its own expense maintain such light for the purpose of lighting such street crossing, each of such arc lights to be kept lighted at such times and during such hours as shall be provided or prescribed by said mayor and commissioner of public works.

The said company also agrees that whenever it shall at any time hereafter in the construction of its line or lines of street railroad, become necessary for it to injure any pavement, sidewalk, water main or any other public improvement of any kind or description whatsoever, situated or being in any street upon or along which it shall be authorized to construct any portion of its line or lines of street car tracks, that it will deposit with the commissioner of public works or under his direction, such sum of money as he shall deem adequate and sufficient for the purpose of fully restoring to its former condition any such pavement or other improvement in said street, and said commissioner shall be and hereby is authorized to cause such repairs to be made, and to pay for the same out of the money so deposited with him by said company for that purpose; and it is agreed that said company shall not be entitled to any permit to open said street or to proceed with any of its work in, upon or along any street until such deposit shall have been made.

In witness whereof, the said party of the first part has caused these

presents to be signed by its president and attested by the hand of its secretary and by its corporate seal.

CHICAGO PASSENGER TRACTION CO.,
Per P. H. HOYNES,
President.

Attest:
WM. U. RILEY, Secretary.
(Seal.)

GEO. B. SWIFT,
Mayor.

Approved June 26th, 1895.

HORSE RAILWAY IN THE STREETS OF THE SOUTH AND WEST DIVISIONS OF CHICAGO.

§ 553. Horse railway in the streets of the South and West divisions of Chicago.

An ordinance authorizing the extension and operation of certain horse railways in the streets of the south and west divisions of Chicago. (Passed May 23, 1859.)

Note.—For above ordinance and amendments thereto see section 431.

THE CHICAGO WEST DIVISION RAILWAY COMPANY.

(Act of the Legislature.)

§ 554. The Chicago West Division Railway company.

¶ 1. Incorporation.
¶ 2. Powers.
¶ 3. Directors.
¶ 4. Power to acquire real estate, franchises, etc.
¶ 5. Penalty for obstruction of tracks, etc.
¶ 6. Public act, etc.

An act to authorize the extension of horse railways in the city of Chicago. (Approved February 21, 1861.)

¶ 1. Incorporation.] Be it enacted by the people of the state of Illinois, represented in the general assembly: § 1. That Edward P. Ward, William K. McAllister, Samuel B. Walker, James L. Wilson, Charles B. Brown, Nathaniel P. Wilder and their successors, be and they are hereby created and constituted a body corporate and politic, by the name of "The Chicago West Division Railway Company," for the term of twenty-five years, with all the powers and authority pertaining to corporations for like purposes.

¶ 2. Powers.] § 2. The said corporation shall possess all the powers conferred by, and be subject to all the provisions contained in,

the second, third, fifth and sixth sections of an act, entitled, "An act to promote the construction of horse railways in the city of Chicago," approved February 14th, 1859; Provided, that nothing herein contained shall be so construed as to in any manner invalidate or injuriously affect any of the rights of either of the corporations created by said act, or to authorize the corporation hereby created to construct or use any railway track in the north division of Chicago, except by the written consent of the North Chicago City Railway Company; And further provided, the consent of the owners of two-thirds of the property, by lineal measure, fronting upon the streets through which said railways shall pass, shall be obtained.

¶ 3. **Directors.**] § 3. All the corporate powers of said corporation shall be vested in and exercised by a board of directors, and such officers and agents as said board shall appoint. The first board of directors shall consist of said Charles B. Brown, James L. Wilson, William K. McAllister, Samuel B. Walker and Nathaniel P. Wilder, and thereafter of not less than three nor more than seven stockholders, who shall be chosen each and every year by the stockholders, at such times and in such manner as the said corporation shall by its laws prescribe. The said directors shall hold their offices until their successors are elected and qualified, and may fill any vacancies which may happen in the board of directors by death, resignation or otherwise. They may also adopt such by-laws, rules and regulations for the government of said corporation and the management of its affairs and business as they may think proper, not inconsistent with the laws of this state.

¶ 4. **Power to acquire real estate, franchises, privileges, etc.**] § 4. The corporation hereby created is authorized to purchase, hold and convey real or personal estate; to mortgage or lease its franchises and property; to acquire, unite and exercise any of the powers, franchises, privileges or immunities conferred upon the Chicago City Railway Company by the act aforesaid, or any ordinance of the common council of said city, upon such terms and conditions as may by contract between the said railway corporations be prescribed; and the consent of the board of directors of the said Chicago City Railway Company, manifested in writing, shall be a condition precedent to the corporation hereby created exercising the powers, or any of them, conferred upon it by the second section of the act aforesaid, as to any street of said south and west divisions of Chicago, in which the said Chicago City Railway Company has acquired the right of laying down its track; Provided, that upon obtaining such contract or consent as aforesaid, this corporation shall thereupon and thereby become entitled, as to the streets last above mentioned and no others, to use the same according to the provisions of said contract and the ordinances aforesaid, anything herein contained to the contrary notwithstanding.

¶ 5. **Penalty for obstruction of tracks, etc.**] § 5. If any per-

son shall willfully and maliciously obstruct either of the corporations aforesaid, or that hereby created, in the use of any of their railway tracks, or the passing of the cars of either of said corporations thereon, such person, and all who shall be aiding or abetting, shall be punished by a fine not exceeding five hundred dollars, or may be imprisoned in a common jail for a period not exceeding three months.

¶ 6. **Public act, etc.**] § 6. This act shall be deemed a public act, and noticed by all courts as such without pleading, and shall take effect from its passage.

EXEMPTING CANAL STREET AND OTHER STREETS FROM RAILWAY USES.

§ 555. Exempting Canal street and other streets from railway uses.

An ordinance exempting Canal street and other streets from railway uses by substitution and for other purposes. (Passed November 18, 1861.)

Note.—For above ordinance see section 432.

PRESERVATION OF CERTAIN STREETS FROM RAILWAY USES.

§ 556. Preservation of certain streets from railway uses.

An ordinance for the preservation of certain streets of Chicago from railway uses. (Passed November 16, 1863.)

Note.—For above ordinance see section 432.

NORTH HALSTED SUBSTITUTED FOR NORTH DESPLAINES.

§ 557. North Halsted substituted for North Desplaines.

¶ 1. North Halstead street substituted for North Desplaines street.
¶ 2. Street improvements and repairs.
¶ 3. Renewal of tracks—restoration of street.
¶ 4. When in force.

An ordinance for releasing of North Desplaines street from railway uses, and the substitution of North Halsted street. (Passed March 14, 1864.)

¶ 1. **North Halsted street substituted for North Desplaines street.**] Be it ordained by the common council of the city of Chicago: § 1. That because of the numerous steam railway tracks now laid and in use on Kinzie street, whereby a horse railway upon said Desplaines street would be seriously obstructed in its connection with that upon Milwaukee avenue, and made both dangerous and inconvenient to the public, and in consideration of the release by the Chicago West Division Railway Company to the city of Chicago of any and all right to use said Desplaines street for railway purposes, authority and consent are hereby given and granted unto said railway company to remove its railway tracks from said Desplaines street, and to lay down and use a double track for a railway, with all necessary or convenient tracks for curves, turn-outs and switches, in and upon said North Halsted street, from the south line of West Lake street to the north line of Milwaukee avenue, subject to the conditions of the ordinances heretofore passed concerning said railway company or the Chicago City Railway Company, and all ordinances which may be hereafter passed concerning said West Division Railway Company; Provided, that no authority is hereby or shall be given to said company to construct or operate a single track on said North Halsted street.

¶ 2. **Street improvement and repairs.**] § 2. The said Chicago West Division Railway Company, its successors or assigns, as respects grading, paving, macadamizing, filling or planking, shall at their own expense keep sixteen feet in width in repair on said North Halsted street, so far as the same is embraced in this ordinance, and keep their tracks in such condition that wagons, carriages and other vehicles can pass and repass at any and all points, and in any and all directions, and shall be subject to assessment for paving, repaving, planking, replanking or any other kind of new improvement which may by ordinance be ordered at any time by the common council.

¶ 3. **Removal of tracks—restoration of street.**] § 3. The said railway company shall remove its track from said Desplaines street, and restore said street to its former state within thirty days from the time of the approval of this ordinance, and shall also within three months from said time construct a railway on said Halsted street, from the south line of said Lake street to said Milwaukee avenue, unless restrained by the order or injunction of some court of competent jurisdiction from so doing; and in case said company shall fail to remove said track from said Desplaines street, and construct a railway on Halsted street according to the provisions of this ordinance, then the same shall forfeit all the rights and privileges by this ordinance granted or conferred.

¶ 4. **When in force.**] § 4. This ordinance shall be in force from the time of the execution of the said release by the said the Chicago West Division Railway Company, under the hands of its proper

officers and corporate seal, and the delivery thereof to the clerk of the city of Chicago.

TEMPORARY TRACKS ON CLINTON STREET.

§ 558. Temporary tracks on Clinton street.
¶ 1. Temporary tracks on Clinton street.
¶ 2. Subject to board of public works and ordinances.
¶ 3. Penalty.
¶ 4. When to take effect.

An ordinance authorizing temporary horse railway tracks on Clinton street, between Madison and Randolph streets. (Passed March 28, 1864.)

¶ 1. **Temporary tracks on Clinton street.**] Be it ordained by the common council of the city of Chicago: § 1. That the West Division Railway Company is hereby authorized to lay a single or double track for a railway on Clinton street, between Madison and Randolph streets, and to operate the same in connection with the horse railroads of said company now on Randolph and Madison street; Provided, that said railway track shall be continued only during the construction of the proposed new bridge across the Chicago river at Randolph street, and that when said bridge is completed the said track shall be removed by said company and the said street be by them restored to as good condition as before being occupied by said track; and provided, further, that the said railway company, in the laying, maintaining and operating said temporary railway, shall be subject to all the general liabilities, regulations and conditions concerning the same, during its continuance in said street as herein above provided, as by the laws of the state and the ordinances of the city of Chicago are imposed on said company concerning other railway tracks operated by them in the city of Chicago.

¶ 2. **Subject to direction of board of public works and ordinances.**] § 2. The said temporary railway track shall be laid by the said West Division Railway Company, under the direction of the board of public works, subject, however, to any regulation, as to the manner of laying the track, required by any existing ordinance of this city.

¶ 3. **Penalty.**] § 3. Should the said company, its successors or assigns, fail or neglect to remove the said temporary railway track or tracks and superstructure from off said Clinton street, within the first twenty days next ensuing the day on which the proposed new bridge at Randolph street shall be completed and in general use, the said company, its successors or assigns, shall, for each and every day after the lapse of said twenty days that the said railway track or tracks and

superstructure are allowed to be and remain upon said Clinton street, be fined in the sum of fifty dollars, to be collected as other fines.

¶ 4. **When to take effect.**] § 4. This ordinance shall take effect and be in force from and after its passage and due publication.

Note.—See amendatory ordinance of July 11, 1864, following:

DESPLAINES STREET RECLAIMED.

§ 559. Desplaines street reclaimed.

¶ 1. Desplaines street reclaimed.
¶ 2. Street improvements and repairs.
¶ 3. Desplaines street to be restored.
¶ 4. When in force.

An ordinance for the releasing of North Desplaines street from railway uses, and the substitution of North Halsted street. (Passed March 28, 1864.)

¶ 1. **Desplaines street reclaimed.**] Be it ordained by the common council of the city of Chicago: § 1. That because of the numerous steam railway tracks now laid and in use on Kinzie street, whereby a horse railway upon said Desplaines street would be seriously obstructed in its connection with that upon Milwaukee avenue, and made both dangerous and inconvenient to the public, and in consideration of the release by the Chicago West Division Railway Company to the city of Chicago of any and all right to use said Desplaines street for railway purposes, authority and consent are hereby given and granted unto said railway company to remove its railway tracks from said Desplaines street, and to lay down and use a double track for a railway, with all necessary or convenient tracks for curves, turnouts and switches, in and upon North Halsted street, from the south line of West Lake street to the north line of Milwaukee avenue, subject to the conditions of the ordinances heretofore passed concerning said railway company or the Chicago City Railway Company; Provided, that no authority is hereby or shall be given to said company to construct or operate a single track on said North Halsted street.

¶ 2. **Street improvements and repairs.**] § 2. The Chicago West Division Railway Company, its successors or assigns, as respects grading, paving, macadamizing, filling or planking, shall at their own expense keep sixteen feet in width in repair on said North Halsted street, so far as the same is embraced in this ordinance, and keep their tracks, in such condition that wagons, carriages and other vehicles can pass and repass at any and all points, and in any and all directions, and shall be subject to assessment for paving, repaving, planking, re-

planking or any other kind of new improvement which may by ordinance be ordered at any time by the common council on said Halsted street.

¶ 3. **Desplaines street to be restored.**] § 3. The said railway company shall remove its track from said Desplaines street, and restore said street to its former state within thirty days from the time of the approval of this ordinance, and shall also within three months from said time, construct a railway on said Halsted street from the south line of said Lake street to said Milwaukee avenue, unless restrained by the order or injunction of some court of competent jurisdiction from so doing, and in case said company shall fail to remove said track from said Desplaines street and construct a railway on Halsted street according to the provisions of this ordinance, then the same shall forfeit all rights and privileges by this ordinance granted or conferred.

¶ 4. **When in force.**] § 4. This ordinance shall be in force from the time of the execution of the said release by the said Chicago West Division Railway Company, under the hands of its proper officers and corporate seal, and the delivery thereof to the clerk of the city of Chicago.

4a. Release referred to in foregoing ordinance.

Know all men by these presents, That the Chicago West Division Railway Company, for and in consideration of the passage by the common council and the approval by the mayor of the city of Chicago, of a certain ordinance entitled "An ordinance for the releasing of North Desplaines street from railway uses, and the substitution of North Halsted street," have and by these presents do hereby release and surrender unto the said city of Chicago any and all right to lay down a railway track along the course of North Desplaines street, between Randolph street and Milwaukee avenue.

Witness the hands of the president and secretary of said company, and its corporate seal, this fourth day of April, A. D. 1864.

J. R. JONES, President.

[Seal.] WM. H. OVINGTON, Secretary.

Note.—See amendatory ordinance following.

CLINTON STREET.

§ 560. Clinton street.

¶ 1. Clinton street.
¶ 2. North Desplaines street.
¶ 3. When to take effect.

An ordinance amending ordinances of March 28, 1864, concerning horse railways on Clinton street and on North Desplaines street. (Passed July 11, 1864.)

¶ 1. **Clinton street.**] Be it ordained by the common council of the city of Chicago: § 1. That the ordinance entitled "An ordinance authorizing temporary horse railway tracks on Clinton street between Madison and Randolph streets," passed March 28th, 1864, be so amended as that the third section and the provisions of said ordinance for a temporary use only of said Clinton street be and the same are hereby repealed.

¶ 2. **North Desplaines street.**] § 2. That all the provisions and conditions contained in the second section of an ordinance entitled "An ordinance for the releasing of North Desplaines street from railway uses, and the substitution of North Halsted street," passed March 28, 1864, so far as the same applies to said Halsted street, be and the same is hereby applied to said railway on Clinton street.

¶ 3. **When to take effect.**] § 3. This ordinance shall take effect from and after its passage.

CHICAGO WEST DIVISION RAILWAY COMPANY.

§ 561. Chicago West Division Railway company.

¶ 1. Route.
¶ 2. Time for construction.
¶ 3. Street improvements, repairs, etc.
¶ 4. Animal motive power only—exclusive use, etc.
¶ 5. Funeral cars, etc.
¶ 6. When to take effect.

An ordinance creating new lines of horse railways, extending others, and regulating the use thereof. (Passed August 17, 1864.)

¶ 1. **Route.**] Be it ordained by the common council of the city of Chicago: § 1. That in consideration of the acceptance hereof and the undertaking by the Chicago West Division Railway Company to comply with the provisions of this ordinance, authority and consent is hereby given and granted unto the said the Chicago West Division Railway Company, its successors and assigns, to construct, lay down, operate and maintain horse railways, with the necessary side tracks and switches, in the manner and upon and along the several streets hereinafter mentioned. Commencing on Clinton street, at its intersection with Madison street, and running south, with a single or double track, to Harrison street; thence south, with a single track only, to Twelfth street. Commencing on Meagher street, at its intersection with Canal street, and running west, with a single or double

track, to Jefferson street; thence north, on Jefferson street, with a single or double track, to Twelfth street; thence north, with a single track only, to Harrison street; thence north, with a single or double track, to Van Buren street. Commencing on Chicago avenue, at the river, so as to connect with the track of the North Chicago City Railway Company, and running west, with a single or double track, to the present or future city limits. Commencing on West Indiana street, at its intersection with Milwaukee avenue, and running west, with a single or double track, to the present or future city limits. Commencing on Catharine street, at its intersection with Blue Island avenue, and running west, with a single or double track, to Robey street. Commencing on Polk street at the east line of Canal street, and running west, with a single or double track, to Jefferson street. Commencing on Desplaines street, at its intersection with Van Buren street, and running south, with a single or double track, to Sebor street; thence west, on Sebor street, to Halsted street. Commencing on Halsted street, at Harrison street, and running south, with a single or double track, to the south branch of the Chicago river. And commencing on Halsted street, at Milwaukee avenue, and running north, with a single or double track, to the center of the north branch of the Chicago river; Provided, that the consent of the owners of two-thirds of the property by lineal measure, fronting upon said streets, shall first be obtained.

¶ 2. **Time for construction.**] § 3. The said the Chicago West Division Railway Company, shall construct the railways aforesaid on Clinton street, Jefferson street and Meagher street, within ninety days from the passage of this ordinance, unless delayed by the order or injunction of some court of competent jurisdiction; and shall construct the railway on Chicago avenue, from Milwaukee avenue to Wood street, on West Indiana street, from Milwaukee avenue to Reuben street, and on Catharine street, from Blue Island avenue to Robey street, and on Halsted street, Desplaines street and Sebor street, within fifteen months from the passage of this ordinance.

¶ 3. **Street improvements, repairs, etc.**] § 3. The said the Chicago West Division Railway Company, its successors and assigns shall, as respects the grading, paving, macadamizing, filling or planking of the streets or part of streets upon which they shall construct the said railways, or any of them, keep eight feet in width along the line of said railways, on all streets where one track is constructed, and sixteen feet in width along the line of said railways where two tracks are constructed, in good repair, so that wagons, carriages and other vehicles can pass and repass at any and all points, and in any and all directions; and when any new improvement, paving, repaving, planking or replanking, is ordered by the common council on any of said streets, or parts of said streets, the said railway company shall, in the same manner and with like material as required of the owners of property as to other contiguous parts of the street, make such new improvements, on

eight feet in width where a single track is used, or sixteen feet in width where a double track is used; and if the said company shall refuse or neglect to make such new improvement within a reasonable time, to be fixed by the ordinance, the work may be done by the city, and the cost thereof assessed by the board of public works on said company, and collected as other assessments, from any real or personal property of said company. But if the board of public works should deem it inexpedient that said new improvement should be so made by said company, then the same shall be done by the city as in other cases, and the costs thereof assessed upon and collected of said company in manner as aforesaid. And if the said company shall refuse or neglect to make any necessary repairs as aforesaid, or the repairs required by any ordinances heretofore passed, and now in force in respect to horse railway companies, after twenty days' notice from the board of public works, the city may make the repairs and collect the cost thereof, by suit at law, in any court of competent jurisdiction. And said company shall construct all and singular its said respective railways of the kind of rail, and be subject to and governed by the ordinances in force respecting such railways in the south and west divisions of Chicago, except as herein otherwise provided.

¶ 4. **Animal motive power only—exclusive use, etc.**] § 4. The cars to be used on said several railways shall be operated by animal power only; and said railways shall not, or any of them, connect with any other railroad operated by other power; nor shall any other person or corporation operate or use any railway cars or carriages upon or along any or either of said tracks or streets wherein such track is laid, without first having the consent in writing therefor of said railway company.

¶ 5. **Funeral cars, etc.**] § 5. Said railroad company shall keep on hand a sufficient number of cars adapted to funeral purposes, in which shall be suitable compartments for carrying the corpse by itself; and on application of any person shall furnish not exceeding three cars, unless more shall be agreed upon, at some convenient point on the line of its said roads, so as not to hinder or delay other cars thereon, to convey the corpse and persons attending the funeral to any cemetery to which its lines or connections extend; Provided, that if its funeral cars shall all be engaged for funeral purposes before such application is made, the company shall not be bound to furnish the same until such prior engagement is fulfilled. And the said company shall make the best possible arrangement with the street railway companies whose lines do now or may hereafter extend to the cemeteries, so that the charge for conveying any corpse from points on said lines of railways through to the cemeteries shall not exceed two dollars, and for each person attending such funeral not exceeding twenty-five cents for the round trip out and back.

¶ 6. **When to take effect.**] § 6. This ordinance shall be in full force and effect from and after its passage.

STIPULATION IN REFERENCE TO FOREGOING ORDINANCE.

Whereas, The common council of the city of Chicago has passed an ordinance entitled "An ordinance creating new lines of horse railways, extending others, and regulating the use thereof," on the 17th day of August, A. D. 1864; and, whereas, the following provision occurs in the third section thereof, to-wit: "And said company shall construct all and singular its said respective railways of the kind of rail, and be subject to and governed by the ordinances in force respecting such railways in the south and west divisions of Chicago, except as herein otherwise provided;" and whereas, some question has arisen as to whether the city of Chicago could, under said provision, regulate the kind of rail to be used by said company, now for the purpose of removing all doubt on such question.

Resolved by the Chicago West Division Railway Company, That said company admit, as a perpetual estoppel on it, its successors and assigns, that the said company are and shall be subject to the provisions of an ordinance passed by said common council on the 11th day of August, A. D. 1864, entitled "An ordinance prescribing the guage and rail to be used on horse railways in the city of Chicago," and any future ordinances hereafter passed by the common council on the kind of rail to be used in said city on horse railways. And the said ordinance first named is and shall be accepted by the Chicago West Division Railway Company, with the express understanding and condition that the construction herein set forth, shall be given to the clause quoted in the preamble hereof.

Office of the Chicago West Division Railway Company,
Chicago, August 25th, 1864.

I hereby certify that the foregoing is a true copy of a preamble and resolution passed this 25th day of August, A. D. 1864, by the board of directors of the Chicago West Division Railway Company.

(Seal) WM. H. OVINGTON, Secretary.

§ 562. Chicago West Division Railway company.

¶ 1. Extension authorized.
¶ 2. Application of contracts.
¶ 3. Construction of tracks—time limit.

An ordinance authorizing the extension of tracks of the Chicago West Division Railway company on West Van Buren street. (Passed November 13, 1871.)

¶ 1. **Extension authorized.**] Be it ordained by the common council of the city of Chicago: § 1. That the Chicago West Division Railway Company be and is hereby authorized and permitted to lay down and maintain a single or double track railway, with all the necessary turnouts, switches and side tracks, on West Van Buren street, from the east line of South Western plank road (or Ogden avenue) to Western avenue, and to run its cars there, on the condition with its track on South Clinton street and Van Buren street, east of South Western plank road, but the said company shall not be required to lay its track west of Hoyne street, until said Van Buren street shall be opened and continued direct between Hoyne and Leavitt streets.

¶ 2. **Application of contracts.**] § 2. All contracts by and be-

tween the city of Chicago and said railway company, applicable to the line, its line on Van Buren street east of Southwestern plank road (or Ogden avenue), shall be, and are hereby, extended to its line on Van Buren street west of Southwestern plank road hereby authorized, and the said company shall enjoy and exercise the same privileges, and be subject to the conditions on line hereby authorized, as now apply to its line on said West Van Buren street, east of Southwestern plank road.

¶ 3. **Construction of tracks—time limit.**] § 3. The said railway company shall lay or cause to be laid a single or double track on said West Van Buren street, from Southwestern plank road to Hoyne street, within six months from the passage of this ordinance, and from Hoyne street to Western avenue within six months from and after said Van Buren street shall be opened between Hoyne and Leavitt streets; otherwise this ordinance shall be null and void, and the right of way hereby granted to said company shall cease.

§ 563. Chicago West Division Railway company.

¶ 1. Privileges given.
¶ 2. Preamble
¶ 3. Extension of time.

Resolution in relation to track on Fifth avenue. (Passed February 5, 1872.)

¶ 1. **Privileges given.**] Resolved, By the common council of the city of Chicago, that authority and consent be, and the same are hereby granted to the Chicago West Division Railway Company to take up and remove temporarily their railway track on Wells street (or Fifth avenue), between Van Buren and Polk streets, with the right to reconstruct and restore the same, with the necessary curves and side tracks, whenever it shall be deemed by them desirable so to do; and afterward to maintain and use the said track upon the same terms and conditions, and with the same privileges, immunities, and exemptions heretofore granted to said company under existing ordinances and contracts, and contracts relating to the use of that portion of said street for railway purposes.

Resolution in relation to track on Van Buren street. [Passed July 8, 1872.]

¶ 2. **Preamble.**] Whereas, On the 13th day of November, 1871, an ordinance was passed authorizing the Chicago West Division Railway Company to extend their rails on West Van Buren street from their present termination at Southwestern avenue; and, whereas, under the third section of said ordinance said company were required to lay down the rails and complete the track as far west as Hoyne street within six months after the date of the passage of said ordinance, and the difficulty of laying the rails during the winter months having prevented the company from completing the same during the time so limited as aforesaid; now, therefore, be it

¶ 3. **Extension of time.**] Resolved, By the common council of the city of Chicago, that the time within which said company shall lay its rails and complete its said track to Hoyne street, as aforesaid, is hereby further extended six months from and after the time so limited as aforesaid in the third section of said ordinance.

§ 564. Chicago West Division Railway company.

¶ 1. Grant—condition of street.
¶ 2. Motive power—exclusive use of tracks.
¶ 3. Limitation as to use of cars.
¶ 4. Tracks—grade.
¶ 5. Proportion of cost of street paving.
¶ 6. Time limitation for completion of railway.
¶ 7. Rights cease October 1, 1894—purchase by city.
¶ 8. Order to purchase—limitation.
¶ 9. Rights of city reserved.
¶ 10. Bond.
¶ 11. When in effect and force.

An ordinance authorizing the construction and operation of a horse railway on North avenue, between Milwaukee avenue and Humboldt park, in the city of Chicago. (Passed March 8, 1875.)

¶ 1. **Grant—condition of streets.**] Be it ordained by the common council of the city of Chicago: § 1. That in consideration of the acceptance hereof, and the undertaking of the Chicago West Division Railway Company to comply with the provisions herein contained, authority, permission, and consent are hereby given, granted, and duly vested in said company, its successors and assigns, to lay down, operate and maintain a single or double track railway, with all necessary turnouts, turntables, side tracks, and switches, in, upon, and along North avenue, in said city of Chicago, commencing at the intersection of said North avenue with Milwaukee avenue, and to connect with the track, or tracks now upon said Milwaukee avenue, and thence to extend west to the present and to the future city limits; Provided, the track or tracks of said railway shall not be laid within twelve feet of the sidewalks of said North avenue.

And provided, further, that before said company shall lay any track or tracks under the provisions of this ordinance they shall, at their own expense, grade and cinder North avenue, between Milwaukee avenue and Western avenue, to the width of thirty-three feet, and put said North avenue in a good, passable condition for wagons.

¶ 2. **Motive power—exclusive use of tracks.**] § 2. The cars or carriages to be used upon said track or tracks hereby authorized to be constructed upon said North avenue shall be operated with animal power only, and no railway car or carriage used by any other railroad company in this State shall be used upon or passed over said track or tracks.

¶ 3. **Limitation as to the use of cars.**] § 3. The said track or tracks and cars operated thereon shall be used for no other purpose

than to transport passengers and their ordinary baggage; and the cars or carriages used for that purpose shall be of the best style and class in use on such railways; and the common council shall have the power at all times to make such regulations as to the rate of speed and time of running said cars and carriages as said council may require.

¶ 4. **Tracks—grade.**] § 4. The track or tracks of said railway shall not be elevated above the surface of the street, and shall be laid with modern improved rails, and shall be so laid that carriages and other vehicles can easily and freely cross said track or tracks at any and all points, and in any and all directions, without obstruction.

¶ 5. **Proportion of cost of street paving.**] § 5. The said railway company, its associates, successors and assigns, shall pay one-third of the cost of grading, paving, macadamizing, or filling said street, or parts of said street, on which it is hereby authorized to construct said railway, and shall at all times keep that portion of said street as shall be occupied by its said railway in good repair and condition, in accordance with whatever orders may hereafter be passed in that behalf by said common council; and said railway company, its successors and assigns, shall be liable for all legal and consequential damages which may be sustained by any person, by reason of the carelessness, neglect, or misconduct of any agent or servant of said company, its successors and assigns, in the course of their employment in the construction or the use of the said track or tracks or railway.

¶ 6. **Time limitation for completion of railway.**] § 6. The rights and privileges hereby granted to said company shall be forfeited to the city of Chicago unless the said railway shall be fully completed and ready for use on or before the first day of October, A. D. 1876; Provided, that if the said company shall be delayed by the order or injunction of any court, the time of such delay shall be excluded, and the same time, in addition to the period above described, shall be allowed for the completion of said railway as that during which said company may have been so delayed.

¶ 7. **Rights cease October 1st, 1894—purchase by city.**] § 7. The right to operate said railway shall extend to the first day of October, A. D. 1894, at which time the rights and privileges herein and hereby granted to said company shall cease; but said company, operating said railway at said time, shall be entitled to enjoy all of such rights and privileges after the expiration of said time, and until the common council shall thereafter elect, by order for that purpose, to purchase said track or tracks of said railway, cars, carriages, furniture, and implements of every kind and description used in the construction and operation of said railway, and pay for the same in the manner hereinafter mentioned.

¶ 8. **Order to purchase—limitation.**] § 8. Such order to purchase shall fix the time when said city of Chicago will take such railway and other property before mentioned, which shall not be less

than six months after the passage of said order, and at the time of taking such railway and other property before mentioned the city of Chicago shall pay to the parties operating the same, a sum of money to be ascertained by three commissioners, to be appointed for that purpose, as follows: One to be chosen from the disinterested freeholders of Cook county by the said common council; one in like manner by the said company, its associates, or successors; and the two persons so chosen to choose the third from said freeholders.

¶ 9. **Rights of city reserved.**] § 9. All rights heretofore vested in the board of water commissioners and sewerage commissioners, or other corporations, are not to be impaired or affected by this ordinance, but the rights and privileges hereby granted are subject thereto.

¶ 10. **Bond.**] § 10. The said Chicago West Division Railway Company shall enter into a good and sufficient bond with the city of Chicago in the penal sum of ten thousand dollars for the faithful performance of all the terms and conditions herein contained in this ordinance, and that said railway herein mentioned shall be completed at the times and manner herein stated, unless delayed by the order or injunction of some court having jurisdiction of such matters, from so completing the same, and said Chicago West Division Railway Company shall also enter into a good and sufficient bond with the city of Chicago in the penal sum of fifty thousand dollars, for all legal, consequential, or other damages which may be sustained by any person or persons by reason of the rights and privileges herein and hereby granted to said company, said bonds to be drawn by the law officers of the city of Chicago, and each to contain such conditions, provisions, restrictions, prohibitions, or other matter as shall in the opinion of such law officers be necessary to fully and completely protect and indemnify the said city of Chicago in all things from any and all loss or damage by reason of the grant of the powers and privileges herein granted to said company.

¶ 11. **When in effect and force.**] § 11. This ordinance shall take effect and be in force as soon as the same shall have been duly accepted by the said Chicago West Chicago Division Railway Company, and the said company shall have made and executed the several bonds provided for herein in manner and form as hereinbefore required.

Note.—See amendatory ordinance following.

AN ORDINANCE amending the first, third, fourth, fifth, tenth and eleventh sections of an ordinance entitled, "An ordinance authorizing the construction and operation of a horse railway on North avenue, between Milwaukee avenue and Humboldt park, in the city of Chicago." Passed April 19, 1875.

¶ 1. **Amending sections 3, 4, 5, 10 and 11.**] Be it ordained by the common council of the city of Chicago: § 1. That section one of said ordinance be, and the same is hereby amended by repealing the last proviso of said section one, and that sections three, four, five, ten and eleven in said original ordinance be repealed and the following substituted:

¶ 3. **Section 3 amended.**] § 3. The said track, or tracks, and cars operated thereon shall be used for no other purpose than to transport passengers and their ordinary baggage, and said track or tracks shall be so laid as to avoid the unnecessary elevation of their tracks above the surface of the street, and shall be so maintained by said company as not unnecessarily to obstruct the passage of carriages or vehicles over them, or to impair the usefulness of the street on which they are laid; shall run cars or carriages thereon of a suitable style and description, and at all such times and rate of speed as the public convenience and safety shall to it seem to require.

¶ 4. **Section 4 amended.**] § 4. The said railway company, its successors and assigns, as respect grading and paving, shall at their own expense grade and pave the space between the rails and keep the same in good repair and condition, in accordance with such ordinances, orders and regulations as shall be passed or adopted by the common council of said city, such paving, grading, and repairs to be subject to and done under the superintendence and direction and to the satisfaction of the board of public works of said city, or other board of officers of said city having charge and superintendence of the improvements and repairs of streets.

¶ 5. **Section 5 amended.**] § 5. Said railway company, its successors and assigns, shall be liable for any legal or consequential damages which may be sustained by any person by reason of the carelessness, neglect, or misconduct of any agent or servant of said company, its successors and assigns, in the construction or use of said tracks or railway, or by reason of the misconstruction or faulty or defective construction of said tracks or any of them.

¶ 10. **Section 10 amended.**] § 10. The permission and authority hereby granted are upon the further condition that the said railway company shall and will forever indemnify and save harmless the city of Chicago against any and all damages, judgments, decrees, and costs and expenses of the same which it may suffer, or which may be recovered and obtained against said city for or by reason of the granting of such privilege and authority, or for or by reason of or growing out of or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted.

¶ 11. **Section 11 amended.**] § 11. This ordinance shall take effect and be in force as soon as the same shall have been duly accepted by the said Chicago West Division Railway Company.

§ 565. Chicago West Division Railway company.

¶ 1. Grant—completion of track laying.
¶ 2. Track laying—conditions.
¶ 3. Rate of fare.
¶ 4. Animal power only.
¶ 5. Passenger traffic only.
¶ 6. Street improvements, repairs, etc.
¶ 7. Forfeiture.
¶ 8. Vested rights unaffected.
¶ 9. Term of grant.

An ordinance authorizing a horse railway on West Indiana street. (Passed August 9, 1875.)

¶ 1. Grant—completion of track laying.] Be it ordained by the common council of the city of Chicago: § 1. That the Chicago West Division Railway Company is hereby authorized to lay a single or double track, with all necessary and convenient tracks for turnouts, side tracks and switches, in, upon and along West Indiana street, from its intersection with Halsted street and Milwaukee avenue, west to the present and future limits of the city, and to operate the same in connection with the horse railroad of said company on said Halsted street, and along Milwaukee avenue at its intersection with West Indiana street and Halsted street, southeast to Clinton street, thence south on Clinton street to Randolph street, and operate the same, in connection with the horse railroads of said company on Milwaukee avenue and Randolph street. The track or tracks of said railway company shall be laid as near the center of said street as they can be safely operated, and where the tracks shall be double, they shall be constructed perfectly parallel as far as practicable. The same to be completed as far west as Hoyne street by the first of January next, and from Hoyne street west to such point as may be sewered within twelve months from and after the completion of such sewerage.

¶ 2. Track laying—conditions.] § 2. The track of such railway shall not be elevated above the surface of the street, shall be laid with such modern improved rails as may be prescribed by the city, and shall be so laid that carriages and other vehicles can easily and freely cross said tracks, at any and all points, and in any and all directions, without obstruction.

¶ 3. Rate of fare.] § 3. The rate of fare for any distance shall not exceed five cents, except when cars or carriages shall be chartered for special purposes.

¶ 4. Animal power only.] § 4. The cars to be used upon said tracks shall be operated with animal power only, and shall not connect with any other railroad on which other power is used, and no railway car or carriage used upon any other railroad in this state shall be used upon said tracks.

¶ 5. **Passenger traffic only.**] § 5. The said tracks and railways shall be used for no other purpose than to transport passengers, and the cars and carriages for that purpose shall be of the best style and class.

¶ 6. **Street improvements, repairs, etc.**] § 6. The said company shall, as respects the grading, paving, macadamizing, filling or planking of the said street, or any part thereof upon which they shall construct their said railway, keep eight feet in width along the line of said railway whereon one track is constructed, and sixteen feet in width along the line of said railway whereon two tracks are constructed, in good repair and condition during all the time to which the privileges hereby granted to said company shall extend, in accordance with whatever order or regulation respecting the ordinary repairs thereof may be passed or adopted by the common council of said city. And the said company shall be liable for all legal consequential damages which may be sustained by any person by reason of the carelessness, negligence or misconduct of any of the agents or servants of the said company in the course of their employment in the construction or use of the railways aforesaid, or any or either of them.

¶ 7. **Forfeiture, when.**] § 7. If the said company shall fail to complete the said railway in this ordinance mentioned, at the time mentioned and provided, and according to the conditions prescribed herein, then the rights and privileges granted by virtue hereof respecting said railway shall be forfeited to the city of Chicago, unless the common council of said city shall grant to said company a further extension of time; Provided, that if said company is delayed by the order or injunction of any court, the time of such delay shall be excluded from the time above prescribed.

¶ 8. **Vested rights unaffected.**] § 8. All rights heretofore vested in the board of water commissioners and sewerage commissioners, or other corporations, are not to be impaired or affected by anything herein contained, but the rights and privileges hereby granted are subject thereunto.

¶ 9. **Term of grant.**] § 9. The said company shall keep, maintain, use and enjoy the right to operate thereon railway cars and carriages, under the terms and restrictions herein provided, for and during the term and period of twenty years from the date of the passage of this ordinance.

Note.—See amendatory ordinance following.

§ 565a. An ordinance amending ordinance of August 9, 1875, concerning a horse railway on Indiana street.

Amending section 1.

An ordinance amending ordinance of August 9, 1875, concerning a horse railway on Indiana street. (Passed August 12, 1875.)

¶ 1. **Amending section 1.**] Be it ordained by the common council of the city of Chicago: That the first section of the ordinance entitled "An ordinance for horse railway on West Indiana street," adopted August the 9th, 1875, be amended by adding to said section the words, "provided the time for the construction of that part of said proposed railway east of Halsted street on Milwaukee avenue and Clinton street shall be extended for the period of six months from and after the completion of the proposed viaduct at the railroad crossing on Milwaukee avenue, and that as thus amended said ordinance be ratified and confirmed.

§ 566. Chicago West Division Railway company.

¶ 1. Extension of grant.
¶ 2. Laying of tracks.
¶ 3. Animal power only.
¶ 4. Passenger traffic only.
¶ 5. Street improvements and repairs.
¶ 6. Forfeiture.
¶ 7. Vested rights reserved.
¶ 8. Term of grant.
¶ 9. Right of city to purchase.
¶ 10. Price—how fixed.
¶ 11. When in effect.

An ordinance authorizing the construction and operation by the Chicago West Division Railway company of an extension of their tracks on Blue Island avenue, from Rebecca street to Twenty-second street. (Passed February 21, 1876.)

¶ 1. **Extension of grant.**] Be it ordained by the common council of the city of Chicago: § 1. That in consideration of the acceptance hereof and the undertaking of the Chicago West Division Railway Company to comply with the provisions herein contained, permission and consent are hereby given, granted and duly vested in said company, its successors and assigns, to lay down, operate and maintain an extension of their double track railway, with all necessary and convenient turn-outs, turn-tables, side tracks and switches, on Blue Island avenue from its present termination at Rebecca street southwest and over and along the proposed railroad viaduct to Twenty-second street, the same to be completed within six months from and after the passage of this ordinance, or as soon as the said avenue shall be paved.

¶ 2. **Laying of tracks.**] § 2. The tracks of such railway shall be laid with such modern improved rails as may be prescribed by the city, and shall be so laid that carriages and other vehicles can easily and freely cross said tracks at any and all points, and in any and all directions, without obstruction.

¶ 3. **Animal power only.**] § 3. The cars to be used upon

said tracks shall be operated with animal power only, and shall not connect with any other railroad on which other power is used, and no railway car or carriage used upon any other railroad in this state shall be used upon said tracks.

¶ 4. **Passenger traffic only.**] § 4. The said tracks and railway shall be used for no other purpose than to transport passengers, and the cars and carriages for that purpose shall be of the best style and class.

¶ 5. **Street improvements, repairs, etc.**] § 5. The said company, as respects the grading, paving, macadamizing, filling or planking of said Blue Island avenue, upon which they shall construct their said railway, shall pave between their rails, and keep sixteen feet in width along the line of said railway where two tracks are constructed in good repair and condition during all the time to which the privilege hereby granted to said company shall extend, in accordance with whatever order or regulation respecting the ordinary repairs thereof may be passed or adopted by the common council of said city. And the said company shall be liable for all legal consequential damages which may be sustained by any person by reason of the carelessness, negligence or misconduct of any of the agents or servants of the said company in the course of their employment in the construction or use of the railway aforesaid, by any or either of them.

¶ 6. **Forfeiture.**] § 6. If the said company shall fail to complete the extension of said railway in this ordinance mentioned at the time mentioned and provided, and according to the conditions presented herein, then the rights and privileges granted by virtue hereof respecting said railway shall be forfeited to the city of Chicago, unless the common council of said city shall grant to said company a further extension of time.

¶ 7. **Vested rights reserved.**] § 7. All rights heretofore vested in the board of water commissioners and sewerage commissioners, or other corporations, are not to be impaired or affected by anything herein contained, but the rights and privileges hereby granted are subject thereunto.

¶ 8. **Term of grant.**] § 8. The said company shall keep, maintain, use and enjoy the right to operate thereon railway cars and carriages under the terms and restrictions herein provided for, and during the term and period of twenty years from the date of the passage of this ordinance.

¶ 9. **Right of city to purchase.**] § 9. The said company shall be entitled to enjoy all of such rights and privileges hereby granted after the expiration of the time fixed in this ordinance, and until the common council shall thereafter elect by order for that purpose, to purchase said track or tracks of said railway, cars, carriages, furniture and implements and appurtenances of every kind and de-

scription used in the construction and operation of said railway, and pay for the same in the manner hereinafter mentioned.

¶ 10. **Price, how fixed.**] § 10. Such order to purchase shall fix the time when said city of Chicago will take such railway and other property before mentioned, which shall not be less than six months after the passage of said order, and at the time of taking such railway and other property before mentioned the city of Chicago shall pay to the party or parties operating the same a sum of money, to be ascertained by three commissioners to be appointed for that purpose as follows: One to be chosen from the disinterested freeholders of Cook county by the said common council; one in like manner by the said company, its associate, or successors, and the two persons so chosen to choose the third from said freeholders.

¶ 11. **When in effect.**] § 11. This ordinance shall take effect and be in force as soon as the same shall be accepted by the company.

§ 567. Chicago West Division Railway company.

¶ 1. Authority to build.
¶ 2. Track laying.
¶ 3. Rate of fare.
¶ 4. Animal power only.
¶ 5. Passenger traffic only.
¶ 6. Street improvements and repairs.
¶ 7. Forfeiture.
¶ 8. Vested rights reserved.
¶ 9. Term of grant.
¶ 10. When in force.

An ordinance for the construction and operation of a horse railway on Ogden avenue, in the city of Chicago. (Passed February 28, 1876.)

¶ 1. **Authority to build.**] Be it ordained by the common council of the city of Chicago: § 1. That the Chicago West Division Railway Company is hereby authorized to lay a double track, with all necessary and convenient tracks for turn-outs and switches, in, upon and along Ogden avenue, from its intersection with Madison street, southwest to Western avenue, a single or double track, and to operate the same in connection with the horse railroad of said company on said Madison street, the same to be completed and operated as far southwest as Western avenue within six months from the passage of this ordinance.

¶ 2. **Track laying.**] § 2. The track of such railway shall be laid with such modern improved rails as may be prescribed by the city, and shall be so laid that carriages and other vehicles can easily and freely cross said tracks at any and all points, and in any and all directions, without obstruction.

¶ 3. **Rate of fare.**] § 3. The rate of fare for any distance shall not exceed five cents, except when cars or carriages shall be chartered for special purposes.

¶ 4. **Animal power only.**] § 4. The cars to be used upon said tracks shall be operated with animal power only, and shall not connect with any other railroad on which other power is used, and no railway car or carriage used upon any other railroad in this state shall be used upon said tracks.

¶ 5. **Passenger traffic only.**] § 5. The said tracks and railway shall be used for no other purpose than to transport passengers, and the cars and carriages for that purpose shall be of the best style and class.

¶ 6. **Street improvements, repairs, etc.**] § 6. The said company shall, as respects the grading, paving, macadamizing, filling or planking of the streets or parts of streets upon which they shall construct their said railways or any of them, keep eight feet in width along the line of said railway on all streets whereon one track is constructed, and sixteen feet in width along the line of said railway where two tracks are constructed, in good repair and condition during all the time to which the privilege hereby granted to said company shall extend, in accordance with whatever order or regulation respecting the ordinary repairs thereof may be passed or adopted by the common council of said city. And the said company shall be liable for all legal conseqential damages which may be sustained by any person by reason of the carelessness, negligence or misconduct of any of the agents or servants of the said company in the course of their employment in the construction or use of the railways aforesaid, by any or either of them.

¶ 7. **Forfeiture.**] § 7. If the said company shall fail to complete the said railway in this ordinance mentioned at the time mentioned and provided, and according to the conditions presented herein, then the rights and privileges granted by virtue hereof respecting said railway shall be forfeited to the city of Chicago, unless the common council of said city shall grant to said company a further extension of time: Provided, that if said company is delayed by the order or injunction of any court the time of such delay shall be excluded from the time above prescribed.

¶ 8. **Vested rights reserved.**] § 8. All rights heretofore vested in the board of water commissioners and sewerage commissioners, or other corporations, are not to be impaired or affected by anything herein contained, but the rights and privileges hereby granted are subject thereunto.

¶ 9. **Term of grant.**] § 9. The said company shall keep, maintain, use and enjoy the right to operate thereon railway cars and carriages under the terms and restrictions herein provided for and during the term and period of twenty years from the date of the passage of this ordinance.

¶ 10. **When in force.**] § 10. This ordinance shall take ef-

fect and be in force as soon as the same shall be accepted by the company.

Note.—See following ordinance.

An ordinance relating to the purchase of the rights and privileges granted to the Chicago West Division Railway Company in the foregoing ordinance. Passed July 10, 1876.

¶ 1. **Purchase of rights—arbitrators designated.**] Be it ordained by the common council of the city of Chicago: The right of the Chicago West Division Railway Company, under the ordinance to which this is an amendment, to operate said railway shall cease at the end of twenty years from the date of the passage of said ordinance, as therein provided, but said railway company shall be entitled to enjoy all of such rights and privileges after the expiration of said time and until the common council shall thereafter elect, by order for that purpose, to purchase said track or tracks of said railway, cars, carriages, furniture and implements, and appurtenances of every kind and description used in the construction and operation of said railway, and pay for the same in the manner hereinafter mentioned. Such order to purchase shall fix the time when said city of Chicago will take such railway, and other property before mentioned, which shall not be less than six months after the passage of said order, and at the time of taking such railway and other property before mentioned the city of Chicago shall pay to the parties operating the same a sum of money, to be ascertained by three commissioners to be appointed for that purpose, as follows: One to be chosen from the disinterested freeholders of Cook county by the said common council, one in like manner by the said company, its associates or successors, and the two persons so chosen to choose the third, from said freeholders.

§ 568. Chicago West Division Railway company.

¶ 1. Extension authorized.
¶ 2. Tracks.
¶ 3. Animal power only.
¶ 4. Passenger transportation only.
¶ 5. Street improvements and repairs.
¶ 6. Forfeiture.
¶ 7. Vested rights reserved.
¶ 8. Term of grant.
¶ 9. Right of city to purchase.
¶ 10. Price—how to be fixed.
¶ 11. When to take effect.

An ordinance authorizing the construction and operation by the Chicago West Division Railway company of an extension of their tracks on South Halsted street from Harrison street south to the south branch of the Chicago river. (Passed September 25, 1876.)

¶ 1. **Extension authorized.**] Be it ordained by the city council of the city of Chicago: § 1. That, in consideration of the ac-

ceptance hereof, and the undertaking of the Chicago West Division Railway Company to comply with the provisions herein contained, permission and consent are hereby given, granted and duly vested in said company, its successors and assigns, to lay down, operate and maintain an extension of their double track railway, with all necessary and convenient turn-outs, turn-tables, side tracks and switches, on South Halsted street, from Harrison street south, and over and along the viaduct, to the south branch of the Chicago river, the same to be completed within four months from and after the passage of this ordinance; Provided, that if said company shall be delayed by the order or injunction of any court of competent jurisdiction from completing said railway, the time of such delay shall be excluded from the period prescribed herein for completing the same.

¶ 2. **Tracks.**] § 2. The tracks of such railway shall be laid with such modern improved rails as may be prescribed by the city, and shall be so laid that carriages and other vehicles can easily and freely cross said tracks at any and all points, and in any and all directions, without obstruction.

¶ 3. **Animal power only.**] § 3. The cars to be used upon said tracks shall be operated with animal power only, and shall not connect with any other railroad on which other power is used, and no railway car or carriage used upon any other railroad in this state shall be used upon said tracks.

¶ 4. **Passenger transportation only.**] § 4. The said tracks and railway shall be used for no other purpose than to transport passengers, and the cars and carriages for that purpose shall be of the best style and class.

¶ 5. **Street improvements and repairs.**] § 5. The said Chicago West Division Railway Company, its successors or assigns, as respects grading, paving, macadamizing, filling or planking shall, at their own expense, lay down a new road bed sixteen feet wide, and keep sixteen feet in width in repair on said South Halsted street, so far as the same is embraced in this ordinance, and keep their tracks in such condition that wagons, carriages and other vehicles can pass and repass at any and all points, and in any and all directions, and as to said sixteen feet in width shall pave, repave, plank, replank, or make any other kind of new improvement which may by ordinance be ordered at any time by the city council on said South Halsted street so far as embraced in this ordinance.

¶ 6. **Forfeiture.**] § 6. If the said company shall fail to complete the extension of said railway in this ordinance mentioned, at the time mentioned and provided, and according to the conditions presented herein, then the rights and privileges granted by virtue hereof respecting said railway shall be forfeited to the city of Chicago, unless the city council of the city shall grant to said company a further extension of time.

¶ 7. **Vested rights reserved.**] § 7. All rights heretofore vested in the board of water commissioners and sewerage commissioners, or other corporations, are not to be impaired or affected by anything herein contained, but the rights and privileges hereby granted are subject thereunto.

¶ 8. **Term of grant.**] § 8. The said company may keep, maintain, use and enjoy the right to operate thereon railway cars and carriages upon the terms, with the rights and subject to the conditions and restrictions mentioned in the act incorporating said company, and acts amendatory of the same, for the term and period of twenty years from the date and passage of this ordinance.

¶ 9. **Right of city to purchase.**] § 9. The said company shall be entitled to enjoy all such rights and privileges hereby granted after the expiration of the time fixed in this ordinance, and until the city council shall thereafter elect, by order for that purpose, to grant the privilege to some person, persons, party or parties, or company, to purchase said track or tracks of said railway, cars, carriages, furniture and implements, and appurtenances of every kind and description used in the construction and operation of said railway, and pay for the same in the manner hereinafter mentioned.

¶ 10. **Price—how to be fixed.**] § 10. Such order to purchase shall fix the time when said person, persons, party, parties or company will take such railway and other property before mentioned, which shall not be less than six months after the passage of said order, and at the time of taking such railway and other property before mentioned the said person, party or company shall pay to the party or parties operating the same a sum of money to be ascertained by three commissioners, to be appointed for that purpose, as follows: One to be chosen by said person or parties from the disinterested freeholders of Cook county; one in like manner by the said company, its associates or successors operating said road, and the two persons so chosen to choose the third from said freeholders.

¶ 11. **When to take effect.**] § 11. This ordinance shall take effect and be in force as soon as the same shall be accepted by the company.

§ 569. Chicago West Division Railway company.

¶ 1. Preamble.
¶ 2. Extension of grant confirmed.
¶ 3. When in force.

An ordinance confirming and ratifying an ordinance for a horse railway on Halsted street from Harrison street to the south branch of the Chicago river. (Passed October 2, 1876.)

¶ 1. **Preamble.**] Whereas, a question has been raised respecting the validity of a certain ordinance passed by the city council at its regular meeting held on the 25th day of September, A. D. 1876,

entitled, "An ordinance authorizing the construction and operation by the Chicago West Division Railway Company of an extension of their tracks on South Halsted street, from Harrison street south to the south branch of the Chicago river;" and whereas, it is desirable that all doubts shall be removed in respect to the rights, powers and privileges acquired by the said railway company under the said ordinance, therefore,

¶ 2. **Extension of grant confirmed.**] Be it ordained by the city council of the city of Chicago. § 1. That all the rights, powers, privileges, permission and consent granted to the said Chicago West Division Railway Company in and by the aforesaid ordinance, or intended so to be, and as the same are therein set forth and specified, are hereby confirmed and duly granted to and vested in said Chicago West Division Railway Company to the same extent, and with the same effect in all respects as if the provisions of the aforesaid ordinance were herein set forth at large; Provided, that the fare for the entire distance shall not exceed five cents a trip to the city limits whenever the lines of said company shall be extended to said limits, or the same shall be connected with the South Side Railway Company.

¶ 3. **When in force.**] § 2. This ordinance shall take effect and be in force from and after its passage.

§ 570. Chicago West Division Railway company.

¶ 1. O'Neil street extension.
¶ 2. When in force.

An ordinance authorizing the construction and operation of street railway tracks on O'Neil street. (Passed November 27, 1876.)

¶ 1. **O'Neil street extension.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof, and the undertaking of the Chicago West Division Railway Company to comply with the provisions herein contained, permission and consent are hereby given and granted to and duly vested in said company, its successors and assigns to lay down, operate and maintain a double or single track railway with all necessary and convenient turn-outs, side tracks, turn tables and switches on O'Neil street, to enable said company to connect its tracks on South Halsted street with its car house on O'Neil street upon the same terms and conditions as are applicable to the tracks on said South Halsted street.

¶ 2. **When in force.**] § 2. This ordinance shall take effect and be in force as soon as the same shall have been duly accepted by said West Division Railway Company.

§ 571. Chicago West Division Railway company.

¶ 1. Grant extended.
¶ 2. Tracks.
¶ 3. Animal power only.
¶ 4. Passenger transportation only.
¶ 5. Street improvements and repairs.
¶ 6. Forfeiture.
¶ 7. Vested rights reserved.
¶ 8. Term of grant 20 years.
¶ 9. Right of city to purchase.
¶ 10. Price—how to be fixed.
¶ 11. City to be indemnified.
¶ 12. When in force.

An ordinance authorizing the construction and operation by the Chicago West Division Railway company of street railways upon certain streets in the West Division of the city of Chicago. (Passed March 26, 1877.)

¶ 1. Grant extended.] Be it ordained by the city council of the city of Chicago: § 1. That, in consideration of the acceptance hereof and the undertaking of the Chicago West Division Railway Company to comply with the provisions herein contained, which are hereby declared conditions, permission and consent are hereby given, granted and duly vested in said company, its successors and assigns, to lay down, operate and maintain a double track railway, with all necessary and convenient turn-outs, turn-tables, side tracks and switches, on Harrison street from Clinton to Canal streets, on Canal street from Harrison street to Canalport avenue, on Canalport avenue from Canal street to South Halsted street, and on Twelfth street from Canal street to Ashland avenue, the same to be completed and in operation by the first day of November, 1877; Provided, that if said company shall be delayed by the order or injunction of any court of competent jurisdiction from completing said railway, the time of such delay shall be excluded from the period prescribed herein for completing the same.

¶ 2. Tracks.] § 2. The tracks of such railway shall be laid as near the center of the street as practicable, with such modern improved rails as may be prescribed by the city, and shall be so laid that carriages and other vehicles can easily and freely cross said tracks at any and all points, and in any and all directions, without obstruction.

¶ 3. Animal power only.] § 3. The cars to be used on said tracks shall be operated with animal power only, and shall not connect with any other railroad on which other power is used, and no steam or other railway car or carriage used upon any other railroad in this state shall be used upon said tracks without the consent of the Chicago West Division Railway Company, except as is provided in section eleven of this ordinance relating to the Metropolitan City Railway Company.

¶ 4. Passenger transportation only.] § 4. The said tracks and railway shall be used for no other purpose than to transport pas-

sengers, and the cars and carriages for that purpose shall be of the best style and class.

¶ 5. **Street improvements and repairs.**] § 5. The said Chicago and West Division Railway Company, its successors or assigns, as respects grading, paving, macadamizing, filling or planking, shall at their own expense lay down a new road-bed sixteen feet wide, and keep sixteen feet in width in repair on said Harrison, Canal and Twelfth streets, and on Canalport avenue, so far as the same are embraced in this ordinance, and keep their tracks in such condition that wagons, carriages and other vehicles can pass and repass at any and all points, and in any and all directions, and as to said sixteen feet in width shall pave, repave, plank, replank or make any other kind of new improvement which may by ordinance be ordered at any time by the city council on said streets, so far as embraced in this ordinance.

¶ 6. **Forfeiture.**] § 6. If the said company shall fail to complete the extension of said railway in this ordinance mentioned, at the time mentioned and provided, and according to conditions presented herein, then the rights and privileges granted by virtue hereof respecting said railway shall be forfeited to the city of Chicago, unless the city council of the city shall grant to said company a further extension of time.

¶ 7. **Vested rights reserved.**] § 7. All rights heretofore vested in the board of water commissioners and sewerage commissioners are not to be impaired or affected by anything herein contained, but the rights and privileges hereby granted are subject thereunto.

¶ 8. **Term of grant 20 years.**] § 8. The said company may keep, maintain, use and enjoy the right to operate thereon railway cars and carriages upon the terms, with the rights and subject to the conditions and restrictions mentioned in the act incorporating said company, and acts amendatory of the same, for the term and period of twenty years from the date and passage of this ordinance.

¶ 9. **Right of city to purchase.**] § 9. The said company shall be entitled to enjoy all such rights and privileges hereby granted after the expiration of the time fixed in this ordinance, and until the city council shall thereafter elect, by order for that purpose, to grant the privilege to some person, persons, party or parties, or company, to purchase said track or tracks of said railway, cars, carriages, furniture and implements, and appurtenances of every kind and description then used in the operation of the railways herein authorized, and pay for the same in the manner hereinafter mentioned.

¶ 10. **Price, how to be fixed.**] § 10. Such order to purchase shall fix the time when said person, persons, party, parties or company will take such railway and other property before mentioned, which shall not be less than six months after the passage of said order, and at the time of taking such railway and other property before

mentioned, the said person, party or company shall pay to the party or parties operating the same a sum of money to be ascertained by three commissioners, to be appointed for that purpose, as follows: One to be chosen by said person or parties from the disinterested freeholders of Cook county; one in like manner by the said company, its associates or successors operating said road, and the two persons so chosen to choose the third from said freeholders.

¶ 11. City to be indemnified.] § 11. The city of Chicago shall not be liable to the Chicago West Division Railway Company for any damages by reason of the passage of this ordinance if the same shall be held invalid, and the Chicago West Division Railway Company hereby undertakes to indemnify and save harmless the city of Chicago from all suits against it by reason of the passage of the same; and to pay all damages which may be recovered in such suits, or any of them, and if it shall be finally decided that the Metropolitan City Railway Company has, under and by virtue of an ordinance heretofore passed and the laws now in force, acquired the right to lay down, maintain and operate railway tracks upon that portion of Canal street whereon a railway is herein authorized; and as soon as legal obstacles are removed, and the Metropolitan City Railway may be authorized and prepared to lay down horse railway tracks upon the streets designated in the ordinance of the Metropolitan City Railway Company, then the Chicago West Division Railway Company shall allow the Metropolitan City Railway Company to use the tracks herein authorized upon Canal street between Harrison street and Fourteenth street jointly with it, the Chicago West Division Railway Company, with equal privileges, upon the said Metropolitan City Railway Company paying half the cost of construction and half of the cost of keeping the same in repair, as required by this ordinance.

¶ 12. When in force.] § 12. This ordinance shall take effect and be in force as soon as the company shall accept the same, and shall give a bond to the city of Chicago in the penal sum of twenty thousand dollars that it will at all times hereafter comply with the eleventh section of this ordinance.

§ 572. Chicago West Division Railway company.

Preamble.
¶ 1. Central park extension.
¶ 2. Madison street selected instead of Lake.
¶ 3. When to take effect.

An ordinance to provide for the extension of horse railway tracks to Central park in the west division of the city of Chicago. (Passed April 9, 1877.)

Preamble.] Whereas, by an act of the General Assembly of the state of Illinois, entitled "An act to promote the construction of horse railways in the city of Chicago," approved February 14th, 1859, and by a certain ordinance of said city in pursuance of the act aforesaid, entitled, "An ordinance authorizing the extension and operation

of certain horse railways in the streets of the South and West Divisions of Chicago," passed May 23, 1859, found on page 194 of the Revised Ordinances (section 29) of the city of Chicago, and

Whereas, said ordinance authorizing the extension and operation of said horse railways was granted upon certain conditions which are set forth in said ordinance passed May 23rd, 1859, one of which said conditions was that "whenever the common council shall determine that the public interest requires any one of said railways last mentioned to be constructed or extended, as the case may be, and shall by ordinance direct such construction or extension, then said company shall be required to complete such construction or extension in sixty days after being notified of such ordinance; Provided, however, that such ordinance shall include one street only; that then there shall be an interval of at least three months between such ordinances, and that the same shall not be made at an unseasonable time of the year for doing such work; now, therefore,

¶ 1. **Central Park extension.**] Be it ordained by the city council of the city of Chicago: § 1. That this council does hereby determine, in accordance with the terms and provisions of said ordinance, passed May 23rd, A. D. 1859, that the public interest requires that the railway tracks of the Chicago City Railway Company, which have heretofore been laid in West Lake street, and as the same exist therein, shall be extended west on said Lake street from their present terminus to what is known as the Central Park, a public park existing in the west division of the city of Chicago, and the said Chicago City Railway Company is hereby ordered and directed to extend the tracks of their railway west on Lake street to said park, and that the said track or tracks shall be laid down within sixty days after the said company is notified of the passage of this ordinance, in accordance with the requirements of said ordinance passed May 23rd, 1859, and shall be used, operated and maintained subject to all of the provisions of said ordinance, and subject to the general ordinances now in force or which may hereafter be passed in regard to horse railways.

¶ 2. **Madison street selected instead of Lake.**] § 2. The Chicago West Division Railway Company, which claims to be the successor of the Chicago City Railway Company and owner of all its rights, privileges and franchises, so far as the same relates to the right of said Chicago City Railway Company to lay down railway tracks in the public streets of the west division of the city of Chicago, under their charter and act of incorporation, and to operate and maintain railways in the public streets of said west division of said city, may, instead of extending the railway tracks now existing on Lake street, extend their tracks west on Madison street to the Central Park, subject to all of the provisions of the ordinances mentioned in the foregoing section; and in case said Chicago West Division Railway shall elect to extend their said tracks on West Madison street west to said Central

Park, and shall notify the city council of the same, and that they will operate and maintain a horse railway from the present terminus of their railway tracks on Madison street to said Central Park, then the said Chicago City Railway Company shall not be obliged to extend their tracks on West Lake street to said Central Park by virtue of any of the provisions of this ordinance.

¶ 3. **When to take effect.**] § 3. This ordinance shall take effect and be in force from and after its passage.

§ 573. Chicago West Division Railway company.

¶ 1. Milwaukee avenue and Armitage road extension.
¶ 2. Passenger traffic only.
¶ 3. Street improvements, repair, etc.
¶ 4. Rate of fare.
¶ 5. Animal power only.
¶ 6. Duration of the grant.

An ordinance granting permission to the Chicago West Division Railway company through certain parts of the village of Jefferson. (Passed and approved October 8, 1877.)

¶ 1. **Milwaukee Avenue and Armitage Road extension.**] Be it ordained by the president and board of trustees of the village of Jefferson. § 1. That permission and authority is hereby granted to the Chicago West Division Railway Company, its successors and assigns, to construct, maintain, and operate a single or double track street railway with all necessary and convenient side tracks, switches and turn tables in Milwaukee avenue and Armitage road, in said village of Jefferson, from the city limits to North Washtenaw street.

¶ 2. **Passenger traffic only.**] § 2. The cars to be used upon said tracks are to be used only to transport passengers and their ordinary baggage and the cars used for that purpose shall be of the best style and class in use in street railways. The tracks of said railway shall not be elevated above the surface of the street, and shall be laid with modern improved rails and so that carriages and other vehicles can readily and freely cross said tracks at any point without unnecessary obstruction; and any damage to private property by the construction and use of said tracks shall be paid by the said Chicago West Division Railway Company.

¶ 3. **Street improvements, repair, etc.—animal power only.**] § 3. The said Chicago West Division Railway Company, its successors and assigns, shall keep eight feet in width, if a single track is laid, and sixteen feet, if a double track is laid, occupied by said tracks respectively of said streets in good order and condition during the whole term said streets shall be occupied by said tracks.

¶ 4. **Rate of fare.**] § 4. The rate of fare for any distance on said track shall not exceed five cents, except when the cars or carriages shall be chartered for a specific purpose.

¶ 5. **Animal power only.**] § 5. The cars to be used upon said tracks shall be operated with animal power only.

¶ 6. **Duration of the grant.**] § 6. The rights and privileges hereby granted shall continue for the term of eighty-one years from the passage and approval of this ordinance.

§ 574. Chicago West Division Railway company.

¶ 1. Milwaukee avenue and Armitage road extension.
¶ 2. Passenger traffic only.
¶ 3. Street improvements and repairs.
¶ 4. Fare five cents, etc.
¶ 5. Animal power only.
¶ 6. Term of the grant.
¶ 7. Repealing clause.

An ordinance granting permission to the Chicago West Division Railway company through certain parts of the village of Jefferson. (Passed and approved January 28, 1878.)

¶ 1. **Milwaukee Avenue and Armitage Road extension.**] Be it ordained by the president and board of trustees of the village of Jefferson. § 1. That permission and authority is hereby granted to the Chicago West Division Railway Company, its successors and assigns, to construct, maintain and operate a single or double track street railway, with all necessary and convenient side tracks, switches and turn tables in Milwaukee avenue and Armitage road, in said village of Jefferson, from the city limits to North Washtenaw street.

¶ 2. **Passenger traffic only.**] § 2. The cars to be used upon said tracks are to be used only to transport passengers and their ordinary baggage, and the cars used for that purpose shall be of the best style and class in use on street railways. The tracks on said railway shall not be elevated above the surface of the street, and shall be laid with modern improved rails, and so that carriages and vehicles can readily and freely cross said tracks at any point without unnecessary obstruction and any damage to private property by the construction and use of said tracks shall be paid by the said Chicago West Division Railway Company.

¶ 3. **Street improvements and repairs.**] § 3. The said Chicago West Division Railway Company, its successors and assigns, shall keep eight feet in width, if a single track is laid, and sixteen feet, if a double track is laid, occupied by said tracks respectively of said streets, in good order and condition during the whole term said streets shall be occupied by said tracks.

¶ 4. **Fare five cents, etc.**] § 4. The rate of fare for any distance on said tracks shall not exceed five cents, except when the cars or carriages shall be chartered for a special purpose.

¶ 5. **Animal power only.**] § 5. The cars to be used upon said tracks shall be operated with animal power only.

¶ 6. **Term of the grant.**] § 6. The rights and privileges

hereby granted shall continue for the term of eighty-one years from the passage and approval of this ordinance.

¶ 7. **Repealing clause.**] § 7. All ordinances, or parts of ordinances, in conflict with this, are hereby repealed.

§ 575. Chicago West Division Railway company.

Preamble.
¶ 1. Central park extension.
¶ 2. Madison street instead of Lake.
¶ 3. Life of grant 20 years.
¶ 4. Right of city to purchase.
¶ 5. Price—how fixed.
¶ 6. Street improvements and repairs.
¶ 7. No additional fare to be demanded.
¶ 8. In effect after passage.

An ordinance to provide for the extension of horse railway tracks to the proposed trotting park on West Madison street, just west of Central park, in the west division of the city of Chicago. (Passed June 24, 1878.)

Preamble.] Whereas, by an act of the General Assembly of the state of Illinois, entitled "An act to promote the construction of horse railways in the city of Chicago," approved February 14th, 1859, and by a certain ordinance of said city in pursuance of the act aforesaid, entitled "An ordinance authorizing the extension and operation of certain horse railways in the streets of the south and west division of Chicago," passed May 23rd, 1859, found on page 194 of Revised Ordinances (section 29) of the city of Chicago; and

Whereas, Said ordinance authorizing the extension and operation of said horse railways, and granted upon certain conditions, which are set forth in said ordinance, passed May 23rd, 1859, one of which said conditions was that, "whenever the common council shall determine that the public interest requires any one of said railways last mentioned to be constructed or extended, as the case may be, and shall, by ordinance, direct such construction or extension, in sixty days after being notified of such ordinance.

Provided, however, that such ordinance shall include one street only, that then there shall be an interval of at least three months between such ordinances, and that the same shall not be made at an unseasonable time of the year for doing such work; now therefore,

¶ 1. **Central Park extension.**] Be it ordained by the city council of the city of Chicago: § 1. That this council does hereby determine in accordance with the terms and provisions of said ordinance, passed May 23rd, 1859, that the public interest requires that the railway tracks of the Chicago City Railway Company, which have hitherto been laid on West Lake street, and as the same exist therein, shall be extended west on said Lake street from their present terminus to the proposed trotting park on West Madison street, just west of Central Park, a public park, existing in the west division of the city of Chi-

cago, (or that a line of railway equivalent thereto should be extended to said trotting park), and the said Chicago City Railway Company is hereby ordered and directed to extend the tracks of their railway west on Lake street to said trotting park, and that the said track or tracks shall be laid down within sixty days after the said company is notified of the passage of this ordinance, in accordance with the requirements of said ordinance, passed May 23rd, 1859, and shall be used, operated and maintained subject to all of the provisions of said ordinance.

¶ 2. **Madison street instead of Lake.**] § 2. The Chicago West Division Railway Company, the successor of the Chicago City Railway Company, and owner of all its rights, privileges and franchises, so far as relates to the west division of the city, and under obligation to perform all the duties of said last named company, in respect to horse railways in such division, may instead of extending its railway tracks now existing on Lake street, extend its tracks west on Madison street, from the steam railway tracks on Rockwell street to the proposed trotting park, subject to all of the provisions of the ordinance mentioned in the foregoing section, and in case said Chicago West Division Railway Company shall elect to extend their said track on West Madison street, west to the proposed trotting park as aforesaid, and shall notify the city council of the same, and that they will operate and maintain a horse railway from the present terminus of their railway tracks on Madison street, from the steam railway tracks on Rockwell street to said proposed trotting park, then all provisions of said ordinance shall be observed by the Chicago West Division Railway Company as respects the said tracks herein authorized to be laid upon Madison street.

¶ 3. **Life of grant twenty years.**] § 3. The rights and privileges hereby granted to said company to keep, maintain, use and enjoy the right to operate thereon railway cars and carriages are granted for the term of twenty years from the passage of this ordinance upon the same terms, and with the rights and subject to the conditions and restrictions which the said company now has, and which exist in regard to the tracks of said company now laid on said West Madison street, east of Western avenue.

¶ 4. **Right of city to purchase.**] § 4. The said company shall be entitled to enjoy all such rights and privileges hereby granted, after the expiration of the time fixed in this ordinance, and until the city council shall thereafter elect, by order for that purpose, to grant the privilege to some person, persons, party or parties, corporation or company, to purchase said track or tracks of said railway cars, carriages, furniture and implements and appurtenances of every kind and description then used in the operation of the railways herein authorized, and pay for the same in the manner hereinafter mentioned.

¶ 5. **Price, how fixed.**] § 5. Such order to purchase shall fix

the time when said person, persons, party, parties, corporation or company will take such railway and other property before mentioned which shall not be less than six months after the passage of said order, and at the time of taking such railway and other property before mentioned, the said person, party, corporation or company shall pay to the party or parties operating the same, a sum of money to be ascertained by three commissioners to be appointed for that purpose, as follows: One to be chosen by said person or parties from the disinterested freeholders of Cook county, one in like manner by the said company, its associates or successors operating said road, and the two persons so chosen to choose the third from said freeholders.

¶ 6. **Street improvements and repairs.**] § 6. The said railway company, its successors or assigns as respects grading, paving, macadamizing, filling or planking, shall, at their own expense, keep eight feet in width where a single track is used, and sixteen feet in width where double track is used, of said streets or parts thereof, so occupied as provided in this ordinance, in good repair, so that wagons, carriages or other vehicles can pass and re-pass at any and all points, and in any and all directions, and when any new improvements, paving, re-paving, macadamizing, planking or re-planking is ordered by the city council in said street, said railway company shall, in the same manner, and with like material, as required by the owners of property, as to other contiguous parts of the street make such new improvements on eight feet in width where a single track is used, and sixteen feet in width where a double track is used, and if the said company shall refuse or neglect to make such new improvements, within a reasonable time to be fixed by the ordinance, the work may be done by the city and the cost thereof assessed upon said company, and collected as other assessments, from any real or personal property of said company.

¶ 7. **No additional fare to be demanded.**] § 7. The tracks hereby authorized shall be deemed as an extension of the tracks already laid by said company on Madison street, and no additional fare shall be charged over the line so extended by virtue of this ordinance.

¶ 8. **In effect after passage.**] § 8. This ordinance shall take effect and be in force from and after its passage.

Note.—See amendatory ordinance following.

An ordinance amending ordinance passed June 28, 1878, substituting "Central park" for "trotting park." (Passed July 8, 1878.)

¶ 1. **Be it ordained by the city council of the city of Chicago.**] § 1. That section 1 of the ordinance for the extension of horse railway tracks on West Madison street, passed June 24th, 1878, be and the same is hereby amended by striking out of said section the words "to the proposed trotting park" found in the ninth line of the printed copy of said ordinance, as found in the printed council proceedings,

and also, by striking out the words "trotting park," elsewhere found in said section, and inserting in lieu thereof the words "Central Park." Also, by striking out the words "proposed trotting park," wherever found in the second section of said ordinance, and inserting in lieu thereof, the words "said Central Park," to the end that said ordinance may so read that the terminus of said tracks as fixed by said ordinance shall be said Central Park in place of said trotting park.

§ 576. Chicago West Division Railway company.

¶ 1. West Twelfth street and Randolph extension.
¶ 2. Street improvements and repairs.
¶ 3. When in force.

An ordinance to authorize an extension of the Chicago West Division railway tracks on West Twelfth street and on Randolph street. (Passed August 26, 1878.)

¶ 1. West 12th street and Randolph street extension.] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof, and the undertaking of the Chicago West Division Railway Company to comply with the provisions herein contained, permission and authority is hereby given to said company, its successors and assigns, to construct, maintain and operate a single or double track extension of its railway on West Twelfth street, from the east line of Ashland avenue to connect with the tracks of said company on Ogden avenue, and on Randolph street, from State street to Michigan avenue, with all necessary side tracks, turn outs and switches, subject to all the conditions and with all the rights and privileges applicable to the line of said company on West Twelfth street, east of Ashland avenue, the track on Randolph street to be so laid that passengers may step from the cars to the sidewalk in front of Dearborn Park, for the period of twenty years after the passage of this ordinance; and the rate of fare for any distance on said line and these extensions thereof, shall not exceed five cents for each passenger, for any continuous travel at one ride; and the said extension shall be made within sixty days from the passage of this ordinance.

¶ 2. Street improvements, repairs, etc.] § 2. The said company shall, as respects the grading, paving, macadamizing, filling or planking of said streets, upon which they shall construct the said railway, keep eight feet in width, where a single track is laid, and sixteen feet where two tracks are laid, in good repair and condition during all the time to which the privileges granted shall extend, in accordance with whatever order or regulation respecting the ordinary repair thereof may be passed by the city council, and where any new improvements shall be ordered by the city council on said streets, the said company shall, in the same manner and with like material as required of the owners of property as to other parts of the street, make such new improvements, for the width of eight feet where a single track is laid, and sixteen feet where a double track is laid; and if the company

fails to do so, it may be done by the city, and the cost collected of said company; and if said company shall fail or neglect to make any necessary repairs for twenty days after notice, the work may be done by the city, and the cost thereof collected from said company.

¶ 3. When in force.] § 3. This ordinance shall take effect when it shall have been accepted by said company, which shall be within ten days from its passage.

§ 577. Chicago West Division Railway company.

¶ 1. Extension from Homan to Hamlin avenues on Madison street.
¶ 2. Street improvements, repairs, etc.
¶ 3. Continuous operation not required.
¶ 4. When in effect.

An ordinance to authorize the Chicago West Division Railway company to extend its street railway tracks on West Madison street. (Passed September 9, 1878.)

¶ 1. Extension from Homan to Hamlin avenues on Madison street.] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof and the undertaking of the Chicago West Division Railway Company to comply with the provisions herein contained, permission and authority is hereby granted to said company, its successors and assigns, to contruct, maintain and operate a single or double track extension of its railway on West Madison street, from Homan avenue to Hamlin avenue, with all necessary side tracks, turn-outs and switches, subject to all the conditions and with all the rights and privileges applicable to the line of said company on Madison street east of Homan avenue for the period of twenty years after the passage of this ordinance, and the rate of fare for any distance on said Madison street and the extension thereof shall not exceed five cents for each passenger for any continuous travel at one ride, and the said extension shall be made within twenty days from the passage of this ordinance.

¶ 2. Street improvements, repairs, etc.] § 2. The said company shall, as respects the grading, paving, macadamizing, filling or planking of said street upon which the said extension is made keep so much of said street in good repair and condition as shall be occupied by its tracks, and when any new improvement shall be ordered by the city council on that portion of Madison street embraced in this ordinance the said company shall in the same manner, and with like material, as is required of the owners of property as to other contiguous parts of said street, make such new improvements on so much of said street as is occupied by its tracks, and if said company fails to do so it may be done by the city, and the cost thereof collected of said company, and if said company shall fail or neglect to make said necessary repairs for twenty days after notice, the work may be done by the city, and the cost thereof collected from said company.

¶ 3. Continuous operation not required.] § 3. Said com-

pany shall not be required to operate said extension except when there is something special going on at the trotting park.

¶ 4. **When to take effect.**] § 4. This ordinance shall take effect when it shall have been accepted by said company.

§ 578. Chicago West Division Railway company.

¶ 1. On Blue Island avenue to Western avenue.
¶ 2. Time limited—fare, etc.
¶ 3. Operation—transfers, etc.
¶ 4. Street improvements, repairs, etc.
¶ 5. When in force.

An ordinance to authorize the West Division Railway company to extend its street railway tracks on Blue Island avenue. (Passed October 14, 1878.)

¶ 1. **On Blue Island avenue to Western avenue.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof and the undertaking by the Chicago West Division Railway Company to comply with the provisions herein contained, permission and authority is hereby granted to said company, its successors, and assigns to construct, maintain and operate for a period of twenty years as an extension of the tracks on Blue Island avenue, a double track street railway with all necessary turn-outs, side tracks and switches from the present terminus of its tracks, on Blue Island avenue to Western avenue, subject to all the conditions and with all the rights and privileges applicable to the line of said company now in operation on Blue Island avenue, and the rate of fare for the entire distance shall not exceed five cents, but where passengers riding on tickets are transferred at Twenty-second street an additional sum of one cent may be collected so that the through rate shall be equal to five cents.

¶ 2. **Time limited, fare, etc.**] § 2. Said company shall extend the tracks hereby provided for to Robey street during the year 1878, and to Western avenue during the year 1879, and thereafter the same rates and rules in regard to fare as are applicable to the other lines of said company shall be applicable to the line hereby created.

¶ 3. **Operation, transfers, etc.**] § 3. Said company shall not, for a period of three years from the passage of this ordinance be required to run the regular Blue Island avenue cars beyond Twenty-second street, but shall run additional cars between Twenty-second street and the terminus of the line, transferring the passengers at Twenty-second street.

¶ 4. **Street improvements, repairs, etc.**] § 4. The said company shall, as respects the grading, paving, macadamizing, filling or planking of said street, upon which the said extension is made, keep so much of said street in good repair and condition as shall be occupied by its tracks, and when any new improvement shall be ordered by the city council on that portion of the street embraced in this ordinance said company shall in the same manner and with like material

as is required of the owners of property as to other contiguous parts of said street, make such new improvement on so much of said street as is occupied by its tracks, and if said company shall fail to do so it may be done by the city and the cost thereof collected of said company, and if said company shall fail or neglect to make said necessary repairs for twenty days after notice, the work may be done by the city and the cost thereof collected from said company.

¶ **5. When in force.**] § 5. This ordinance shall take effect when it shall have been accepted by said company.

§ 579. Chicago West Division Railway company.

¶ 1. Western avenue extension.
¶ 2. Tracks, etc.
¶ 3. Animal power only.
¶ 4. Passenger transportation only.
¶ 5. Street improvements, repairs, etc.
¶ 6. Forfeiture.
¶ 7. Vested rights reserved.
¶ 8. Term 20 years.
¶ 9. Rights of city to purchase, etc.
¶ 10. Price—how fixed.
¶ 11. When to take effect.

An ordinance authorizing the construction and operation of street railway tracks on Western avenue. (Passed December 23, 1878.)

¶ **1. Western avenue extension.**] Be ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof and the undertaking of the Chicago West Division Railway Company to comply with the provisions herein contained, permission and consent are given and granted to and duly vested in said company, its successors and assigns, to lay down, operate and maintain a double track railway with all necessary and convenient turnouts, side tracks, turntables and switches on Western avenue from Van Buren street to Madison street, to enable said company to connect its tracks on Van Buren street with its car house and barns at the corner of Western avenue and Washington street, the same to be completed on or before May 1, 1879; Provided, that if said company shall be delayed by the order or injunction of any court of competent jurisdiction from completing said railway, the time of such delay shall be excluded from the period prescribed herein for completing the same.

¶ **2. Tracks, etc.**] § 2. The tracks of such railway shall be laid as near the center of the street as practicable, with modern improved rails, and shall be so laid that carriages and other vehicles can easily and freely cross said tracks at any and all points and in any and all directions without unnecessary obstruction.

¶ **3. Animal power only.**] § 3. The cars to be used on said tracks shall be operated with animal power only, and shall not connect with any other railroad on which other power is used.

¶ **4. Passenger transportation only.**] § 4. The said tracks

and railway shall be used for no other purpose than to transport passengers, and the cars and carriages for that purpose shall be of the best style and class. The city council shall have power to regulate the running time, and number of cars to be run from time to time, upon the line of railway hereby granted.

¶ 5. **Street improvement, repairs, etc.**] § 5. The said Chicago West Division Railway Company, its successors or assigns, as respects grading, paving, macadamizing, filling or planking shall, at their own expense, keep sixteen feet in width in repair on said Western avenue, so far as the same is embraced in this ordinance, and when any new improvement, paving, repaving, macadamizing, planking or replanking is ordered by the city council on said street, said railway company shall, in the same manner and with like material as required by owners of property as to other contiguous parts of the street, make such new improvement on sixteen feet in width, and if said company shall refuse or neglect to make such new improvement within a reasonable time, to be fixed by the ordinance, the work may be done by the city and the cost thereof assessed upon said company and collected as other assessments from any real or personal property of said company.

¶ 6. **Forfeiture.**] § 6. If the said company shall fail to complete the extension of said railway in this ordinance mentioned at the time mentioned and provided and according to the conditions presented herein, then the rights and privileges granted by virtue hereof, respecting said railway, shall be forfeited to the city of Chicago, unless the city council shall grant to said company a further extension of time.

¶ 7. **Vested rights reserved.**] § 7. All rights heretofore vested in the board of water commissioners and sewerage commissioners are not to be impaired or affected by anything herein contained, but the rights and privileges hereby granted are subject thereunto.

¶ 8. **Term, 20 years.**] § 8. The said company may keep, maintain, use and enjoy the right to operate thereon railway cars and carriages upon the terms, with the rights and subject to the conditions and restrictions mentioned in the act of incorporating said company for the term and period of twenty years from the date and passage of this ordinance.

¶ 9. **Right of city to purchase, etc.**] § 9. The said company shall be entitled to enjoy all such rights and privileges hereby granted after the expiration of the time fixed by this ordinance, and until the city council shall thereafter elect by order for that purpose to grant the privilege to some person, persons, party or parties, or company, to purchase said track or tracks of said railway cars, carriages, furniture, property and implements and appurtenances of every kind and description then used in the operation of the railways herein authorized and pay for the same in the manner hereinafter mentioned.

¶ 10. Price, how fixed.] § 10. Such order to purchase shall fix the time when said person, persons, party, parties or company will take such railway and other property before mentioned, which shall not be less than six months after the passage of said order, and at the time of taking such railway and other property before mentioned, the said person, party or company shall pay to the party or parties operating the same a sum of money to be ascertained by three commissioners to be appointed for that purpose, as follows: One to be chosen by said person or parties from the disinterested freeholders of Cook county; one in like manner by the said company, its associates or successors operating said road, and the two persons so chosen to choose the third from said freeholders.

¶ 11. When to take effect.] § 11. This ordinance shall take effect and be in force from and after its passage and acceptance by said company.

§ 580. Chicago West Division Railway company.

¶ 1. Chicago avenue extension from Milwaukee to Western avenue.
¶ 2. Tracks.
¶ 3. Fare—animal power only.
¶ 4. Passenger transportation only.
¶ 5. Street improvements.
¶ 6. Street repairing.
¶ 7. Forfeiture.
¶ 8. Rights vested reserved.
¶ 9. Right to purchase.
¶ 10. Price—how to be fixed.
¶ 11. Grant construed as to other streets.
¶ 12. When in force.

An ordinance authorizing the construction of a horse railway on Chicago avenue. (Passed October 20, 1879.)

¶ 1. Chicago avenue extension, from Milwaukee to Western avenues.] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof and the undertaking of the Chicago West Division Railway Company to comply with the provisions hereof, authority, permission and consent are hereby given, granted and duly vested in said company, its successors and assigns, to construct, lay down, operate and maintain a single or double track railway, with all necessary turn-outs, side-tracks, switches and curves, in, upon, along Chicago avenue, from its intersection with Milwaukee avenue west to Western avenue, and to operate the same in connection with the railway on said Milwaukee avenue, the same to be completed as far west as the west line of Wood street, on or before June 1st, A. D. 1880, and from thence to the center of Western avenue as soon thereafter as it may be deemed practicable by said company.

¶ 2. Tracks.] § 2. The tracks of such railway shall be so laid that carriages and other vehicles can easily and freely cross said tracks without obstruction.

¶ 3. **Fare—animal power only.**] § 3. The rate of fare for any continuous distance on the same car shall not exceed five cents, except when cars or carriages shall be chartered for special purposes. The cars to be used upon said tracks shall be propelled by animal power, and shall not connect with any other railroad on which other power is used.

¶ 4. **Passenger transportation only.**] § 4. The said tracks and railway shall be used for transporting passengers, and the cars or carriage shall be of the best style.

¶ 5. **Street improvements.**] § 5. That said railway company shall, as respects the grading, paving, macadamizing, filling, widening or planking the streets or parts of streets upon which they shall construct their said railways, or any of them, keep eight feet in width on all streets whereon one track is constructed, and sixteen feet in width along the line of said railway where two tracks are constructed, in good repair and condition during all the time to which the privilege hereby granted to said company shall extend.

¶ 6. **Street repairing.**] § 6. Consent and authority is hereby given to said company to pave and keep in repair with cobble stone, the railways herein mentioned, and where it is deemed practicable in the estimation of the commissioners of public works, block stone may be laid outside of the rails on that portion of the streets required to be paved and kept in repair by said company; Provided, that the same shall be done to the satisfaction of the department of public works.

¶ 7. **Forfeiture.**] § 7. If the said company fail to complete the said railways in the ordinance mentioned, at the time mentioned and provided, and according to the conditions prescribed herein, then the rights and privileges granted by virtue hereof respecting said railways shall be forfeited to the city of Chicago, unless the city council shall grant said company a further extension of time; Provided, that if the said company is delayed by the order of any court, the time of such delay shall be excluded from the time above prescribed.

¶ 8. **Rights valid—reserved.**] § 8. All rights and privileges heretofore vested in the board of water commissioners and the sewer commissioners or other corporations are not to be impaired or affected by anything herein contained, but the rights and privileges hereby granted are subject thereunto.

¶ 9. **Right to purchase.**] § 9. The same company shall keep, maintain, use and enjoy the right to operate railway cars and carriages under the terms and restrictions herein provided, for and during the term of twenty years from and after the passage of this ordinance, and after the expiration of the time fixed in this ordinance, and until the city council thereafter elect, by order for that purpose, to grant the privilege to some person, persons, party or parties, cor-

poration or company, to purchase said track or tracks of said railway company, cars, carriages, furniture and implements and appurtenances of every kind and description then used by said company in the operation of said railways, and to pay for the same in a manner hereinafter mentioned.

¶ **10. Price, how to be fixed.**] § 10. Such order to purchase shall fix the time when said person, persons, party or parties, corporation or company will take such railway and other property herein mentioned, which shall not be less than six months after the passage of said order, and at the time of taking such railway and other property herein mentioned, the said person, persons, party or parties, corporation or company, shall pay to the party or parties operating the same the sum of money to be ascertained by three commissioners to be appointed for that purpose, as follows: One to be chosen by said person or parties from the disinterested freeholders of Cook county, one in like manner by the said company, its associates or successors, operating said road, and the two persons so chosen, one from said freeholders.

¶ **11. Grant construed as to other streets.**] § 11. The tracks hereby authorized shall be deemed an extension of the tracks already laid by said company on Milwaukee avenue, Clinton, Halsted, Randolph and Madison streets, or either of them, and no additional fare shall be charged over the line so extended by virtue of this ordinance.

¶ **12. When in force.**] § 12. This ordinance shall take effect and be in force on and after its passage and acceptance by said railway company.

§ 581. Chicago West Division Railway company.

¶ 1. Lake street and Milwaukee avenue extension.
¶ 2. Tracks—how laid—passenger transportation only.
¶ 3. Time proviso.
¶ 4. Street improvements, repairs, etc.
¶ 5. Speed and running time may be regulated.
¶ 6. Lake street bridge to be built, etc.
¶ 7. Car license fee.
¶ 8. Forfeiture.
¶ 9. Rockwell street cars.
¶ 10. When to take effect.

An ordinance authorizing an extension of the street railways on Lake street and Milwaukee avenue. (Passed November 29, 1880.)

¶ **1. Lake street and Milwaukee avenue extension.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof and the undertaking of the Chicago West Division Railway Company to comply with the provisions herein contained, permission and authority is hereby given to said company to extend its railways now in use on Lake street and Milwaukee avenue, and for that purpose the said company may construct a double and single track railway, as hereinafter mentioned, with

all the necessary side tracks, curves, turnouts and switches; that is to say, a double track on Milwaukee avenue, from the tracks now in use thereon at the intersection of Clinton street, to Lake street, and to a connection with the tracks of said company on said Lake street; and a double track on Lake street, from the tracks of said company on said street at Rockwell street, to Central park; and from the tracks of said company now in use on Lake street at Union park, easterly on said Lake street to Lake street bridge, and over and along said bridge and Lake street to the east line of State street, and thence with a single track to the east line of Wabash avenue; and the said company may maintain and operate its railways, extended as aforesaid, upon the terms and conditions and subject to the restrictions mentioned in this ordinance, for the period of twenty years from the passage thereof, and the rate of fare shall not exceed five cents for each passenger for any continuous travel of one trip; and the said company is hereby authorized to use and operate its cars upon the tracks of the Chicago City Railway Company now in use, or which may be hereafter authorized, for the purpose of connecting the different lines of said Chicago West Division Railway Company; Provided, the consent of said Chicago City Railway Company to such use of said lines is first obtained.

¶ 2. **Tracks, how laid—passenger transportation only.**] § 2. Each of said tracks shall be laid as near the center of the street as practicable, and shall not be laid nearer than twelve feet of the sidewalk, except in turning street corners, and then no nearer than may be required to make the necessary curves. The cars shall be used for no other purpose than the transportation of passengers and their ordinary luggage by said company, and shall be operated by animal power only.

¶ 3. **Time proviso.**] § 3. The tracks herein authorized shall be laid and the lines in operation by the first day of June, 1881; Provided, that if said company be delayed by the order or writ of any court from proceeding with the work, the time of such delay shall be excluded from the time prescribed herein for the completion of said railways; and if said company shall fail to complete said tracks within the time prescribed, the rights and privileges hereby granted may be declared null and void.

¶ 4. **Street improvements—repairs, etc.**] § 4. The said company, as respects the grading, paving, macadamizing, filling, planking, repairing or using of said street and avenue upon which they shall construct said railways, or any of them, shall keep sixteen feet in width where two tracks are laid, and eight feet in width where one track is laid, in good repair and condition during all the time to which the privileges hereby granted shall extend, in accordance with whatever order or regulation respecting the ordinary repair thereof may be passed or adopted by the city council; and when any new im-

provement, paving, repairing, planking, filling, or other improvement of like character, shall be ordered by the city council thereon, said company shall, in the manner required by the city authorities of the owners of property fronting on said street and avenue, make such new improvement for the width of sixteen feet where two tracks are laid, and eight feet where one track is laid; and if said company fails to do so, it may be done by the city and the cost thereof collected of said company.

¶ 5. **Speed and running time may be regulated.**] § 5. The city council shall have power at all times to make such regulations as to the rate of speed and time of running said cars as the public safety and convenience may require.

¶ 6. **Lake street bridge to be built, etc.**] § 6. If the city of Chicago shall hereafter, during the term of the license hereby granted, provide by ordinance for the construction of a large, four-track bridge over the Chicago river at Lake street to be operated by steam or other power to be used and take the place of the existing bridge over said river on said Lake street, in consideration of the increased facilities which such a structure would afford to the Chicago West Division Railway Company in crossing said river, said company agrees to pay to the city of Chicago, as required by the city during the progress of its construction, one-half the first cost of such structure, including pier, abutments, and steam or other machinery, and a further sum of one thousand dollars per annum payable quarterly, towards defraying the expense of operating and repairing said Lake street bridge, and making any renewals, improvements, enlargements, and replacements thereof. Such annual payments to commence whenever the new structure is ready for use, and to be continued every year thereafter until the termination of the license hereby granted, which payments on account of the cost of such bridge, and annual payments before mentioned, are understood and agreed to be in lieu of all special assessments which could or might be made against said company or its property for or on account of the construction of such bridge and all approaches thereto; and for and on account of the operation and repair of the same; and for all renewals, improvements, enlargements and replacements thereof; and are to fully relieve and discharge said company from all other and further obligations on account thereof.

¶ 7. **Car license fee.**] § 7. And in further consideration of the privileges and immunities hereby granted, the said railway company shall pay into the treasury of the city of Chicago, for the use of said city, an annual license fee of fifty dollars, and no more, per car for the daily average number of cars regularly used in the operation of the tracks on said Lake street and on said Milwaukee avenue hereby licensed, and which shall be run over said Lake street bridge; but in computing the number of cars upon which such license charge

may be imposed, all irregular or extra cars occasionally operated shall be included upon the basis of thirteen round trips being equivalent to one day's use of one car. The president or other officer of said company shall make under oath a true report of the whole number of cars operated on said tracks and bridge as herein provided, and at the same time pay to the city treasurer the amount so shown to be due the city as such license fee. The first of which reports shall be made three months after said company shall commence the running of its cars over said tracks and bridge, and thereafter quarterly during the continuance of the license hereby granted; Provided, that the license fee on the Milwaukee avenue and Lake street cars is to be paid from the time they commence crossing the river at Lake street.

¶ 8. **Forfeiture.**] § 8. If the said company shall at any time fail or refuse to comply with any of the provisions of this ordinance, after thirty days' notice from the commissioner of public works, then the license and privileges hereby granted may, upon application to any court, be declared forfeited.

¶ 9. **Rockwell street cars.**] § 9. Over the extension from Rockwell street to Central park, unless prevented by causes beyond the control of said company, cars shall be run as often as every fifteen minutes during business hours, and a car shall leave the eastern end of the line for Central park every evening, at or about 11 o'clock.

¶ 10. **When to take effect.**] § 10. This ordinance shall take effect when accepted by said railway company, but such acceptance shall be within thirty days from the passage thereof, otherwise it shall be null and void.

§ 582. Chicago West Division Railway company.

¶ 1. Ogden avenue extension.
¶ 2. Condition of the grant.
¶ 3. Consent of West Chicago park commissioners.
¶ 4. Extension.
¶ 5. Street improvements, repairs, etc.
¶ 6. When to take effect.

An ordinance to authorize the Chicago West Division Railway company to extend its street railway tracks on Ogden avenue. (Passed February 7, 1881.)

¶ 1. **Ogden avenue extension.**] Be it ordained by the city council of the city of Chicago: § 1. That the Chicago West Division Railway Company, its successors and assigns, is hereby granted permission and consent to construct, maintain and operate a single or double track extension of its railway on Ogden avenue, from its present terminus at or near Western avenue to the western limits of the city of Chicago, with all necessary turnouts, switches and side tracks, for the period of twenty years from the passage of this ordinance, subject to the provisions embraced and contained in an ordinance dated February 28, 1876, and amendments thereto, for the extension

of tracks on Ogden avenue, and with all the privileges applicable to the line of said company on Ogden avenue, from Madison street to Western avenue, and to the other and further conditions and provisions hereinafter mentioned.

¶ 2. **Conditions of the grant.**] § 2. Said permission and consent to extend shall be condition upon the acceptance by said Chicago West Division Railway Company of this ordinance within ten days after its passage and approval by the mayor, and their agreement to comply with all its conditions; and upon the further condition that said tracks shall be laid and in actual operation from Western avenue to the western line of Douglas park, on or before the first day of June, 1881, and from the western line of Douglas park to Lawndale as soon as the same can be constructed, operated and kept in repair without actual loss.

¶ 3. **Consent of West Chicago park commissioners.**] § 3. The right to construct and operate said railways through Douglas park shall be subject to the consent of the West Chicago park commissioners.

¶ 4. **Extension.**] § 4. The said tracks hereby authorized shall be deemed an extension of the line now operated on Ogden avenue, and no additional fare shall be charged over the line so extended by virtue of this ordinance.

¶ 5. **Street improvements, repairs, etc.**] § 5. The said Chicago West Division Railway Company, its successors or assigns, shall, as respects the grading, paving, macadamizing, filling or planking of said Ogden avenue, upon which they shall construct said railways, or any of them, keep sixteen feet in width where a double track is used, and eight feet in width where a single track is used, in good repair and condition, so that wagons, carriages and other vehicles can pass and repass at any and all points, and in any and all directions. And when any new improvements, filling, paving, repaving, macadamizing or planking is ordered by the city council in said Ogden avenue, said railway company shall in like manner and with like material as is required of the owners of property, as to other contiguous parts of said avenue in which said railways shall be constructed, make such new improvements on eight feet in width where a single track is used, and sixteen feet in width where a double track is used, and if the said railway company shall refuse or neglect to make such new improvement within a reasonable time to be fixed by the ordinance ordering the same, the work may be done by the city of Chicago and the cost thereof assessed upon said company, and collected as other assessments from any real or personal property of said company.

¶ 6. **When to take effect.**] § 6. This ordinance shall take effect and be in force from and after its passage.

§ 583. Chicago West Division Railway company.

¶ 1. Leavitt street extension.
¶ 2. Forfeiture.

An ordinance granting authority to the Chicago West Division Railway company to operate upon and along Leavitt street from Chicago avenue to Indiana street. (Passed July 17, 1882.)

¶ 1. Leavitt street extension.] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof, and the undertaking of the Chicago West Division Railway Company to comply with the provisions hereof, authority is hereby granted to and duly vested in said company, its successors and assigns, to construct, maintain and operate a single or double track street railway, with all necessary side-tracks, curves and turn-outs, for a period of twenty years from the passage hereof, upon, in and along Leavitt street, from the tracks of said company on Chicago avenue, to connect with the tracks of said company on Indiana street, upon the same terms and conditions, and with the same rights and privileges as are applicable by existing ordinances to the tracks on said Chicago avenue and Indiana street, the same to be completed within sixty days following the passage of this ordinance.

¶ 2. Forfeiture.] § 2. Unless the said railway track shall be laid and completed within sixty days from the passage of this ordinance, all rights and privileges hereby granted shall utterly cease and determine, and the rights respectively of the city of Chicago and the Chicago West Division Railway Company shall be as if said ordinance had never passed.

§ 584. Chicago West Division Railway company.

¶ 1. North Washtenaw street extension.
¶ 2. The tracks, etc—passenger traffic only.
¶ 3. Street repairs, etc.—condition of grant.
¶ 4. An extension only.
¶ 5. Term of grant.
¶ 6. When in force.

An ordinance granting permission to the Chicago West Division Railway company through certain streets in the Village of Jefferson. (Approved June 30, 1883.)

¶ 1. North Washtenaw street extension.] Be it ordained by the president and board of trustees of the village of Jefferson: § 1. That in consideration of the acceptance hereof and the undertaking of the Chicago West Division Railway Company to comply with the provisions hereof, authority and consent are hereby given, granted and duly vested in said company, its successors and assigns, to construct, operate and maintain a single or double track railway, with all necessary turn-outs, side-tracks, switches and curves, in, upon and along Armitage road, from North Washtenaw street to west line of California avenue, south along California avenue to its intersection with North

avenue tracks, and to operate the same in connection with the railway in said Armitage road and North avenue.

¶ 2. **The tracks, etc.—passenger traffic only.**] § 2. The tracks of such railway shall be so laid that carriages and other vehicles can easily and freely cross said tracks without unnecessary obstruction, and the cars to be used upon said tracks are for the transportation of passengers, together with their ordinary baggage, and of the same style and class as those in use on the connecting railway lines.

¶ 3. **Street repairs, etc.—condition of grant, etc.**] § 3. The said Chicago West Division Railway Company, its successors and assigns, shall keep eight feet in width where a single track is laid, and sixteen feet where a double track is laid, and occupied by said tracks respectively of said streets, in good order and repair during the whole term the said streets shall be occupied by said tracks, and authority is hereby given to said company to pave and keep in repair with stone the railway herein mentioned: Provided, however, and the permission and authority hereby granted are upon the express condition, that if a single track is laid through said Armitage road and California avenue it shall be so laid and constructed as to be north of the center line of Armitage road and east of the center line of California avenue, under the supervision and to the satisfaction of the village engineer.

¶ 4. **An extension only.**] § 4. The tracks hereby authorized shall be deemed an extension of the tracks already laid and operated by said company on Armitage avenue and North avenue, and no additional fare shall be charged over the lines so extended by virtue of this ordinance.

¶ 5. **Term of grant.**] § 5. The rights and privileges hereby granted shall continue for the term of twenty years from the passage and approval of this ordinance.

¶ 6. **When in force.**] § 6. This ordinance shall be in force on and after its passage and acceptance by said railway company.

§ 585. Chicago West Division Railway company.

¶ 1. Grant—route.
¶ 2. Tracks—how operated.
¶ 3. Fare—passenger traffic, etc.
¶ 4. Street improvements, repairs, etc.
¶ 5. Forfeiture.
¶ 6. When to take effect.

An ordinance granting permission to the Chicago West Division Railway company to construct and operate upon Noble and sundry other streets. (Passed May 11, 1885. Accepted June 15, 1885.)

¶ 1. **Grant—route.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof, and the undertaking by the Chicago West Division Railway Company to comply with the provisions hereof contained, authority, per-

mission and consent are hereby given, granted and duly vested in said company, its successors and assigns, to construct, operate and maintain, for a period of twenty years from and after the passage hereof, a single or double track horse railway, with all the necessary turn-outs, side-tracks, switches and curves, in, upon and along the following named part of streets and as near the center of each of the same as may be practicable, to-wit: Noble street, from its intersection with Milwaukee avenue, northerly to Blackhawk street, thence westerly on Blackhawk street to Holt street, thence northerly on Holt street to North avenue, thence westerly on North avenue to North Ashland avenue, thence northerly on North Ashland avenue to Clybourne avenue, thence westerly on Clybourne avenue to the west line of Wood street.

¶ 2. **Tracks—how operated.**] § 2. The tracks hereby authorized shall be operated in connection with the railways of said company now operated on said Milwaukee avenue at Noble street, and shall be held to be an extension thereof, and subject to the laws and ordinances now in force applicable thereto, including sections 1 and 2 of the ordinance of July 30th, 1883, except as herein otherwise provided, and shall be completed on or before November 1st, 1885.

¶ 3. **Fare, passenger traffic, etc.**] § 3. The rate of fare for any distance of one trip on the same car, shall not exceed five cents, except where cars or carriages shall be chartered for special purposes, and the said tracks and railways shall be used for the transportation of passengers only, and the cars or carriages shall be of the same style as those now in use by said company.

¶ 4. **Street improvements, repairs, etc.**] § 4. Consent and authority is hereby given to the said company to pave and keep in repair with cobble-stone the railways herein mentioned, and where it is deemed practicable in the estimation of the commissioner of public works block stone may be laid outside of the rails on that portion of the streets required to be paved and kept in repair by said company; provided, that the same shall be done to the satisfaction of the department of public works.

¶ 5. **Forfeiture.**] § 5. If the said company fail to complete the said railways hereby authorized at the time mentioned and provided, and according to the conditions prescribed herein, then the rights and privileges granted by virtue hereof, shall be and become void; provided, that if the said company is delayed by the writ or order of any court, the time of such delay shall be excluded from the time above prescribed for completing the same.

¶ 6. **When to take effect.**] § 6. This ordinance shall be in force on and after its passage and acceptance by the said railway company.

§ 586. Chicago West Division Railway company.

¶ 1. West Division street extension.
¶ 2. Tracks—how operated, etc.
¶ 3. Fare—passenger transportation only.
¶ 4. Street improvements, repairs, etc.
¶ 5. Forfeiture.
¶ 6. When in force.

An ordinance giving consent to the Chicago West Division Railway company to construct and operate a railway upon Division street from Milwaukee avenue to 200 feet west of California avenue. (Passed December 7, 1885. Accepted December 31, 1885.)

¶ 1. West Division street extension.] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof, and the undertaking of the Chicago West Division Railway Company to comply with the provisions herein contained, authority, permission and consent are hereby given, granted and duly vested in said company, its successors and assigns, to construct, operate, and maintain for a period of twenty years from and after the passage hereof, a single or double track horse railway, with all the necessary turn-outs, side-tracks, switches and curves, in, upon, and along West Division street, and as near the center of said street and its intersection with Milwaukee avenue as practicable, from Milwaukee avenue to a point 200 feet west of California avenue.

¶ 2. Tracks, how operated, etc.] § 2. The tracks hereby authorized shall be operated in connection with the railways of said company now operated on said Milwaukee avenue at Division street, and shall be held to be an extension thereof, and subject to the laws and ordinances now in force applicable thereto, including sections 1 and 2 of the ordinance of July 30th, 1883, except as herein otherwise provided, and shall be completed on or before July 1st, 1886.

¶ 3. Fare—passenger transportation only.] § 3. The rate of fare for any distance of one trip on the same car shall not exceed five cents, except where cars or carriages shall be chartered for special purposes, and the said tracks and railways shall be used for the transportation of passengers only, and the cars or carriages shall be of the same style as those now in use by said company.

¶ 4. Street improvements, repairs, etc.] § 4. Consent and authority is hereby given to the said company to pave and keep in repair, with cobblestone, the railways herein mentioned, and where it is deemed practicable in the estimation of the commissioner of public works, block stone may be laid outside of the rails on that portion of the streets required to be paved and kept in repair by said company; Provided, that the same shall be done to the satisfaction of the department of public works.

¶ 5. Forfeiture.] § 5. If the said company fail to complete the said railways hereby authorized at the time mentioned and pro-

vided, and according to the conditions prescribed herein, the rights and privileges granted by virtue hereof may be declared void; Provided, that if the said company is delayed by the writ or order of any court, the time of such delay shall be excluded from the time above described for completing the same.

¶ 6. **When in force.**] § 6. This ordinance shall be in force from and after its passage and acceptance by the said railway company.

§ 587. Chicago West Division Railway company.

¶ 1. Eighteenth street and Blue Island avenue extension.
¶ 2. Animal power—passenger transportation only.
¶ 3. Street improvements, repairs, etc.
¶ 4. Tracks—requirements as to.
¶ 5. Fare—continuous passage.
¶ 6. Fifty dollars license fee per car.
¶ 7. Street improvement, condition, etc.
¶ 8. Forfeiture.
¶ 9. When in force.

An ordinance granting consent to the Chicago West Division Railway company to maintain and operate tracks on Eighteenth street. (Passed December 7, 1885. Accepted December 31, 1885.)

¶ 1. **Eighteenth street and Blue Island avenue extension.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof, and the undertaking of the Chicago West Division Railway Company to comply with the provisions herein contained, authority and consent are hereby given to said railway company to construct, maintain and operate, for the period of twenty years from the passage hereof, a double-track street railway, with all the necessary and convenient curves, side-tracks, switches and turn-tables, to-wit: connecting with the tracks of said company on Halsted street as an extension thereof, thence westerly on and along Eighteenth street to Blue Island avenue, and connecting with the tracks thereon, thence westerly on the said Eighteenth street to Oakley avenue.

¶ 2. **Animal power—passenger transportation only.**] § 2. The railways hereby authorized shall be operated by animal power only, and shall be used for the transportation of passengers and their ordinary luggage only, and shall be laid as near the center of the street as may be practicable, and not nearer than twelve feet of the sidewalk, except in turning street corners, and then no nearer than may be necessary to make the required curves.

¶ 3. **Street improvements, repairs, etc.**] § 3. The said company, as to the grading, paving, macadamizing, filling, repairing or using of said streets, upon which shall be constructed said railways, or any of them, shall keep sixteen feet in width in good repair and condition during all the time to which the privileges hereby granted shall extend, in accordance with whatever order or regulation respect-

ing such filling, grading, paving or repairing as may be passed or adopted by the city council; and when any repairing, planking, filling or other improvement of like character shall be ordered by the city council thereon, said company shall, in the manner required by the city authorities of the owners of property fronting on said streets, make such new improvements, for the width of sixteen feet where two tracks are laid, and eight feet where one track is laid; and if said company fails so to do, the same may be done by the city, and the cost thereof collected of said company.

¶ 4. **Tracks, requirements as to.**] § 4. The tracks hereby authorized shall be laid with modern improved rails, and shall not be laid above the surface of the street, and shall be so laid that carriages and other vehicles can easily and freely cross at any and all points, and in any and all directions; said tracks shall be laid and the railway in operation between Halsted street and Ashland avenue by the first day of July, 1886, and between Ashland avenue and Oakley avenue, as soon as that part of Eighteenth street is paved, and said company shall pay its proportion of the cost of said paving, in accordance with the terms of section 3 hereof.

¶ 5. **Fare, continuous passage.**] § 5. The rate of fare shall not exceed five cents for each passenger, for any continuous passage of one trip upon the line of said company as extended under this ordinance, except where cars may be chartered for some specific purpose.

¶ 6. **Fifty dollars license fee per car.**] § 6. The provision of section 1, of an ordinance entitled "An ordinance concerning street railways in the city of Chicago," passed July 30th, 1883, and the license fee of $50 per car as therein imposed shall extend to the cars to be operated on the railways hereby authorized.

¶ 7. **Street improvements, conditions, etc.**] § 7. The privileges hereby granted are upon the further express condition that said railway company shall first pay to the city, for the use of those paying the assessment therefor, an amount equal to the cost of paving a strip sixteen feet in width (which shall include the tracks hereby authorized), of the paving already laid on Eighteenth street, from Halsted street to Ashland avenue, and that the track shall be laid between Ashland and Oakley avenues, as nearly as may be, at the time the same is paved.

¶ 8. **Forfeiture.**] § 8. If said company shall fail to comply with any of the terms and conditions of this ordinance, or to complete its railway as prescribed by section 4 hereof, the rights and privileges hereby granted may be declared null and void.

¶ 9. **When in force.**] § 9. This ordinance shall take effect upon said company filing with the city clerk its acceptance of the same and agreement to comply with its provisions, provided such accept-

ance shall be filed within thirty (30) days of the passage hereof, otherwise this ordinance to be void and of no effect.

§ 588. Chicago West Division Railway company.

¶ 1. Van Buren street extension west.
¶ 2. Terms and conditions.
¶ 3. Improvement of streets, etc.
¶ 4. When to take effect.

An ordinance giving authority and consent to the Chicago West Division Railway company to extend its tracks in and upon Van Buren street. (Passed December 7, 1885. Accepted December 21, 1885.)

¶ 1. Van Buren street extension, west.] Be it ordained by the city council of the city of Chicago: § 1. That authority and consent are hereby granted to the Chicago West Division Railway Company and its successors to construct, maintain and operate for a period of twenty years from and after the passage hereof, an extension of its tracks now operated on Van Buren street, to-wit: A double track street railway, with all necessary curves, switches and turn-outs, commencing at Western avenue at its intersection with Van Buren street and connecting with the tracks of said company thereat, and extending westerly in, on and along Van Buren street, and as near the center thereof as may be practicable, to the west line of Kedzie avenue.

¶ 2. Terms and conditions.] § 2. The rights and privileges hereby granted shall be subject, except as herein otherwise provided, to the like terms and conditions as provided by the ordinances heretofore passed, granting the rights to construct, maintain and operate the tracks of said company on Van Buren street, east of Western avenue, including also the provisions of sections one and two, of an ordinance entitled "An ordinance concerning street railways in the city of Chicago, passed July 30th, 1883."

¶ 3. Improvement of streets, etc.] § 3. The tracks hereby authorized shall be laid as soon as the street wherein said tracks are to be laid shall be paved, and the laying of the tracks shall proceed with said paving;

Provided, further, that said company shall pay its proportion of the cost of said paving in accordance with the provisions of section two hereof.

¶ 4. When to take effect.] § 4. This ordinance shall be in force from and after its passage and acceptance by said railway company, provided such acceptance shall be filed with the city clerk within thirty (30) days from and after the passage hereof; otherwise, this ordinance to be void and of no effect.

§ 589. Chicago West Division Railway company.

¶ 1. Grant extended.
¶ 2. Tracks.
¶ 3. Extension.

¶ 4. Fare—passenger transportation only.
¶ 5. Forfeiture.
¶ 6. When in force.

An ordinance vesting authority in the Chicago West Division Railway company to maintain and operate tracks on Eighteenth street, etc. (Passed December 9, 1885. Accepted December 31, 1885.)

¶ 1. **Grant extended.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof, and the undertaking of the Chicago West Division Railway Company to comply with the provisions herein contained, authority, permission and consent are hereby given, granted, and duly vested in said company, its successors and assigns, to construct, maintain and operate for a period of twenty years from and after the passage hereof, a single or double track horse railroad, with necessary turn-outs, switches, side-tracks and curves, in, upon and along the following named parts of streets, and as near the center thereof as practicable, viz.: On Leavitt street, from a connection with the tracks of said company about to be laid on Eighteenth street, and as an extension thereof, thence south on said Leavitt street to a connection with the tracks of said company on Blue Island avenue, and on Ogden avenue, from a connection with the tracks of said company on Madison street and Ogden avenue to a connection with the tracks of said company on Randolph street, and the tracks hereby authorized shall be completed on or before the first day of July, 1886.

¶ 2. **Tracks.**] § 2. The tracks hereby authorized on Ogden avenue shall be held and construed to be an extension of the tracks of said company now operated on Ogden avenue, and shall be subject to the laws and ordinances now in force applicable thereto, including sections one and two of an ordinance, passed July 30th, 1883, entitled "An ordinance concerning street railways in the city of Chicago."

¶ 3. **Extension.**] § 3. The tracks hereby authorized on Leavitt street shall be held and construed to be an extension of the tracks of said company now authorized, or hereafter to be authorized to be constructed on Eighteenth street, and shall be subject to like provisions respecting the tracks authorized, or to be authorized, on said Eighteenth street.

¶ 4. **Fare—passenger transportation only.**] § 4. The rate of fare on the cars operated on the tracks hereby authorized, and the lines connecting therewith, shall not exceed five cents for each passenger for any continuous passage of one trip on the same car, except where cars may be chartered for some specific purpose; and the cars shall be used for the transportation of passengers and their ordinary baggage only.

¶ 5. **Forfeiture.**] § 5. If the said company fails to complete the railways hereby authorized, at the time mentioned and provided, and according to the conditions prescribed herein, the rights and priv-

ileges granted by virtue hereof, may be declared null and void; Provided, that if said company is delayed by the writ or order of any court, the time of such delay shall be excluded from the time above prescribed for completing the same.

¶ 6. **When in force.**] § 6. This ordinance shall be in force from and after its passage and acceptance by said company.

§ 590. Chicago West Division Railway company.

An ordinance granting authority to the North Chicago City Railway company and the Chicago West Division Railway company to make connections between their lines on North Halsted street bridge. (Passed March 1, 1886.)

§ 591. Chicago West Division Railway company.

¶ 1. Grant extended, Lake street, etc.
¶ 2. Tracks, cars, etc.—passenger transportation only.
¶ 3. Street improvements, repairs, etc.
¶ 4. Fare—running time, etc.
¶ 5. License fee for cars.
¶ 6. Time for construction limited.
¶ 7. Tracks, etc.
¶ 8. When in force.

An ordinance authorizing the Chicago West Division Railway company to construct and operate railway tracks on Lake street from Homan to Crawford avenues. (Passed July 15, 1886.)

¶ 1. **Grant extended—Lake street, etc.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof and the undertaking of the Chicago West Division Railway Company to comply with the provisions herein contained, consent and authority are hereby given to said railway company, its successors and assigns, to construct, maintain and operate, for a period of twenty years from and after the passage hereof, subject to the conditions and restrictions herein contained, a double-track railway, with all the necessary curves, side-tracks and switches, from and connecting with the tracks of said company now laid on said Lake street, at Homan avenue, in, on and along said Lake street, westerly to Crawford avenue, and also tracks connecting said tracks hereby authorized with the car houses and stables of said company, now constructed or hereafter to be constructed, on lots 1 and 2 of the Superior Court partition of the southwest quarter of section eleven, of township number thirty-nine, in said city.

¶ 2. **Tracks, cars, etc.—passenger transportation only.**] § 2. The tracks hereby authorized shall be laid as near the center of said Lake street as may be practicable; and the cars to be used shall be equal to those now in use by said company, and shall be used for no other purpose than the transportation of passengers and their ordinary luggage, and shall be operated by animal power only.

¶ 3. **Street improvements, repairs, etc.**] § 3. Said railway

company, as respects the grading, paving, macadamizing, filling or planking of said Lake street, or parts thereof, where it shall have constructed its said tracks, hereby authorized, shall keep sixteen feet in width, which shall include its said tracks, in good repair and condition during all the time to which the privileges hereby granted shall extend, in accordance with whatever order or regulation, respecting the ordinary repairs thereof, may be passed or adopted by the city council; and when any new improvements of like character shall be ordered by the city council thereon, said company shall make such new improvements for the said sixteen feet, with like materials and in like manner, and at the same time, as required as to the rest of such part, or parts, of said Lake street, now embraced in the sixteen feet (except that it may use stone, as now authorized, or such other materials as may be hereafter authorized by the city council of said city, for the space between the rails of said tracks), and if said company shall fail to do so, then the city may make such improvement for said sixteen feet and collect the costs thereof from said company; and as respects the crossing of the said tracks hereby authorized over a bridge, or viaduct, or approaches thereto, and the construction, improvement or repairs of the same, said company shall only be required to plank or pave and keep in repair the space occupied by its tracks, the planking or paving to be done in the manner to be agreed upon between said company and the commissioner of public works.

¶ 4. **Fare, running time, etc.**] § 4. The rate of fare shall not exceed five cents for each passenger for any continuous passage on the entire Lake street line, except where cars may be chartered for some specified purpose. All cars run on said Lake street line to Homan avenue shall, when the line hereby authorized is completed, be run to Crawford avenue every twelve minutes or less.

¶ 5. **License fee for cars.**] § 5. Said railway company, respecting the license fees which may be imposed on said company, or on the cars operated on the tracks hereby authorized, shall be subject to the provisions of section one of an ordinance entitled "An ordinance concerning street railways in the city of Chicago," passed July 30th, 1883, and approved by the mayor August 6th, 1883.

¶ 6. **Time for construction limited.**] § 6. The said tracks hereby authorized on Lake street shall be completed on or before the first day of October, 1886. Provided, however, if said company shall be delayed by the writ or order of any court, in the construction thereof, then suitable time equal to the time of such delay shall be added to the time herein prescribed for the completion of said tracks.

¶ 7. **Tracks, etc.**] § 7. The tracks hereby authorized shall be laid with modern improved rails to be approved by the commissioner of public works, and shall not be laid above the surface of the street, and shall be so laid that carriages and other vehicles can easily and freely cross at any and all points and in any and all directions.

¶ 8. **When in force.**] § 8. This ordinance shall take effect upon said company filing its acceptance of the same with the city clerk; Provided, such acceptance shall be filed within thirty days from the passage hereof, otherwise this ordinance to be void and of no effect.

§ 592. Chicago West Division Railway company.

¶ 1. Other than animal power authorized.
¶ 2. Cable road may be put in and operated.
¶ 3. Tracks, how constructed.
¶ 4. Speed may be regulated.
¶ 5. License fee for cars.
¶ 6. Tracks, when to be removed.
¶ 7. Bond, to perform.
¶ 8. Indemnity required.
¶ 9. Prior ordinances to control—when.
¶ 10. Subject to general ordinances.
¶ 11. Car heating, etc.
¶ 12. When to take effect.

An ordinance granting permission to the Chicago West Division Railway company to operate by electric or cable power. (Passed March 30, 1888. Accepted April 21, 1888.)

¶ 1. **Other than animal power authorized.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof, and the undertaking of the Chicago West Division Railway Company, its lessees and assigns, to comply with the provisions herein contained, permission and authority is hereby given to said company, its lessees or assigns, to construct, maintain and operate its various lines of railways, or any of them, or any part thereof, by electric power or by stationary engines not located on the public streets or public places on the streets, and propelled by other than animal power, and to connect its tracks with other street railroads. Nothing in this section or ordinance contained shall authorize the Chicago West Division Railway Company, its lessees or assigns, to construct any electric or cable system upon any street or streets that the city council of the city of Chicago has not authorized to be used by said Chicago West Division Railway Company, for street railway purposes, and not lost by nonuser or forfeiture.

¶ 2. **Cable road may be put in and operated.**] § 2. That the said Chicago West Division Railway Company, its lessees or assigns, may for the purpose of a cable road, make all needful and convenient trenches, excavations and sewer connections, and may place all needful and convenient cables and machinery on any streets upon which its railways are now constructed or authorized by ordinance to be constructed; such cables and machinery shall be underground, and constructed in a substantial and workmanlike manner, of the most approved method and convenience so as not to interfere with public travel. Provided, that if in constructing said trenches and excavations or using the same any damage or injury shall result to any of

the sewers, water pipes, or private drains, then the said company shall be held liable therefor; and if at any time, by reason of the permission hereby granted and the making of said trenches, or running said cables, any injury or damage shall result to any person or property, then said company shall be held liable therefor; and said company shall pay all damages to owners of property abutting upon roads, streets, highways or public property upon or over which its said road is to be constructed and operated, which said owners may sustain by reason of the location, construction or operation of said company's roads. All needful and convenient connections with the motive power or engines shall be subject to the same conditions and restrictions; provided, further, that the aperture opening into said trenches shall not exceed five-eighths of an inch in width; and, provided, further, that said company may operate not to exceed two cars and one grappling car attached together, with one driver in charge of the grip car and one conductor in charge of each additional car.

¶ 3. **Tracks—how constructed.**] § 3. The tracks of said railway shall not be elevated in said streets above the surface of the streets and shall be laid with modern improved rails in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction. The rails to be used in the construction of said tracks shall be satisfactory to the mayor and commissioner of public works. Each of said tracks shall be laid as near the center of said street as practicable, and shall not be laid within twelve (12) feet of the sidewalk in any place, except in turning street corners or constructing curves, and there no nearer than may be required to make the necessary curve; and the cars to be constructed with all the latest improvements for the comfort and convenience of passengers, and shall be used for no other purpose than for the transportation of passengers. Animal power may be used to move the cars.

¶ 4. **Speed may be regulated.**] § 4. The city council shall have power at all times to make such regulations as to the rate of speed on said streets, as the public safety and convenience may require.

¶ 5. **License fee for cars.**] § 5. The said Chicago West Division Railway Company shall pay into the city treasury of said city, the sum of fifty ($50) dollars as a license fee for each and every car used by said company on the railways hereby authorized, which has not been included for license fees for use on other lines. The number of cars upon which license shall be imposed shall be determined, and the license fee paid in the same manner as provided in an ordinance entitled "An ordinance concerning street railways in the city of Chicago," passed July 30th, 1883, and approved by the mayor, August 6th, 1883.

¶ 6. **Tracks, when to be removed.**] § 6. When the right of

said company to operate its said railway upon said streets shall cease, said company shall remove its tracks from the same and place the same in as good condition as when said tracks were laid.

¶ 7. **Bond to perform.**] § 7. The Chicago West Division Railway Company shall enter into a good and sufficient bond with the city of Chicago in the penal sum of one hundred thousand dollars ($100,000), for the faithful performance of all the terms and conditions in this ordinance contained.

¶ 8. **Indemnity required.**] § 8. The said company shall forever indemnify and save harmless the city of Chicago against and from any and all legal damages, judgments, decrees and costs and expenses of the same which it may suffer, or which may be recovered or obtained against said city, for or by reason of the granting of such privileges, or for or by reason of, or growing out of, or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted, or from any acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 9. **Prior ordinances to control, when.**] § 9. This permission and authority hereby conferred, are given upon the express understanding and agreement that the provisions of this ordinance shall and does not extend the time during which the said Chicago West Division Railway Company may operate its lines upon the streets of Chicago. The said privileges are to be governed in this respect by ordinances heretofore passed.

¶ 10. **Subject to general ordinances.**] § 10. Unless otherwise provided in this ordinance, the privileges hereby granted are subject to all the general ordinances of the city of Chicago, now in force, or which may be passed in reference to street railways.

¶ 11. **Car heating, etc.**] § 11. The said company shall also provide upon all lines operated under this ordinance, cars of the most modern, approved fashion, of a kind equal to the best cars in use upon any cable road now in operation, and said company shall provide the best and most approved method for heating said cars, so that the same shall be kept properly heated at all times during cold weather.

¶ 12. **When to take effect.**] § 12. This ordinance shall take effect and be in force as soon as the same shall have been duly accepted by said company, and the said company shall have executed and filed with the city clerk, the bond provided for herein in the manner and form as hereinbefore required; Provided, however, that unless this ordinance shall be duly accepted and said bond executed and filed within thirty (30) days of the passage hereof, this ordinance shall be null and void.

§ 593. Chicago West Division Railway company.

¶ 1. Changes on West Twelfth street and Ogden avenue authorized.
¶ 2. Change to be for establishment of boulevard.
¶ 3. Tracks to be relaid—how.
¶ 4. Ordinances not to be affected.
¶ 5. Repeal.
¶ 6. When in force.

An ordinance permitting and requiring the Chicago West Division Railway company to replace its tracks from the center to sides of West Twelfth street and Ogden avenue between certain points. (Passed September 3, 1888.)

¶ 1. Changes on West 12th street and Ogden avenue authorized.] Be it ordained by the city council of the city of Chicago: § 1. That the Chicago West Division Railway Company, be and is hereby permitted and required to take up and remove its street railway tracks from the center seventy feet of Twelfth street, from the west line of Ashland avenue to the intersection of Ogden avenue, and from the center seventy feet of Ogden avenue, from the intersection of Twelfth street with Ogden avenue to the east line of Douglas park in the city of Chicago and state of Illinois, and to replace said tracks, one on each side of said center seventy feet, and as near thereto as may be practicable.

¶ 2. Change to be for establishment of boulevard.] § 2. The West Chicago park commissioners having been granted by the city of Chicago, and having assumed control of the center seventy feet of the portions of said streets above described for boulevard purposes, and being about to improve the center seventy feet of the above described portions of said streets as a boulevard, by virtue of the powers vested in them by law, the sole purpose and design of this ordinance is to permit and effect the removal of the said street railway tracks now located in and upon the said center seventy feet of the portions of said streets above described, and to locate and place said street railway tracks, one on either side of said center seventy feet, upon the forty foot street controlled by the city on each side of said boulevard, and as near to said boulevard as may be practical.

¶ 3. Tracks to be relaid, how.] § 3. The said Chicago West Division Railway Company shall as soon as practical after the said forty foot streets or driveways on either side of said boulevard shall have been filled to grade, remove the said tracks from the center seventy feet of the above described portions of said streets, and lay said tracks one on each side of said center seventy feet and as near thereto as practical at its own expense.

¶ 4. Ordinances not to be affected.] § 4. The change of said tracks from the center seventy feet of said above described portions of said streets to the sides thereof shall in no manner change or affect the provisions of existing ordinances granting to said Chicago West Division Railway Company privileges and franchises for laying and using street railway tracks upon said above described portions of said

street, nor any of the provisions regarding the paving and maintenance of the portion of said streets occupied by said railway tracks, except simply to change the location of the same as herein provided.

¶ 5. **Repeal.**] § 5. Such parts of all ordinances as may be in conflict with this ordinance as to the location of the said street railway tracks upon the portions of said streets above described, are hereby repealed, but it is hereby expressly provided that none of said ordinances are hereby repealed in any other respect, provision or condition.

¶ 6. **When in force.**] § 6. This ordinance shall be in force from and after its passage.

§ 594. Chicago West Division Railway company.

¶ 1. Paving to be with cedar block.
¶ 2. When in force.

An ordinance compelling the Chicago West Division Railway company to pave space between its tracks on west Twelfth street and on Ogden avenue between certain points. (Passed July 25, 1889.)

¶ 1. **Paving to be with cedar blocks.**] Be it ordained by the city council of the city of Chicago: § 1. That the ordinance granting permission to the West Division Horse Railroad Company, or its lessees or assigns, to lay down railroad tracks on West 12th street, from Ashland avenue to Ogden avenue, and on Ogden avenue from 12th street to California avenue, be so amended as to compel said company to pave the space between said tracks with cedar blocks.

¶ 2. **When in force.**] § 2. This ordinance shall be in force from and after its passage.

595. Cicero & Proviso Street Railway company.
596. Cicero & Proviso Street Railway company.
597. Cicero & Proviso Street Railway company.
598. Cicero & Proviso Street Railway company.
599. Englewood & Chicago Electric Street Railway company.
600. Englewood & Chicago Electric Street Railway company.
601. Englewood & Chicago Electric Street Railway company.
602. General Electric Railway company.
603. General Electric Railway company.
604. General Electric Railway company.
605. General Electric Railway company.
606. Metropolitan City Railway company.
607. North Chicago City Railway company.
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613. North Chicago City Railway company.
614. North Chicago City Railway company.
615. North Chicago City Railway company (amendment).
616. North Chicago City Railway company.
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638. North Chicago City Railway company.
639. North Chicago Electric Railway company.
640. North Chicago Electric Railway company.
641. North Chicago Street Railroad company.
641a. North Chicago Street Railroad company.
641b. North Chicago Street Railroad company.
641c. North Chicago Street Railroad company.
642. North Chicago Street Railroad company.
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645. North Chicago Street Railroad company.

§ 646. North Chicago Street Railroad company.
§ 647. North Chicago Street Railroad company.
§ 648. North Chicago Street Railroad company.
§ 649. North Chicago Street Railroad company.
§ 650. North Chicago Street Railroad company.
§ 651. North Chicago Street Railroad company.
§ 652. North Chicago Street Railroad company.
§ 652a. North Chicago Street Railroad company.
§ 652b. North Chicago Street Railroad company.
§ 653. North Chicago Street Railroad company.
§ 654. North Chicago Street Railroad company.
§ 655. North Chicago Street Railroad company.
§ 656. North Chicago Street Railroad company.
§ 657. North Chicago Street Railroad company.
§ 658. North Chicago Street Railroad company.
§ 659. North Chicago Street Railroad company.
§ 660. North Chicago Street Railroad company.
§ 661. Northern Electric Railway company.
§ 662. North Side Electric Street railroad.
§ 663. North Side Electric Street railroad.

CICERO AND PROVISO STREET RAILWAY COMPANY.

§ 595. Cicero and Proviso Street Railway company.
¶ 1. Grant—term—route.
¶ 2. Completion.
¶ 3. Running time.
¶ 4. Tracks—how laid.
¶ 5. Improvement and repair of streets.
¶ 6. Motive power optional.
¶ 7. Rate of fare.
¶ 8. Damages.
¶ 9. Culverts.
¶ 10. Powers reserved.
¶ 11. Bond.
¶ 12. When in force—acceptance.

An ordinance granting certain rights and privileges to the Cicero and Proviso Street Railway company. (Passed April 27, 1889.)

¶ 1. Grant — term — route.] Be it ordained by the board of trustees of the town of Cicero: § 1. That, in consideration of the acceptance hereof and the undertaking by the Cicero & Proviso Street Railway Company to comply with the provisions of this ordinance, authority and consent are hereby granted unto said company, its successors and assigns, to construct, lay down, operate and maintain a single track street railway, with all necessary side tracks, turn-outs and switches, for the term of twenty years from the passage hereof, upon and along the street hereinafter mentioned.

Commencing on Hyman avenue or West Forty-eight street, at

the center of Twelfth street; thence north on H man avenue or West Forty-eight street to the center of Chicago avenue.

¶ 2. **Time of completion.**] § 2. Said track shall be laid on said Hyman avenue or West Forty-eight street, for the whole length of the line, within thirty-six (36) months from the time of the acceptance of this ordinance provided that should the construction of said railroad be delayed by any injunction of any court or by or in consequence of any strike or riot of laborers, the time lost by such delay shall be added to the time herein specified within which the same shall be constructed.

¶ 3. **Running time.**] § 3. Immediately upon the laying of tracks as provided in section 2, passenger cars shall be run upon said street for the accommodation of the public, and shall make the minimum number of six (6) trips the entire length of the line each way, daily, unless prevented by strikes or riots.

¶ 4. **Tracks, how laid.**] § 4. The track or tracks of said railway shall not at any time be elevated above the surface of the street. The top of rails not to be above the grade of the street as is or may be established, and shall be laid with modern improved rails, and so laid that carriages and other vehicles can easily and freely cross said track or tracks at any and all points without obstruction; said railway tracks to occupy eight (8) feet west of the center of said street, the outside rail thereof shall be eight (8) feet from the center line of the street.

¶ 5. **Improvement and repair of streets.**] § 5. Said railway company when laying its track, shall grade and macadamize nine (9) feet of the street, and shall hereafter keep the same in such manner as may be ordered by the said board of trustees; provided, that if the said board of trustees shall order the foregoing street improved by paving before said company shall have laid its tracks, it shall proceed immediately to lay its tracks on such portions so to be improved, and shall pave the nine (9) feet from the center line thereof, to conform to the paving so by the board of trustees ordered.

¶ 6. **Motive power optional.**] § 6. Such railway may be operated by horse power, by electric or chemical motors, by compressed air or by cables moved by stationary engine or engines, not located upon the streets or public places of the town, or by such other motive power (except steam locomotives) as may be approved by said board of trustees.

¶ 7. **Rate of fare.**] § 7. The rate of fare for each passenger shall not exceed the sum of five (5) cents for any continuous travel of one trip; provided, that children under five (5) years of age, accompanied by an adult person shall ride free of charge.

¶ 8. **Damages.**] § 8. The said Cicero & Proviso Street Railway Company shall pay all damages to the owners of the property

abutting on said part of street upon or over which its road may be constructed, which said owners may sustain by reason of the construction or location of the said road, and shall hold and save harmless the said town from any and all costs, charges, expenses and damages resulting from its negligence, or the negligence of its servants, in exercising or attempting to exercise any rights under this ordinanace given, and from all damages that shall arise to owners of property by reason of the passage of this ordinance, holding and keeping the said town as good financially as if this ordinance had never been passed.

¶ 9. **Culverts.**] § 9. The said company shall whenever ordered by the said board of trustees, build at its own expense, under its tracks, such culverts as the board may order, provided this section shall not be held to obligate said company to build any sewer or sewers under or alongside its tracks.

¶ 10. **Powers reserved.**] § 10. The said Cicero & Proviso Street Railway Company, shall do the work of laying its tracks, grading and paving the part of said street hereinbefore provided for, and building any required culverts, under the direction of and in the manner approved by the said board of trustees.

¶ 11. **Bond.**] § 11. The said railway company shall, before commencing any work upon the streets under this ordinance file with the town clerk, its bond in the penal sum of fifteen thousand ($15,000) dollars, with sureties approved by the board, conditioned that it will hold the said town harmless on account of any injury or injuries occuring to any one during the construction of said tracks or culverts, or on account of the acts or negligence of the said company under this ordinance.

¶ 12. **When in force—acceptance.**] § 12. This ordinance shall take effect and be in force from and after its passage; provided that if the Cicero & Proviso Street Railway Company shall not file with the town clerk of said town, within thirty (30) days from the passage of this ordinance, its written acceptance thereof, together with its bond in the penal sum of five thousand ($5,000) dollars, with two or more sureties to be approved by the said board of trustees conditioned that the said company shall hold the said town harmless on account of any claims for damages arising from the passage of this ordinance, as well as from the construction, maintaining and operating of its said road, then this ordinance shall be void and of no effect.

§ 596. Cicero and Proviso Street Railway company.

¶ 1. Grant—term—route.
¶ 2. Time of completion.
¶ 3. Running time.
¶ 4. Tracks—how laid.
¶ 5. Improvement of streets.
¶ 6. Motive power.

¶ 7. Rate of fare.
¶ 8. Damages.
¶ 9. Culverts.
¶ 10. Powers reserved.
¶ 11. Bond.
¶ 12. When in force—acceptance.

An ordinance granting certain rights and privileges to the Cicero & Proviso Street Railway company. (Passed April 27, 1889.)

¶ 1. Grant—term—route.] Be it ordained by the board of trustees of the town of Cicero: § 1. That, in consideration of the acceptance hereof, and the undertaking by the Cicero & Proviso Street Railway Company to comply with the provisions of this ordinance, authority and consent are hereby granted unto said company, its successors and assigns, to construct, lay down, operate and maintain a single or double track street railway, with all necessary side tracks, turnouts and switches; Provided, that where a double track is laid, there shall be no side tracks, turnouts or switches outside the double track, for the term of twenty (20) years from the passage hereof, upon and along the several streets hereinafter mentioned.

Commencing on Twelfth street at the center of Crawford avenue, or West Fortieth street, and running thence west to Harlem avenue.

Commencing on Madison street, at the center of Crawford avenue, or West Fortieth street, and running thence west to Harlem avenue.

Commencing on Lake street at the center of Crawford avenue, or West Fortieth street, and running thence west to Harlem avenue.

Commencing on Chicago avenue at the center of Crawford avenue, or West Fortieth street, and running thence west to Harlem avenue.

¶ 2. Time of completion.] § 2. At least one (1) track shall be laid on Madison street and Lake street from Crawford avenue to Harlem avenue, within eighteen (18) months, and on Twelfth street and Chicago avenue (for the same distances in each case), within thirty-six (36) and thirty (30) months respectively from the time of the acceptance of this ordinance; Provided, that should the construction of either of said lines be delayed by injunction of any court or by or in consequence of any strike or riot of laborers the time lost by such delay shall be added to the time herein specified within which the same shall be constructed. No failure of said company to construct its line upon either of said streets within the time above limited shall affect its rights upon any other of said streets.

¶ 3. Running time.] § 3. Immediately upon the laying of tracks, as provided in section 2, passenger cars shall be run upon said streets for the accommodation of the public, and shall make the minimum number of twelve (12) upon Madison and Lake streets and upon Chicago avenue and Twelfth street, six (6) trips, the entire length of the line each way, daily; except when prevented by strikes or riots.

¶ 4. **Tracks, how laid.**] § 4. The track or tracks of said railways shall not, at any time, be elevated above the surface of the street or streets, and shall be laid with modern improved rails, and so laid that carriages and other vehicles can easily and freely cross said track or tracks at any and all points without obstruction; said railway tracks to occupy fourteen (14) feet in the center of the said street, and if only a single track is laid, the outside rail thereof shall be seven (7) feet from the center line of the street, so that when double track is put down, said tracks shall be equi distance from the center line.

¶ 5. **Improvement of streets.**] § 5. Said railway company, when laying its track, shall grade and macadamize sixteen (16) feet of the street (eight (8) feet each side of the center thereof), and shall thereafter keep the same in such manner as may be ordered by the said board of trustees; Provided that if the said board of trustees shall order any of the foregoing streets improved by paving before the said company shall have laid its tracks it shall proceed immediately to lay its tracks on such portions so ordered improved, and shall pave the center sixteen (16) feet thereof; to conform to the paving so by the board of trustees ordered.

¶ 6. **Motive power.**] § 6. Such railways, and each of them, may be operated by horse power, by electric, chemical or compressed air motors, by cables moved by stationary engine or engines not located upon the street or public places of the town, or by such other motive power (except steam locomotives) as may be approved by said board of trustees.

¶ 7. **Rate of fare.**] § 7. The rate of fare for each passenger shall not exceed the sum of five (5) cents for any continuous travel of one trip; Provided the children under five (5) years of age, accompanied by an adult person, shall ride free of charge, and any children under seven (7) and over five (5) years of age shall ride for not exceeding three (3) cents for each continuous travel of one trip.

¶ 8. **Damages.**] § 8. The said Cicero & Proviso Street Railway Company shall pay all damages to the owners of property abutting on the said parts of streets upon or over which its road may be constructed, which said owners may sustain by reason of the construction or location of the said road, and shall hold and save harmless the said town from any and all costs, charges, expenses and damages resulting from its negligence, or the negligence of its servants in exercising, or attempting to exercise, any rights under this ordinance given, and from all damages that shall arise to owners of property by reason of the passage of this ordinance, holding and keeping the said town as good financially as if this ordinance had never been passed.

¶ 9. **Culverts.**] § 9. The said company shall, whenever or-

dered by the said board of trustees, build at its own expense, under its tracks, such culverts as the board may order.

¶ 10. **Powers reserved.**] § 10. The said Cicero & Proviso Street Railway Company shall do the work of laying its tracks, grading and paving the part of said streets hereinbefore provided for, and building any required culverts, under the direction of and in the manner provided by the said board of trustees.

¶ 11. **Bond.**] § 11. The said railway company shall before commencing any work upon the streets under this ordinance file with the town clerk its bond in the penal sum of fifteen thousand dollars ($15,000), which sureties approved by the board conditioned that it will hold the said town harmless on account of any injury or injuries occurring to any one during the construction of such tracks or culverts on account of the acts or negligence of the said company under this ordinance.

¶ 12. **When in force—acceptance.**] § 12. This ordinance shall take effect and be in force from and after its passage; Provided, that if the Cicero & Proviso Street Railway Company shall not file with the town clerk of said town within thirty (30) days from the passage of this ordinance, its written acceptance thereof, together with its bond in the penal sum of ten thousand dollars ($10,000) with two or more sureties to be approved by the said board of trustees; conditioned that the said company shall hold the said town harmless on account of any claims for damages arising from the passage of this ordinance, as well as from the constructing, maintaining and operating of its said roads, then this ordinance shall be void and of no effect.

§ 597. Cicero and Proviso Street Railway company.

¶ 1. Grant—term—route.
¶ 2. Time of completion.
¶ 3. Running time.
¶ 4. Tracks—how laid.
¶ 5. Improvement and repair of streets.
¶ 6. Motive power optional.
¶ 7. Rate of fare.
¶ 8. Damages to abutting owners.
¶ 9. Power of council—culverts.
¶ 10. Approval of work.
¶ 11. Indemnity bond.
¶ 12. When in force—acceptance.

An ordinance granting certain rights and privileges to the Cicero & Proviso Street Railway company. (Passed June 19, 1889.)

¶ 1. **Grant—term—route.**] Be it ordained by the board of trustees of the town of Cicero: § 1. That in consideration of the acceptance hereof, and the undertaking by the Cicero & Proviso Street Railway Company, to comply with the provisions of this ordinance, authority and consent are hereby granted unto said company, its successors and assigns, to construct, lay down, operate and maintain a

single or double track street railway, with all necessary side tracks, turnouts and switches (provided that where a double track is laid there shall be no side tracks, turnouts or switches outside the double track), for the term of twenty years from the passage hereof upon and along the several streets hereinafter mentioned. Commencing on Hyman avenue or West Forty-eight (48) street, at the center of Twelfth (12th) street; thence north on Hyman avenue or West Forty-eight (48) street to the center of Chicago avenue. Commencing at Richmond avenue or West Forty-fourth (44) street at the center of Twelfth (12th) street; thence north on Richmond avenue, or West Forty-fourth (44) street, to the center of Lake street.

¶ 2. **Time of completion.**] § 2. At least one track shall be laid on said Richmond avenue or West Forty-fourth (44th) street, and on said Hyman avenue or West Forty-eight (48) street (for the whole length of the line in each case), within thirty-six (36) months from the time of the acceptance of this ordinance; Provided, that should the construction of either of said lines be delayed by any injunction of any court, or by or in consequence of any strike or riot of laborers, the time lost by such delay shall be added to the time within specified within which the same shall be constructed. No failure of said company to construct its line upon either of said streets within the time above limited shall affect its rights upon the other of said streets.

¶ 3. **Running time.**] § 3. Immediately upon the laying of tracks as provided in section 2, passenger cars shall be run upon said streets for the accommodation of the public and shall make the minimum number of six (6) trips the entire length of the line each way, daily, unless prevented by strikes or riots.

¶ 4. **Tracks, how laid.**] § 4. The track or tracks of said railways shall not at any time be elevated above the surface of the street or streets and shall be laid with modern improved rails, and so laid that carriages and other vehicles can easily and freely cross said track or tracks at any and all points without obstruction; said railway tracks to occupy fourteen (14) feet in the center of said streets, and if only single track is laid, the outside rail thereof shall be between seven (7) feet from the center line of the street, so that when double track is put down said tracks shall be equi-distant from the center line.

¶ 5. **Improvement and repair of streets.**] § 5. Said railway company, when laying its track shall grade and macadamize sixteen (16) feet of the street (eight feet each side of the center thereof), and shall thereafter keep the same in such manner as may be ordered by the said board of trustees; Provided, that if the said board of trustees shall order either of the foregoing streets improved by paving before said company shall have laid its tracks, it shall proceed immediately to lay its tracks on such portion so improved, as shall pave the

center sixteen (16) feet thereof to conform to the paving so by the board of trustees ordered.

¶ 6. **Motive power optional.**] § 6. Such railways, and each of them may be operated by horse power, by electric or chemical motors, by compressed air or by cables moved by stationary engine or engines, not located upon the streets or public places of the town, or by such other motive power (except steam locomotives) as may be approved by said board of trustees.

¶ 7. **Rate of fare.**] § 7. The rate of fare from each passenger shall not exceed the sum of five (5) cents for any continuous travel of one trip; Provided, that children under five (5) years of age, accompanied by any adult person, shall ride free of charge, and any children under seven (7) and over five (5) years of age shall ride for not exceeding three (3) cents for each continuous travel of one trip.

¶ 8. **Damages to abutting owners.**] § 8. The said Cicero & Proviso Street Railway Company shall pay all damages to the owners of property abutting on the said parts of streets upon or over which its road may be constructed, which said owners may sustain by reason of the construction or location of the said road, and shall hold and save harmless the said town from any and all costs, charges, expenses and damages resulting from its negligence, or the negligence of its servants, in exercising or attempting to exercise any rights under this ordinance given, and from all damages that shall arise to owners of property by reason of the passage of this ordinance, holding and keeping the said town as good financially as if this ordinance had never been passed.

¶ 9. **Power of council—culverts.**] § 9. The said company shall, whenever ordered by the said board of trustees, build, at its own expense, under its tracks, such culverts as the board may order.

¶ 10. **Approval of work.**] § 10. The said Cicero & Proviso Street Railway Company shall do the work of laying its tracks, grading and paving the part of said streets hereinbefore provided for, and building any required culverts, under the direction of and in the manner approved by the said board of trustees.

¶ 11. **Indemnity bond.**] § 11. The said railway company shall before commencing any work upon the streets under this ordinance file with the town clerk its bond in the penal sum of fifteen thousand dollars ($15,000), with sureties approved by the board conditioned that it will hold the said town harmless of account of any injury or injuries occurring to any one during the construction of said tracks or culverts on account of the acts or negligence of the said company under this ordinance.

¶ 12. **When in force—acceptance.**] § 12. This ordinance shall take effect and be in force from and after its passage; Provided,

that if the Cicero & Proviso Street Railway Company shall not file with the town clerk of said town, within thirty (30) days from the passage of this ordinance, its written acceptance thereof, together with its bond in the penal sum of five thousand dollars ($5,000), with two or more sureties to be approved by the said board of trustees, conditioned that the said company shall hold the said town harmless on account of any claims for damages arising from the passage of this ordinance, as well as from the constructing, maintaining and operating of its said roads, then this ordinance shall be void and of no effect.

§ 598. Cicero and Proviso Street Railway company.

¶ 1. Grant—term 20 years—route.
¶ 2. Construction of tracks.
¶ 3. Motive power—overhead wires—return circuit.
¶ 4. Rate of fare—free riders.
¶ 5. Time of completion—paving and repair of streets.
¶ 5½. License—compensation of city.
¶ 5¾. Heating of cars.
¶ 6. Term of grant—indemnity clause.
¶ 7. Bond.
¶ 8. When in force—bond—acceptance.

An ordinance granting permission to the Cicero & Proviso Street Railway company to construct, maintain and operate a street railway. (Passed July 23, 1894. Accepted August 2, 1894.)

¶ 1. Grant—term twenty years—route.] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof, and the undertaking of the Cicero and Proviso Street Railway Company to comply with the provisions herein contained, consent, permission and authority are hereby granted to said Cicero and Proviso Street Railway Company, its successors and assigns, and the said company is hereby required to lay down, construct, maintain and operate, for the period of twenty (20) years from the passage hereof, a double track street railroad, with all the necessary and convenient turn-outs, side-tracks and switches, in, upon, over and along West Forty-eighth street, from the south line of West Lake street to the north line of West Chicago avenue; and on West Chicago avenue, from the east line of West Forty-eighth street to the center line of West Fifty-second street, or west city limits of the city of Chicago, with the right to connect said tracks by a curve in said streets at their junction, and to connect any of the street railroad tracks of said Cicero and Proviso Street Railway Company with other street railroad tracks upon a curve or otherwise.

¶ 2. Construction of tracks.] § 2. The tracks of said street railroad shall not be elevated above the surface of the street, and shall be laid with modern, improved rails, to be approved by the mayor and commissioner of public works, and in such manner that carriages and other vehicles can easily and freely cross the same at all points and in

all directions without obstruction, and shall also be laid as near to the center of the street as practicable.

¶ 3. **Motive power—overhead wires—return circuit.**] § 3. The cars to be used on said lines of street railroad may be operated by animal, electric or cable power, and shall be used for no other purpose than to carry passengers and their ordinary baggage and the United States mail. In case the said company shall use cable power the method of laying and constructing such cable and operating the same shall in all respects be the same and be governed by the same conditions and limitations as provided by an ordinance of the city council of the city of Chicago, passed June 7th, 1886, authorizing the North Chicago City Railway Company to use cable power, Sections 3475 to 3477 of the Compiled Laws and Ordinances of the City of Chicago, Edition of 1890. And in case said company shall use electric power, it may be done by means of electric overhead contact wires. Such overhead wires, together with the necessary feed wires, shall be suspended from poles set within the curb line limits of the street and adjoining thereto on either side thereof, the placing of such poles to be determined by the mayor and commissioner of public works, but after the streets upon which said lines of railroad hereby authorized shall have been wholly paved, only poles of ornamental iron or steel shall be permitted. Said poles and feeder wires shall be suspended not less than eighteen and a half (18½) feet above the rails and the said poles and supports shall be placed on an average of not less than one hundred and fifteen (115) feet apart.

No poles shall be set at the intersection of streets and alleys. Before making any excavation or in any wise interfering with the surface of any street or alley, said company shall obtain from the commissioner of public works a permit therefor and shall also deposit with the treasurer of the city of Chicago a sum sufficient to cover the cost of restoring such street or alley according to an estimate of the probable cost thereof to be made by the commissioner of public works.

Said company shall establish and maintain a metallic return circuit conductor, independent of its rails, upon all the lines of street railroad hereby authorized.

Wherever other lines of wire cross the wires to be strung by virtue of this ordinance, the latter wires shall be protected by guard wires or other suitable mechanical device as may be directed by the commissioner of public works.

And it is further provided, that wherever said Cicero and Proviso Street Railway Company has already constructed railroad tracks and erected wires and poles in West Lake street, West Forty-eighth street and West Madison street, and is operating its said cars by electricity by overhead contact wires in said last named streets, said Cicero and Proviso Street Railway Company is hereby required to operate and maintain such railroad tracks, poles and wires, and to operate said

line of railroad by electricity or cable power, but no other motive power shall be substituted except upon the approval of the mayor and commissioner of public works, except in case of necessity, when said company may substitute animal power temporarily, but such substitution of animal power shall not extend beyond a period of thirty (30) days in any one case.

¶ **4. Rate of fare—free riders.**] § 4. The rate of fare for any continuous and regular trip from one point to another on the line of said Cicero and Proviso Street Railway Company's street railroad shall be five (5) cents.

The said company shall carry free of charge on all cars operated by it, the city police and firemen in uniform.

¶ **5. Time of completion—paving and repair of streets.**] § 5. Said tracks herein authorized in section one (1) shall be built and in operation within one (1) year after the passage of this ordinance. And unless the same shall be built and in operation within said time, the city of Chicago shall have the right to remove all tracks and other obstacles placed in the streets by virtue of this ordinance, and the said company agrees to pay to the city for the cost of such removal. But should the construction of said tracks, or any part thereof, be delayed by injunction of any court or by the action of the city of Chicago, then as to the portion so delayed, the time of such delay shall not be counted as any part of the time herein limited. But the time during which said company may be so delayed as aforesaid shall be reckoned only from the time when the said company shall have given notice to the corporation counsel of the city of Chicago of the institution of such legal proceedings as aforesaid. The city shall have the right to intervene in any suit for an injunction to restrain the said company, as aforesaid, and move for the dissolution of the injunction or for any other proper order in such suit. And immediately upon the laying of said railroad tracks, said Cicero and Proviso Street Railway Company shall pave, with wooden blocks, the center sixteen (16) feet of said streets, between the outside rails of said double-track street railroad, and it shall also pave the balance of the roadway of said West Forty-eighth (W. 48th) street, with wooden blocks, between the south line of Lake street and the north line of Chicago avenue, when the underground work in said portion of said street is completed. And if the said company shall refuse or fail so to do, the same may be done by the city and the company shall be liable to the city for the cost thereof.

¶ **5½. License — compensation to city.**] § 5½. The said Cicero and Proviso Street Railway Company shall pay into the city treasury of the City of Chicago, for the use of said city, the sum of fifty ($50.00) dollars, as an annual license fee for each and every car used by said company on each of said lines herein authorized, in the manner following: In computing the number of cars upon which said license charge may be imposed, thirteen round trips, when one car is used in

the transportation of passengers, shall be taken as equivalent to one day's use of the car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter, such quotient shall be the number of cars subject to license fee. The president or other chief officer of said company shall, under oath, make report quarter-yearly to the comptroller of the city of Chicago, of the whole number of cars so run by said company, and at the same time pay to said comptroller twelve dollars and a half ($12.50) for each car, to be ascertained as above prescribed in this section. The first quarter shall begin upon the first day upon which the said company shall run a car or cars for the carriage of passengers. After the expiration of five (5) years from the date of the passage of this ordinance the said company shall annually pay into the treasury of the city of Chicago, in addition to the annual license fee above provided, a percentage of the gross receipts to be derived by said company from the operation of the road hereby authorized and of the extension of the same on West Chicago avenue, from 52nd street to Harlem avenue, as compensation for the benefits conferred by this ordinance upon said company as follows: One-fourth per cent for five years, one-half per cent for the following period of five years, and three-fourths of one per cent for the last period of five years.

¶ 5¾. **Heating cars.**] § 5¾. The cars upon the lines hereby authorized shall be provided during the months of November, December, January, February and March of each year with heating apparatus of a kind and nature which shall be reasonably effective in raising the temperature of said car and heating the same; and the said apparatus shall be operated at such times during the months aforesaid as the nature of the weather and the degree of the temperature shall require.

¶ 6. **Term of grant—indemnity clause.**] § 6. The grant herein given shall extend to the term of twenty (20) years from the passage hereof, provided the same shall be accepted by said Cicero and Proviso Street Railway Company within thirty (30) days after its passage. Said company shall forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs and expenses which it may suffer or which may be recoverable or obtained against said city for or by reason of the granting of such privileges, or for or by reason of or growing out of or resulting from the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 7. **Bond.**] § 7. The said Cicero and Proviso Street Railway Company, its successors or assigns, shall, within thirty (30) days from the passage of this ordinance, execute a bond to said city of Chicago, in the penal sum of five thousand ($5,000) dollars, condi-

tioned to indemnify and save harmless the city of Chicago from any and all damages which may accrue or arise or grow out of the exercise by said Cicero and Proviso Street Railway Company, its successors, or assigns, of the privileges hereby granted. And also conditioned for the faithful observance and performance of all the conditions and provisions of this ordinance to be observed and performed on the part of said company.

¶ 8. **When in force—bond—acceptance.**] § 8. This ordinance shall take effect when the said Cicero and Proviso Street Railway Company, its successors or assigns, shall file the bond herein required and acceptance of this ordinance; Provided, that if the said Cicero and Proviso Street Railway Company, its successors or assigns, shall not file an acceptance, in writing, of this ordinance, and the bond herein required within thirty (30) days of the passage hereof, then this ordinance shall be of no force and effect and all rights herein granted shall absolutely cease and determine.

ENGLEWOOD AND CHICAGO ELECTRIC STREET RAILWAY COMPANY.

§ 599. Englewood and Chicago Electric Street Railway company.

¶ 1. Grant—electric line.
¶ 2. Route—transfers.
¶ 3. Time for completion.
¶ 4. Grades.
¶ 5. Track construction.
¶ 6. Motive power—overhead wires—location.
¶ 7. Electric power—exception.
¶ 8. Passenger service.
¶ 9. Rate of fare—police, etc., to ride free.
¶ 10. Grant 20 years.
¶ 11. Restoration of streets.
¶ 12. Improvement and repair of streets.
¶ 13. Reservation of rights.
¶ 14. Running time—speed.
¶ 15. Indemnity clause.
¶ 16. Acceptance.
¶ 17. License fee.
¶ 18. Bond.
¶ 19. When in force—acceptance—bond.

An ordinance authorizing the Englewood & Chicago Electric Street Railway company to construct and operate a railroad upon certain streets therein named. (Passed May 2, 1893. Accepted May 13, 1893.)

¶ 1. **Grant—electric line.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is here-

by granted to the Englewood and Chicago Electric Street Railway Company, its successors or assigns, to construct and operate a railroad with one or more tracks, not exceeding two, to be operated by electricity, with such tracks for turn-outs, turn-tables, side-tracks and switches as said company may deem necessary, along and upon certain streets or parts of streets in the corporate limits in the city of Chicago hereinafter particularly mentioned, and to operate said railway in the manner, for the time and upon the conditions hereinafter prescribed

¶ **2. Route—transfers.**] § 2. The said Englewood and Chicago Electric Street Railway Company, or its successors or assigns, is hereby authorized to lay the tracks with all necessary turn-tables, turn-outs, side-tracks and switches, as provided in the first section of this ordinance, along and upon the following streets in the city of Chicago: Beginning at the intersection of Sixty-third street and Vernon avenue, thence south upon said Vernon avenue to its intersection with Sixty-seventh street, thence east upon Sixty-seventh street to its intersection with Vincennes avenue, thence south upon said Vincennes avenue to its intersection with South Chicago avenue, thence southeasterly upon said South Chicago avenue to east line of Cottage Grove avenue; also commencing at the intersection of South Chicago avenue with Keefe avenue, thence southwesterly upon said Keefe avenue to its intersection with Clement avenue, thence west on Sixty-ninth street to Calumet avenue, thence north on said Calumet avenue to its intersection with Sixty-seventh street; also on Sixty-seventh street, from State street east to Vernon avenue, and from Vincennes avenue east to east line of Cottage Grove avenue; also on Clement avenue, from Keefe avenue southeast to Vincennes avenue, thence south upon said Vincennes avenue to its intersection with Seventy-first street, and on Seventy-first street from State street to Cottage Grove avenue; also on the alley running parallel to and adjoining the southwesterly line of the right of way of the Pittsburg, Fort Wayne and Chicago Railroad Company, thence southeast along said alley to Evans avenue, thence south upon said Evans avenue to its intersection with Seventy-second street, thence east upon said Seventy-second street to its intersection with Cottage Grove avenue, thence north upon said Cottage Grove avenue to the alley above mentioned, thence northwest along said alley to Evans avenue, and on State street from the intersection of Vincennes road south to Ninety-fifth street, thence east upon said Ninety-fifth street to the intersection with Michigan avenue; also commencing at the intersection of Seventy-ninth street and State street, thence west upon said Seventy-ninth street to its intersection with Vincennes road, thence southweserly upon said Vincennes road to its intersection with One Hundred and Seventh street; and on Eighty-seventh street from Cottage Grove avenue west to Vincennes road, thence north on said Vincennes road to its intersection with Eighty-sixth place, thence west upon said

Eighty-sixth place to its intersection wtih Sangamon street, thence north on said Sangamon street to its intersection with Eigthy-sixth street, thence west upon Eighty-sixth street to its intersection with Loomis street, thence south upon said Loomis street to its intersection with Ninety-fifth street, thence east upon said Ninety-fifth street to its intersection with Front street, thence south on said Front street to its intersection with Ninety-ninth street, thence west upon said Ninety-ninth street to its intersection with Winston avenue, thence southeasterly upon said Winston avenue to its intersection with Vincennes road, and on One Hundred and Third street or Tracy avenue, from Michigan avenue west to Wood street, thence south upon said Wood street to center line of One Hundred and Seventh street, and on One Hundred and Eleventh street, from Indiana avenue west to city limits; also on Vernon avenue from the central sixteen (16) feet thereof, near its intersection with Sixty-third street across said Vernon avenue by proper curve or curves to private property; also on Vincennes road, from the central sixteen (16) feet thereof at two (2) points between Eighty-second street and Eighty-fifth street, across said Vincennes road by proper curve or curves to private property; also on Cottage Grove avenue at Seventy-second street along or across said Cottage Grove avenue, by proper curve or curves, to a point between Seventy-second street and the alley running parallel to and adjoining the southwesterly line of the right of way of the Pittsburg, Fort Wayne and Chicago Railroad Company; also on Vincennes avenue, from Eighty-sixth place to One Hundred and Seventh street, the tracks to be built upon the east twenty-five (25) feet of said avenue; also the right to connect its tracks with the tracks of its own or other systems of railway or with private property at Vernon avenue and Sixty-third street, and Sixty-third and State streets, and at Eighty-seventh street and Cottage Grove avenue, and at One Hundred and Third street, and at One Hundred and Eleventh street and at Ninety-fifth street; Provided, further, that where they make connections with their own road transfer tickets must be given without extra charge.

¶ 3. **Time for completion.**] § 3. One of the main tracks and necessary switches, side-tracks and turn-outs authorized to be constructed by this ordinance on each of the following streets and avenues, to wit: Vernon avenue, Sixty-seventh street, Vincennes avenue, Seventy-first street, Vincennes road, Seventy-ninth street to One Hundred and Seventh street, Eighty-sixth street, Loomis street from Eighty-sixth street to Rock Island tracks, State street from its intersection with Vincennes road to Seventy-ninth street, and South Chicago avenue, shall be completed and in operation within one year from the date when this ordinance shall take effect, and one of the tracks and necessary switches, side-tracks and turn-outs authorized to be constructed by this ordinance on all streets and avenues other than those named in this section shall be constructed and in operation within two years from the date when this ordinance shall take effect;

Provided, that if the said track, switches, turn-outs and side-tracks shall not be laid and the said railroad shall not be in operation upon the streets aforesaid within the dates named in this section, then the rights and privileges herein granted shall at the expiration of said time, as to the streets and parts of streets hereinbefore referred to, which at the said time shall be unoccupied by said railroad track in full operation, wholly cease and determine, and revert and vest absolutely in the city of Chicago. The said Englewood and Chicago Electric Street Railway Company, its successors or assigns, shall have the right and privilege of laying and operating the second track, with necessary switches, side-tracks and turn-outs authorized by this ordinance, whenever it or they shall deem it expedient and public travel requires it; Provided further, that if the said Englewood and Chicago Electric Street Railway Company, its successors or assigns, shall be restrained or prevented from proceeding with the work upon said railway track by the order or authority of any court of competent jurisdiction, the time during which it may be so delayed shall be added to the time hereinbefore prescribed for the completion of said railway track. The city of Chicago shall, however, have the right to intervene in any suit for an injunction to restrain said party or parties, as aforesaid, and move for the dissolution of injunction, in case such suit shall be deemed collusive or for the purpose of delay or extending the time for the completion of said track.

¶ 4. **Grades.**] § 4. The said Englewood and Chicago Electric Street Railway Company, its successors or assigns, in the construction of the said railway shall conform to all grades in the streets to be so traversed by said railway as they now exist, or which may be hereafter adopted by the city council.

¶ 5. **Track construction.**] § 5. The tracks of said railway shall be constructed of side-bearing or what may be termed flat rails, not to be elevated above the surface of the street, and shall be made of the standard gauge of four feet eight and one-half inches; and said railway tracks, turn-outs, side-tracks, switches and turn-tables shall be so laid that carriages and other vehicles can easily and freely cross said track or tracks at any and all points. The said track or tracks shall be laid under the supervision of the commissioner of public works of the city of Chicago. It is further provided that said track or tracks at all intersections of streets shall be planked or paved between the rails, to correspond with balance of the intersections of street.

¶ 6. **Motive power—overhead wires—location.**] § 6. The cars upon said railway shall be propelled by electric overhead contact wires, which, together with the necessary feed wires, shall be suspended from poles set within the curb limits of the street on either side thereof, or from bracket poles placed in the center of the street and so adjusted as to obstruct the public use of the streets or sidewalks as

little as possible. Said wires shall be suspended not less than eighteen and one-half feet above the rails, and the said poles and supports shall be placed on an average of not less than one hundred and fifteen feet apart, except at the intersection of streets and avenues or the crossings of railroad tracks, when the said distance will place the poles or supports on intersecting streets or avenues, or at convenient distances for such crossings. And, in the event that some more favorable and practicable method of furnishing electricity or other power for the operation of said road be discovered, said the Englewood and Chicago Electric Street Railway Company, its successors or assigns, shall have the right or may be required by the city council of the city of Chicago to adopt such more favorable or practicable method of furnishing motive power in place of or in connection with the use of said electrical overhead contact wires, when the same is approved by the mayor and the commissioner of public works. The said company shall have the right to connect the wires herein authorized with the wires on other of its lines, and also to connect its wires and tracks with the generators and power stations and car barns which may be convenient to use in connection therewith, and from time to time to alter and change such connections.

¶ 7. **Electric power—exception.**] § 7. Said Englewood and Chicago Electric Street Railway Company, its successors or assigns, shall operate said railway by electric motor power, except in case of accident to machinery making it necessary that said cars may be propelled by animal power for a period not exceeding thirty (30) days for any one accident.

¶ 8. **Passenger service.**] § 8. The cars or carriages to be used on such railway shall be used for no other purpose than to carry passengers and their ordinary baggage; and the said cars shall be entitled to the track, and in all cases where any team or vehicle shall meet or be overtaken by a car upon said railway, such team or vehicle shall give way to said car.

¶ 9. **Rate of fare—police, etc., to ride free.**] § 9. The rates of fare for any continuous and regular trip from one point to another on the line of said railway shall not exceed five (5) cents, and the United States letter-carriers, park policemen, city policemen and firemen in uniform shall be permitted to ride free.

¶ 10. **Grant, 20 years.**] § 10. The rights and privileges hereby granted the said Englewood and Chicago Electric Street Railway Company, its successors or assigns, shall continue for a period of twenty (20) years from and after the time this ordinance shall take effect.

¶ 11. **Restoration of streets.**] § 11. The said Englewood and Chicago Electric Street Railway Company, its successors or assigns, shall do no permanent injury to any street, sidewalk, alley or avenue, nor interfere with any water pipe, sewer or gas pipe now or hereafter

laid by the city of Chicago, but, in construction of the said railway, shall restore the streets, pavements, sidewalks or ground or water pipe, sewer or gas pipe to a condition equally as good as before the laying of said railway, at the expense of the Englewood and Chicago Electric Street Railway Company, its successors or assigns, and if it, its successors or assigns, as the case may be, shall fail or refuse so to do, the same may be done by the city of Chicago, and it or they, as the case may be, shall be liable for the cost thereof.

¶ 12. **Improvement and repair of streets.**] § 12. The said Englewood and Chicago Electric Street Railway Company, its successors or assigns, as respects the grading, paving, macadamizing, planking and repairing or using the aforesaid streets and avenues shall, at its own cost and expense, as to the parts of streets in and upon which said railway may be laid, keep eight feed in width where a single track may be laid, and sixteen feet where a double track shall be laid, in good repair and condition, during all the time to which the privileges hereby granted shall extend, in accordance with the orders and regulations of the commissioner of public works of the said city. And, when any new improvement of any character shall be ordered by the city council of said city, said Englewood and Chicago Electric Street Railway Company, its successors or assigns, at its own cost and expense shall, in the manner required by the city authorities, make such improvements for the width of eight feet where the single track shall be laid, and for the width of sixteen feet where a double track shall be laid, to include said tracks as laid in said streets and avenues; and if the said Englewood and Chicago Electric Street Railway Company, its successors or assigns, shall neglect or fail to make any repairs or improvements, as aforesaid, for the space of twenty days after notice so to do from the commissioner of public works, or other proper officer of said city, to any officer, agent or employe of said Englewood and Chicago Electric Street Railway Company, or its successors or assigns, then and in such case the city may, at its option, do the same, at the cost and expense of said company.

¶ 13. **Reservation of rights.**] § 13. Nothing herein contained shall impair or abridge the right of the city to dig up or open said streets and avenues, or any portion thereof, and to temporarily remove said tracks and roadbed for the purpose of laying sewers or water pipes, or making any similar improvements, or of repairing the same.

¶ 14. **Running time—speed.**] § 14. This ordinance is granted upon the express condition that trains shall be run upon each track constructed by said Englewood and Chicago Electric Street Railway Company, its successors or assigns, at least once per each half-hour between the hours of six (6) a. m. and twelve (12) p. m., except when delay is caused through unavoidable accident, breakage of machinery or other cause beyond the control of said Englewood and

Chicago Electric Street Railway Company, its successors or assigns; and the speed of all trains to be operated by virtue of this ordinance shall be subject to control by ordinance of the city of Chicago, and its successors, regulating the speed of electric and cable railways.

¶ **15. Indemnity clause.**] § 15. The said Englewood and Chicago Electric Street Railway Company, its successors or assigns, shall defend and save harmless the city of Chicago of and from any and all damages, judgments, decrees, and costs connected therewith, which may be rendered against said city by reason of the granting of the rights and privileges herein contained, or which in any way accrue or arise or grow out of the exercise by the said Englewood and Chicago Electric Street Railway Company, or its successors or assigns, of the rights and privileges hereby granted.

¶ **16. Acceptance.**] § 16. This ordinance is passed upon the express agreement and understanding that the said company, before availing itself of any of the rights and privileges granted by this ordinance, shall file with the city clerk its acceptance of all the terms and conditions of this ordinance.

¶ **17. License fee.**] § 17. The said Englewood and Chicago Electric Street Railway Company shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of fifty dollars, and no more, as an annual license fee for each and every car used by said company. In computing the number of cars upon which such license may be imposed, thirteen round trips, when one car is used in transportation of passengers, shall be taken as equivalent to one day's use of one car. One-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter; such quotient shall be the number of cars subject to such license fee. The president or other officer of said company shall, under oath, make report quarter-yearly to the comptroller of the city of Chicago of the whole number of cars run by said company, and at the same time pay to said comptroller $12.50 for each car, to be ascertained as above prescribed in this section. The first quarter shall begin on the first day upon which the company shall run a car for the carriage of passengers.

¶ **18. Bond.**] § 18. The said Englewood and Chicago Electric Street Railway Company, its successors or assigns, shall, within thirty (30) days from the passage of this ordinance, execute a bond to the said city of Chicago, in the penal sum of twenty-five thousand ($25,000) dollars, with satisfactory sureties, conditioned to indemnify and save harmless the city of Chicago of and from all damages which may accrue or arise or grow out of the said exercise by the Englewood and Chicago Electric Street Railway Company, its successors or assigns, of the privileges hereby granted; said bond to be subject to the approval of the city comptroller of the city of Chicago.

¶ 19. **When in force—acceptance—bond.**] § 19. This ordinance shall take effect when the said Englewood and Chicago Electric Street Railway Company, its successors or assigns, shall file with the city clerk the bond herein required, and accept in writing the terms and conditions of this ordinance; Provided, that, if the said Englewood and Chicago Electric Street Railway Company, its successors or assigns, shall not file an acceptance in writing within thirty (30) days from the passage hereof, then this ordinance shall be of no force and effect, and all rights herein granted shall absolutely cease and determine.

Note.—See following amendatory ordinances.

§ 600. Englewood and Chicago Electric Street Railway company.

¶ 1. Amending section 6 of the foregoing ordinance.
¶ 2. Acceptance—bond.

An ordinance amending an ordinance granting permission and authority to the Englewood & Chicago Street Railway company, its successors or assigns, to construct a railroad to be operated by electricity, upon certain streets within the city of Chicago more particularly therein described, passed by the city council of the city of Chicago on May 2, 1893. (Passed May 8, 1893. Accepted May 13, 1893.)

¶ 1. **Amending section 6 of foregoing ordinance.**] Be it ordained by the city council of the city of Chicago: § 1. That the ordinance passed by the city council of the city of Chicago, on the 2nd day of May, 1893, granting permission to the Englewood and Chicago Electric Street Railway Company to construct a certain railroad, to be operated by electricity, along and upon certain streets within the city of Chicago more particularly described therein, be and the same is hereby amended as follows, to wit: section 6 of said ordinance is hereby amended by adding to the same at the end of said section 6 the following two paragraphs:

Wherever the city of Chicago now maintains over head wires, cables, conductors and poles, for fire and police alarm and other municipal electric service, on or crossing streets upon which the said Englewood and Chicago Electric Street Railway Company, its successors or assigns, shall operate overhead conductors in accordance with the provisions of this ordinance, the superintendent of city telegraph shall cause to be placed underground suitable pipes and conductors to replace said wires, cables and conductors, and shall cause the city aerial wires and poles to be removed from said streets. And the said Englewood and Chicago Electric Street Railway Company shall pay all the cost of said work, and shall give a bond to the city of Chicago, with good and sufficient sureties, to be approved by the mayor, in the penal sum of fifteen thousand dollars, conditioned for the payment of all the costs of the work mentioned in this paragraph.

All overhead conductors used by the said Englewood and Chicago Electric Street Railway Company shall be protected by guard wires or

other suitable mechanical device or devices, as may be directed by the superintendent of city telegraph. All poles, wires and cables to be placed by said Englewood and Chicago Electric Street Railway Company in pursuance of this ordinance shall be placed under the supervision of and in such manner as may be approved by the superintendent of city telegraph.

Acceptance—bond.] § 2. This ordinance shall be in force from and after its acceptance in writing by the said Englewood and Chicago Electric Street Railway Company, within thirty days from the second day of May, 1893, and upon the filing by said company with the city clerk, within said time, of the bond hereinabove required.

§ 601. Englewood and Chicago Electric Street Railway company.

¶ 1. Preamble.
¶ 2. Amending section 2.
¶ 3. When in force.

¶ 1. Preamble.] Whereas, on the 2nd day of May, 1893, this council granted by ordinance, to the Englewood & Chicago Electric Street Railway Company, the right to operate upon certain streets in the city of Chicago, one of which was Vincennes avenue, from a point about Eighty-first street to and along said Vincennes avenue to Eighty-sixth street, through the yards and right of way of the Chicago and Western Indiana Railroad Company, and

Whereas, at said point on Vincennes avenue there is located and in active operation twenty-nine steam railroad tracks, the crossing of which would be very dangerous to human life, which can be avoided by change in route at that point to Eighty-first and Halsted streets, thence to Vincennes road, by the following ordinance, amending the orginal ordinance granting the right to construct a street railway upon certain streets of said city to said company and for which change consents of property owners required by law, is herewith submitted.

An ordinance amending section 2 of an ordinance granting permission and authority to The Englewood & Chicago Electric Street Railway Company, its successors and assigns, to construct a railroad, to be operated by electricity, upon certain streets within the city of Chicago, more particularly therein described, passed by the city council of the city of Chicago on May 2nd, 1893.

Passed May 25, 1896. Accepted June 1, 1896.

¶ 2. Amending section 2.] Be it ordained by the city council of the city of Chicago: § 1. That the ordinance passed by the city council of the city of Chicago on the second day of May, 1893, granting permission to The Englewood and Chicago Electric Street Railway Company to construct a certain railroad, to be operated by electricity, along and upon certain streets within the city of Chicago, more particularly described therein, be, and the same is hereby amended as follows, to-wit: Sec-

tion 2 of said ordinance is hereby amended by inserting after the words "thence southwesterly upon said Vincennes road," and before the words "to its intersection with One Hundred and Seventh street," the following words, "to Eighty-first street, thence on Eighty-first street from Vincennes road to Halsted street, and on Halsted street from Seventy-ninth street to Summit avenue, and on the east twenty-five feet of Summit avenue from Halsted street to Vincennes road, and thence southwesterly on Vincennes road."

¶ **3. When in force.**] § 2. This ordinance shall be in force from and after its passage.

GENERAL ELECTRIC RAILWAY COMPANY.

§ 602. General Electric Railway company.

¶ 1. Grant—route—viaduct.
¶ 2. Motive power—overhead wires—fender wires.
¶ 3. Subways or viaducts over railroad tracks—damages.
¶ 4. Improvement and repair of streets.
¶ 4½. Compensation to city—see section 5 following ordinance.
¶ 5. Rate of fare—free riders.
¶ 6. Heating cars.
¶ 7. Grant—20 years.
¶ 8. Indemnity clause—bond.
¶ 9. When in force—acceptance.
¶ 10. Time of completion.

An ordinance granting permission to the General Electric Railway company to construct, maintain and operate a street railway on Dearborn, Fourteenth, Plymouth place and other streets. (Passed January 13, 1896. Accepted March 7, 1896.)

¶ **1. Grant—route—viaducts.**] Be it ordained by the city council of the city of Chicago. § 1. That permission and authority are hereby granted to the General Electric Railway Company, its successors and assigns, to lay down, construct, maintain, operate and repair a single or double-track street railway, with all necessary and convenient curves, connections, side-tracks, turnouts, loops and switches, in, upon, over and along the following streets or highways in the city of Chicago, to-wit:

Beginning at the intersection of Twenty-third street and Dearborn street, on the south side of Twenty-third street, thence north along said Dearborn street to the intersection of the same with Fourteenth street, thence east on Fourteenth street to Plymouth place; thence north on Plymouth place to Jackson street; also on Custom House place, from Jackson street to Fourteenth street; thence east on Fourteenth street, from Custom House

place to Dearborn street; also beginning at the intersection of Twenty-third street and Dearborn street; thence south along said Dearborn street to the intersection of the same with Thirty-seventh street; thence west on Thirty-seventh street to Fifth avenue (formerly Atlantic street); thence south on Fifth avenue (formerly Atlantic street) to Forty-third street; thence west on Forty-third street to Princeton avenue; thence south on Princeton avenue to the south side of Fifty-seventh street; also, beginning at the intersection of Wabash avenue and Fifty-seventh street, thence west along Fifty-seventh street to Morgan street; thence north on Morgan street to Fifty-sixth street; thence west on Fifty-sixth street to Western avenue, with the right to connect the same with other street railway tracks and loops now or hereafter owned or operated by or in connection with said company; and permission and authority are hereby granted to said company, if desired, necessary, or convenient, in connection with viaducts over railroad tracks, or otherwise, to connect with and cross the viaduct on Twelfth street, at grade with the driveway of said viaduct, and to make and construct any and all necessary or convenient viaduct approaches thereto; all plans for any viaducts hereunder to be submitted to the commissioner of public works of said city, and to be subject to any and all reasonable requirements of such commissioner as to the nature and character of the structure or structures.

¶ 2. **Motive power—overhead wires—feeder wires.**] § 2. Said street railway and cars to be used on said tracks may be operated by a system or systems of underground cable, or by any system of compressed air, or by electric power, or either overhead, underground, primary or storage battery systems, with the right to use any one or more of said systems and to change from any one of such systems to any other of such systems. If electric power shall be used by means of overhead wires, such overhead wires, together with the necessary feed wires, may be suspended from substantial iron poles, set within the curb limits of said streets, on either side thereof, or in the middle thereof. And if electric power shall be used by means of an underground system, proper conduits for conveying the necessary wires or electrical conductors may be built and constructed in said streets. And permission is hereby given to said company to connect its wires or electrical conductors with any power house or station, or electric wires, which may be used for generating or conveying the electric power for and to the lines of street railway now or hereafter owned or operated by said company. Permission is also hereby granted to make all necessary connections with the sewers of said city for the purpose of draining any conduit or conduits that may be constructed or used by said company.

¶ 3. **Subways or viaducts over railroad tracks—damages.**] § 3. Wherever the line or lines of said General Electric Railway Company shall cross or intersect the line or lines of any steam railroad company

or companies, said General Electric Railway Company may cross such line or lines of such steam railroad company or companies at grade, or may construct subways or tunnels under the line or lines or tracks of such steam railroad company or companies, or may build viaducts over the line, lines or tracks of such steam railroad company or companies as it may see fit; and wherever the line or lines of said General Electric Railway Company shall cross or intersect the line, lines or tracks of any other street railway company or companies, said General Electric Railway may cross the tracks of such other street railway company or companies at grade. In case the said General Electric Railway Company should cross any existing steam railroad company's lines by either subways or viaducts, then, and in any and all such cases, the said railway company shall assume and be liable for any and all damages which may accrue to any abutting property along the lines of such subway or subways, viaduct or viaducts.

¶ 4. **Improvement and repair of streets.**] § 4. The said General Electric Railway Company shall keep paved and in good repair eight feet in width for single track and sixteen feet in width for double track, in the center of the streets where its track shall be laid; Provided, however, that, with the consent of the commissioner of public works, said company shall pave with stone or brick that part of the street which it is hereby required to pave. Before entering upon or breaking the surface of any street, said company shall apply to the commissioner of public works for a permit therefor, which permit shall be granted in compliance with this ordinance.

¶ 4½. **Compensation to city—see section 5 following ordinance.**] § 4½. The said General Electric Railway Company shall, at its own expense, keep the surface of the streets occupied by its tracks under the provisions of this ordinance free from obstructions, and in a clean and wholesome condition from curb to curb, to the satisfaction and approval of the department of public works of said city. The said railroad company, as compensation for the benefits conferred upon it by this ordinance, shall pay annually into the treasury of the city of Chicago a percentage of its gross receipts from the operation of said road, as follows: One per cent (1%) for the first period of five (5) years, two per cent (2%) for the second period of five (5) years, two and one-half per cent (2½%) for the third period of five (5) years, and three per cent (3%) for the remainder of the period of twenty years for which the franchise is granted.

¶ 5. **Rate of fare—free riders.**] § 5. The rate of fare shall not exceed five cents for one continuous ride north or south for one trip over the lines of said company; Provided that no fare shall be charged to policemen or firemen of said city in uniform.

¶ 6. **Heating cars.**] § 6. The cars upon the railway hereby authorized shall be provided, during the months of November to March, inclusive, of each year, with a heating apparatus, to be select-

ed by said company, which shall be reasonably effective in heating said cars; and said apparatus shall be operated at such times during said months as the weather shall require, and on all cars, both day and night.

¶ 7. **Grant 20 years.**] § 7. The grant herein given shall extend for the period of twenty years from the passage hereof; Provided, that a bond shall be filed and this ordinance accepted, as hereinafter provided.

¶ 8. **Indemnity clause—bond.**] § 8. Said company shall indemnify and forever save harmless the city of Chicago from any and all damages, judgments, decrees, costs and expenses which said city may suffer, or which may be recoverable or obtained against said city, for or by reason of the granting of the privileges hereby conferred upon, or for or by reason of, or growing out of, or resulting from, the exercise by said company of the privileges hereby granted, and said company shall, within the time limited for the acceptance of this ordinance, file with the city clerk a bond to said city of Chicago, in the penal sum of one hundred thousand dollars, with sureties to be approved by the mayor of the said city of Chicago, conditioned for the faithful performance and observance by said company of the provisions and conditions of this ordinance.

¶ 9. **When in force—acceptance.**] § 9. This ordinance shall be in force and take effect from and after its passage and acceptance by said company, provided that the bond aforesaid shall be filed and this ordinance accepted within sixty days after passage of the same; otherwise this ordinance to be void.

¶ 10. **Time of completion.**] § 10. The said General Electric Railway Company shall lay and complete at least three miles of tracks under this ordinance within one year from the passage hereof, and the entire line shall be completed and in operation within eighteen months; Provided, that any and all time during which said work, or any part or portion thereof, may be enjoined or restrained by order of any court, shall not be counted or included within said time; and provided, further, that any and all time during which the right of the said General Electric Railway Company, or its assigns, to have, use or enjoy the privileges and rights by this ordinance granted, or any part or portion thereof, may or shall be in question in any legal proceeding in any court, shall also be excluded from the limitation as to the time for completion fixed in and by this section.

§ 603. General Electric Railway company.

¶ 1. Grant—route.
¶ 2. Motive power—underground system—unimproved streets.
¶ 3. Subways or viaducts crossing railroads—damages.
¶ 4. Improvement and repair of streets.
¶ 5. Compensation to city—includes preceding ordinance.
¶ 6. Rate of fare—free riders—transfers.

¶ 7. Heating of cars.
¶ 8. Grant 20 years.
¶ 9. Indemnity clause—bond.
¶ 10. Acceptance—bond.
¶ 11. Time of completion.
¶ 12. Conditions—widening certain roadbeds—paving.

An ordinance granting permission to the General Electric Railway company to construct, maintain and operate a street railway on certain streets therein named. (Passed January 25, 1897. Accepted March 29, 1897.)

¶ 1. Grant—route.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted to the General Electric Railway Company, its successors, assigns and lessees, to lay down, construct, maintain, operate and repair a single or double track street railway, with all necessary and convenient curves, connections, side tracks, turnouts and switches, in, upon and along the following streets or highways in the city of Chicago, towit.

Beginning at Twenty-third street, at the east line of South Park avenue, thence west in and along said Twenty-third street to the west line of Canal street; also beginning on Canal street at the north line of Twenty-second street, thence south in and along said Canal street to the south line of Twenty-third street; also beginning on Princeton avenue at north line of Twenty-third street, thence south in and along said Princeton avenue to the south line of Twenty-fourth street; also beginning on Twenty-fourth street at the east line of Princeton avenue, thence west in and along said Twenty-fourth street to the west line of Butler street; also beginning on Butler street at the north line of Twenty-fourth street, thence south in and along said Butler street to the south line of Twenty-eighth street; also beginning on Twenty-eighth street at the east line of Butler street, thence west in and along said Twenty-eighth street to the west line of Union avenue; also beginning on Union avenue at the south line of Fifty-seventh street, thence north in and along said Union avenue to the north line of Twenty-sixth street; also beginning on Thirty-seventh street at the east line of Wabash avenue, thence west in and along said Thirty-seventh street to the west line of Dearborn street; also beginning on Thirty-seventh street at the east line of Fifth avenue, thence west in and along said Thirty-seventh street to the west line of Union avenue; also beginning on Forty-third street at the east line of Princeton avenue, thence west in and along said Forty-third street to the west line of Halsted street; also beginning on Fifty-seventh street at the east line of South Park avenue, thence west in and along said Fifty-seventh street to the west line of Wabash avenue; also beginning on Wabash avenue at the south line of Sixty-third street, thence north in and along said Wabash avenue to the north line of Thirty-seventh street; also beginning on Wabash avenue at the north line of Twenty-third street, thence south in and along said Wabash avenue to the north line of Thirty-seventh street; also beginning on South Park

avenue, at the south line of Twenty-third street, thence north in and along said South Park avenue to the north line of Twenty-second street; also on Forty-third (43rd) street, from the west line of Fifth (5th) avenue to the east line of Dearborn street; also on Dearborn street, from the north line of Forty-third (43rd) street to the south line of Forty-fifth (45th) street; also on Forty-fifth (45th) street, from the west line of Princeton avenue to the east line of Ellis avenue, with the right to connect any or all of said lines of street railway with any other street railway tracks, loops or switches which may, at any time, be owned or controlled by or operated in connection with said company, and, for that purpose, to construct and maintain all necessary switches, curves, loops and side tracks.

¶ 2. **Motive power—underground system—unimproved streets.**] § 2. Said street railway upon the streets hereinbefore designated, and the cars used thereon, may be operated by any system or systems of underground cable, or by any system or systems of conduits or underground electric power, with the right to use any one or more of such systems, and to change from any one of such systems to any other of such systems. Said railway company shall have the right to make all necessary and convenient excavation, and to construct and maintain proper conduits for conveying the necessary cables, wires or electrical conductors in said streets; and permission is hereby given to said company to connect its wires and electrical conductors, or either, with any power house or station or electric wires which may be used for generating or conveying the electric power for and to any such line or lines of street railway, by placing such connecting wires along any street or streets, alley or alleys, where it may be necessary. And permission and authority are hereby granted to make all necessary connections with the sewers of said city for the purpose of draining any conduit or conduits that may be constructed or used by said company.

Provided, that on any street or streets, or any part of any street or streets, which may be at the time when said line or lines of street railway are constructed thereon unimproved,—that is to say, which shall not then have laid therein water, gas and sewer pipes, or which shall not then have been paved,—the said General Electric Railway Company may construct, maintain and operate its said line or lines thereon by any method of propulsion other than horse or steam power.

¶ 3. **Subways or viaducts crossing railroads—damages.**] § 3. Wherever the line or lines of said General Electric Railway Company shall cross or intersect the line or lines or tracks of any steam railroad company or companies, said General Electric Railway Company may cross such line or lines or tracks of such steam railroad company or companies at grade, or may construct subways or tunnels under the line or lines or tracks of such steam railroad company or

companies, or may build a viaduct or viaducts over the line or lines of such steam railroad company or companies, as it may see fit; and wherever the line or lines of said General Electric Railway Company shall cross or intersect the line, lines or tracks of any other street railway company or companies, said General Electric Railway Company may cross the tracks of such other street railway company or companies at grade. In case said General Electric Railway Company shall cross any existing steam railroad company's lines or tracks, by either subways or viaducts, then, in all such cases, it shall assume and be liable for any and all damages which shall accrue to any abutting property along such subway or subways, viaduct or viaducts. Wherever said General Electric Railway Company shall construct a viaduct over the line or lines or tracks of any steam railroad company or companies, under the provisions of this section, and the tracks of such steam railroad company shall subsequently be elevated and a subway constructed thereunder, capable of use for the purposes of said General Electric Railway Company, then the said General Electric Railway Company shall thereafter operate its lines of street railway on such street or streets through such subway.

¶ 4. **Improvement and repair of streets.**] § 4. Said General Electric Railway Company shall keep paved and in good repair eight (8) feet in width for a single track and sixteen (16) feet in width for a double track street railway in the center of the streets where its track or tracks shall be laid, provided that said company may pave with stone or brick that part of the streets which it is hereby required to pave.

¶ 5. **Compensation to city—includes preceding ordinance.**] § 5. Said railway company having been, by ordinance, on the thirteenth (13th) day of January, 1896, granted by the city council of said city the right to construct, maintain and operate street railways in certain streets of said city, not herein described, and the permission and authority herein granted over the streets herein described being granted for the purpose of extending the system or systems or lines of street railway authorized by said ordinance of January 13, 1896; and it having been provided by said ordinance of January 13, 1896, that said railway company should pay to the city of Chicago a certain percentage of its gross receipts, as follows: "One per cent for the first period of five years; two per cent for the second period of five years; two and one-half per cent for the third period of five years; and three per cent for the remainder of the period of twenty years" for which such license was granted; therefore, it is hereby provided: That the General Electric Railway Company shall pay to the city of Chicago the sum of two hundred dollars ($200) per mile per year for the last three (3) years of the first five (5) years of the period covered by this ordinance, and the sum of three hundred dollars ($300) per mile per year for the second period of five (5) years, and the sum of

four hundred dollars ($400) per mile per year for the third period of five (5) years, and the sum of five hundred dollars ($500) per mile per year for the fourth period of five (5) years; and this provision as to compensation shall apply to the lines and streets included in both said former ordinance and this ordinance, and, as to said former ordinance this provision for compensation to the city of Chicago shall stand in lieu of the percentage provision for compensation, such compensation per mile to be computed on the basis of the number of miles of street (and fraction of a mile, if any) actually occupied or used by said railway company under said former ordinance and under this ordinance, and no further or other compensation or payment shall be required or exacted from said railway company to said city than that provided for in this section. Before entering upon or breaking the surface of any street included in such system, such company shall obtain a permit from either the mayor, the commissioner of public works, or by resolution of the city council of said city, which permit shall be granted upon application therefor, and upon said company having complied with all the requirements of this ordinance on its part to be complied with prior to the making of application therefor.

¶ **6. Rate of fare—free riders—transfers.**] § 6. The rate of fare shall be five (5) cents for one continuous ride in any direction between the termini of the lines of such system; Provided that no fare shall be charged to policemen or firemen in uniform, also policemen dressed in citizen clothes. The passengers upon any line of such system of street railway which crosses or intersects any other line of such system operated by said company shall, on payment of a cash fare of five cents, be transferred from any line thereof to another line thereof at the point of intersection of such lines, without any additional fare.

¶ **7. Heating cars.**] § 7. The cars upon the railway hereby authorized shall be provided, during the months of November to March, inclusive, in each year, with a heating apparatus, to be selected by said company, which shall be reasonably effective in heating said cars; and said apparatus shall be operated at such times during said months as the weather shall require, and on all cars, both day and night.

¶ **8. Grant 20 years.**] § 8. The grant herein given shall extend for the period of twenty years from the passage hereof.

¶ **9. Indemnity clause—bond.**] § 9. Said railway company shall indemnify and save harmless the said city of Chicago from any and all damages, judgments, decrees, costs and expenses which said city may suffer, or which may be obtained against said city, for or by reason of the granting of the privileges hereby conferred upon said company, or for or by reason of the exercise by said company of the privileges hereby granted; and said company shall, within the time limited for the acceptance of this ordinance, file with the city clerk of

said city a bond to said city of Chicago, in the penal sum of one hundred thousand dollars ($100,000), with sureties to be approved by the mayor or by the city council of said city of Chicago, conditioned for the protection of said city of Chicago, as in this section provided.

¶ **10. Acceptance—bond.**] § 10. This ordinance shall be in force and take effect from and after its passage and acceptance by said company, and the bond aforesaid shall be filed and this ordinance accepted by said company within sixty days from and after the passage of the same; otherwise to be void and of no effect.

¶ **11. Time of completion.**] § 11. The said General Electric Railway Company shall lay and complete at least three miles of tracks under this ordinance within eighteen months from the acceptance hereof, and shall complete the entire lines included in this ordinance within three years from the passage hereof; Provided, that said General Electric Railway Company may, at any time, renounce or surrender the license hereby granted to any street or streets, or any portion thereof, included in this ordinance, by filing a written renunciation or surrender thereof with the city clerk of said city, but that no such renunciation or surrender shall, in any manner, prejudice or affect the validity of the license hereby granted as to the remaining portion of any such street or streets included in this ordinance and not included in such renunciation or surrender; Provided, further, that any and all time during which said work, or any part or portion thereof, may be enjoined or restrained by order of any court, shall not be counted or included within said time; and provided, further, that any and all time during which the right of the said railway company or its assigns to have, use or enjoy the privileges and rights by this ordinance granted, or any part or portion thereof, may or shall be in question in any legal proceedings in any court, shall also be excluded from the time limitation as to the time for completion fixed in and by this section.

¶ **12. Conditions, widening certain roadbeds—paving.**] § 12. The said General Electric Railway Company, by accepting this ordinance, shall be held to agree that on the following streets, between the points named respectively, it will set back the curb and curb walls, respectively, where they exist, and widen the roadbed of such streets on each side thereof to the number of feet hereinafter designated, thereby making such roadbed on such streets between such points wider to the number of feet indicated, viz.: On Wabash avenue, between Twenty-second and Thirty-second streets, four (4) feet on each side, thus widening the road bed eight (8) feet; on Princeton avenue, between Twenty-third and Twenty-fourth streets, two (2) feet on each side, thus widening the roadbed four (4)feet; on Thirty-seventh street, between Union avenue and Wabash avenue, two (2) feet on each side, thus widening the roadbed four (4) feet; and pave the said Thirty-seventh (37th) street from curb to curb; the same to be without expense or cost to the respective property owners on said streets, and

without cost or expense to the city of Chicago; and if the sidewalk on either side of either of said streets is disturbed or interfered with by the proposed new curb and curb wall, such sidewalks shall be readjusted or rebuilt so as to conform to the new curb, said company being permitted to use the old material when practicable, such readjustment and rebuilding of said sidewalks to be by the General Electric Railway Company, without cost or expense to the abutting property owners, or to the city of Chicago, and all such work to be done pursuant to and under the direction of the commissioner of public works of the city of Chicago, and to his satisfaction; and said General Electric Railway Company further agrees, in consideration aforesaid, to newly pave said additional space on either side of said streets, with the same materials as the other parts of said streets are paved with.

Note.—See following agreements.

§ 604. General Electric Railway company.

Agreement dated February 1, 1897, presented to the city council by the mayor and approved and ordered published February 1, 1897.

This agreement, made this 1st day of February, A. D. 1897, by and between the General Electric Railway Company, a corporation, on the one part, and city of Chicago on the other part, witnesseth:

That, whereas, on the 13th day of January, 1896, the city council of the city of Chicago passed an ordinance granting certain privileges to said General Electric Railway Company, among which was the right to construct, maintain and operate certain street railway tracks in the public streets of the city of Chicago, as in said ordinance is more particularly specified and set forth:

And, whereas, the city of Chicago subsequently, on the 25th day of January, 1897, passed another ordinance on the same general subject, giving said General Electric Railway Company the right to use and occupy for street railroad purposes portions of certain other of the public streets of said city, as is in said ordinance more particularly specified and set forth, which ordinance is now pending before the mayor for his approval or veto:

And whereas, there are sundry provisions in each of said ordinances which are objectionable to the mayor of the city of Chicago, and which he desires to have altered and modified in favor of the city by said company:

Now, therefore, in consideration that said mayor of said city shall not veto said ordinance so passed on the 25th day of January, 1897, but in consideration that he shall approve the same, subject to the provisions of this agreement, and in further consideration of the sum of $1, to said General Electric Railway Company paid by said city, the receipt whereof is hereby acknowledged, the said General Electric Railway Company, for itself, its successors and assigns, hereby enters into the covenants and agreements hereinafter set forth, for the purpose of altering and modifying in favor of said city the rights and privileges derived by said company under said ordinances, passed respectively on the 13th day of January, 1896, and on the 25th day of January, 1897, hereinbefore referred to; said company covenants and agrees as follows:

First—Said company will and does hereby surrender and release any and all right whatsoever which it acquired by said ordinance, first above named, to operate any of its lines, in any of the streets in said ordinance named, by the overhead trolley system; and, as to all streets or portions of streets in which it may construct or operate any lines under the provisions of said first named ordinance, it will use only the means of propulsion in said ordinance designated, other than the overhead trolley system.

Second—On all the lines of railroad constructed by said company under the provisions of either of said ordinances said company shall use only the improved grooved rail, of the pattern now in use on the Broadway line in the city of New York, and no such rail as is now in use in the city of Chicago, known as the "girder" rail, shall be used in the construction and equipment of said lines.

Third—Upon the payment of one fare, by cash or by surrender of a proper ticket, upon any of the lines constructed by said company, its successors or assigns, under either of said ordinances, the person so paying shall be entitled to receive a transfer ticket to any other connecting line owned, operated or controlled by said company, its successors or assigns, and to be carried on such connecting line to the farthest limit thereof.

Fourth—Notwithstanding the provision of section 6 of said last named ordinance, that a transfer shall be given upon the payment of a cash fare of five cents, said company, its successors or assigns, shall and will and hereby agrees to give such transfer ticket as is hereinbefore in this agreement provided, upon the payment of one current fare, whether such fare be paid in cash or by any ticket furnished by the company.

Fifth—The provisions of each of said ordinances, and the rights derived by said company, its successors or assigns, thereunder, shall be subject to all valid general ordinances of the city of Chicago regulating street railroads which may hereafter be passed, notwithstanding it is not so specified in either of said ordinances.

Sixth—Each of said ordinances provides a limitation of the time within which lines so constructed thereunder must be built and put in operation, with the proviso that the time in which the validity of any such ordinance may be in question in the courts shall not be counted as a part of the time limited in said ordinance for the construction of said lines. Now, it is agreed, notwithstanding such provisions, that whenever any bill or information shall hereafter be filed by any person, firm or corporation to restrain the said General Electric Railway Company in any manner, or to question the validity of either of said ordinances, that immediate notice thereof shall be given to the corporation counsel of the city of Chicago, and, if he shall think proper, he shall have the right to intervene in behalf of the city of Chicago, and to move for a dissolution of any injunction or restraining order, and otherwise to participate in any such suit on behalf of said city as he may think its interests require.

In any such litigation, no final decree or order shall be entered unless the corporation counsel shall have notice of such proposed decree or order, and of the time and place of the entering of the same. In case of neglect or default on the part of said company, its successors or assigns, to give such notice of the commencement of any suit, or of the entering of any final decree or order as above provided, then, and in that case, any such restraining order or injunction shall have no effect in extending the time within which such lines must be constructed and in operation as provided in the said ordinances respectively. No order or decree entered in any collusive suit shall have the effect of stopping the running of the time limitation.

Seventh—The permission contained in Sec. 1 of the ordinance of January 25th, 1897, to connect the lines of the company, shall not be construed as permitting the construction of any tracks in any streets, or parts of streets, other than those specifically named in the ordinance. Such connections as are therein mentioned may be made only where the tracks of said company intersect or branch off from each other in those streets in the ordinance particularly named.

Eighth—The permission contained in Sec. 2 of the ordinance of January 25, 1897, to permit connecting wires along the streets, shall not be held to authorize any such wires to be maintained above ground, except upon unimproved streets as hereinafter mentioned, and all electrical conductors of every kind shall be placed underground.

Ninth—Whenever, under paragraph 2 of Sec. 2 of said ordinance of Jan-

uary 25th, 1897, any trolley wire or overhead electrical system shall have been constructed for the propulsion of cars along unimproved streets, said company, its successors or assigns, shall and will, within two years after any such street shall be improved, remove all trolley wires and poles, and will cease to operate its line on such portion of said street or streets by the trolley system; such portion of said line or lines shall thereafter be operated by cable or by underground electrical system, or otherwise, as on other portions of said company's lines.

Tenth—The provisions contained in section 5 of the last named ordinance, at the bottom of page 1503 and top of page 1504 of the Council Proceedings of January 25, 1897, which provides for obtaining of a permit from the city council by resolution, shall be and the same are hereby eliminated and stricken out of said ordinance; and it is agreed that neither said company, its successors or assigns, shall have any right to obtain such permit from the council as is provided in said ordinance; but such permits shall in all cases be obtained only from the mayor and commissioner of public works, notwithstanding the contrary provisions of said ordinance.

Eleventh—All cars used by said company, its successors or assigns, shall be constructed with some reasonable device to protect the motormen and employes from the inclemency of severe and stormy weather; such protection may be by means of a vestibule or some other similar device.

Twelfth—The compensation to be paid by said railroad company for the rights and privileges conferred upon it by the city of Chicago in said two ordinances, hereinbefore mentioned, shall include the compensation provided in section five (5) of the ordinance of January 25, 1897, and such further and additional sums as will be produced by computing the total amount of such compensation in the following manner, that is to say: During the period of five (5) years next succeeding the passage of said ordinance of January 25, 1897, said company shall not be obliged to pay any sum to the city. During the next period of five (5) years said company shall pay to the city of Chicago for such compensation the sum of five (5) per cent of its total gross receipts derived from fares for the transportation of passengers. During the third period of five (5) years said company shall pay to the city of Chicago for such compensation the sum of seven (7) per cent of its total gross receipts derived from fares for the transportation of passengers. During the fourth period of five (5) years said company shall pay to the city of Chicago for such compensation the sum of ten (10) per cent of its total gross receipts derived from fares for the transportation of passengers. But it is expressly understood and agreed that the total sum to be so paid, based on such percentages of receipts, shall include and be in lieu of the several amounts mentioned and provided for in said section five (5) of said ordinance of January 25, 1897, and such sums shall be payable annually for the periods of time and in the manner hereinbefore provided, and not at the periods of time and in the manner provided in said ordinance.

Thirteenth—No more than two cars shall be coupled together and run in one train at any time.

Fourteenth—As against said General Electric Railway Company, this contract shall be construed, treated and interpreted with the same force and effect as though its provisions were respectively embodied and contained in said ordinances as a part thereof.

Fifteenth—All provisions of this agreement shall be binding upon said company, its successors and assigns.

This agreement is executed by the authority of the board of directors of said General Electric Railway Company, and the same shall be obligatory and binding upon said company upon the approval by the mayor of the city of Chicago of said ordinance of January 25, 1897, now pending before him, without any execution of this instrument on behalf of the city of Chiacgo.

Dated, Chicago, February 1, 1897.

THE GENERAL ELECTRIC RAILWAY COMPANY,
(Seal.) By SAMUEL F. HAWLEY, President.
Attest: ALBERT G. WELCH, Secretary.

STATE OF ILLINOIS, } ss.
COUNTY OF COOK. }

I, George A. Dupuy, a notary public in and for said county, in the state of Illinois, do hereby certify that on this first day of February, A. D. 1897, before me personally appeared Samuel F. Hawley and Albert G. Welch, respectively, the president and the secretary of the General Electric Railway Company, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument, and they severally acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act and as the free and voluntary act of the said General Electric Railway Company for the uses and purposes therein set forth.

Witness my hand and notarial seal this first day of February, A. D. 1897.

(Seal.) GEORGE A. DUPUY, Notary Public.

STATE OF ILLINOIS, } ss.
COUNTY OF COOK. }

I, Albert G. Welch, hereby certify that I am secretary of the General Electric Railway Company, and, as such secretary, keeper of its records and custodian of its seal, and that at a meeting of the board of directors of said company, held on Monday, February 1, 1897, a quorum being present, the following resolution was unanimously adopted:

"Resolved, that the president and secretary be and they are hereby au-
"thorized and directed to execute and deliver to the city of Chicago the agree-
"ment just read by the secretary, a copy whereof is hereunto attached."

In witness whereof, I have hereunto set my hand and affixed the seal of the above named corporation this first day of February, 1897.

(Seal.) ALBERT G. WELCH, Secretary.

§ 605. General Electric Railway company.

Supplemental agreement dated February 8, 1897, presented to the city council by the mayor and approved and ordered published.

This supplemental agreement witnesseth, that the compensation to be paid to the city of Chicago by the General Electric Railway Company, as provided in the twelfth paragraph of the contract between this company and the city of Chicago, under date of February 1st, 1897, shall be paid by said company, its successors, assigns or lessees, as the case may be, it having been the intention, and it being hereby so declared, that such payment was and is to be made by any and all such persons or corporations as may operate the lines, or any of them, mentioned and specified in the ordinances in favor of this company, passed respectively on the 13th day of January, 1896, and on the 25th day of January, 1897, whether such persons or corporations shall succeed to the rights of this company as successor, assign or lessee thereof.

This contract is executed in duplicate, February 8th, 1897.

THE GENERAL ELECTRIC RAILWAY COMPANY,
(Seal.) By SAMUEL F. HAWLEY, President.
Attest: ALBERT G. WELCH, Secretary.

STATE OF ILLINOIS, } ss.
COUNTY OF COOK. }

I, Albert G. Welch, hereby certify that I am secretary of the General Electric Railway Company, and, as such secretary, keeper of its records and custodian of its seal, and at a meeting of the board of directors of said company, held on Monday, February 8, 1897, a quorum being present, the following resolution was unanimously adopted:

"Whereas, the General Electric Railway Company heretofore made and entered into a certain contract with the city of Chicago, bearing date February 1st, 1897, in relation to certain matters between said company and said city; and,

Whereas, it was the intention of said company that the provisions of said contract, and especially of the twelfth paragraph thereof, in relation to compensation to be paid to said city, should be binding and obligatory upon all persons and corporations who might at any time hereafter operate said lines of street railroad mentioned in the ordinances of January 13, 1896, and of January 25, 1897, whether such persons or corporations should succeed to such rights as successors, assigns or lessees of said General Electric Railway Company, such being the true intent and meaning of said contract heretofore executed and dated February 1, 1897:

"Therefore, Resolved, that the president and secretary be and they are hereby authorized and directed to execute and deliver to the city of Chicago the supplemental agreement just read by the secretary, a copy whereof is hereunto attached."

In witness whereof, I have hereunto set my hand and affixed the seal of the above named corporation, this eighth day of February, 1897.

(Seal.) ALBERT G. WELCH, Secretary.

STATE OF ILLINOIS, } ss.
COUNTY OF COOK. }

I, George A. Dupuy, a notary public in and for said county, in the state of Illinois, do hereby certify that on this eighth day of February, A. D. 1897, before me personally appeared Samuel F. Hawley and Albert G. Welch, respectively the president and the secretary of the General Electric Railway Company, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument, and they severally acknowledge that they signed, sealed and delivered the said instrument as their free and voluntary act and as the free and voluntary act of the said General Electric Railway Company for the uses and purposes therein set forth.

Witness my hand and notarial seal this 8th day of February, A. D. 1897.

(Seal.) GEORGE A. DUPUY, Notary Public.

METROPOLITAN CITY RAILWAY COMPANY.

§ 606. Metropolitan City Railway Company.

¶ 1. Authority to build and operate.
¶ 2. Animal motive power only.
¶ 3. Laying of tracks.
¶ 4. Street improvement—repairs, etc.
¶ 5. Construction of tracks—time limit.
¶ 6. Expiration of grant—city may purchase.
¶ 7. Order to purchase—arbitration.
¶ 8. Vested rights—preserved.
¶ 9. Bond.
¶ 10. When in effect.

An ordinance authorizing the construction and operation of a horse railway on Lake street, Lake street bridge and West Lake street, from the Union depot

at the foot of Lake street to Canal street; on Canal street from West Lake street to West Fourteenth street; on West Fourteenth street from Canal street to California avenue. (Passed April 30, 1875.)

¶ 1. **Authority to build and operate.**] Be it ordained by the common council of the city of Chicago: § 1. That in consideration of the acceptance hereof, and the undertaking of the Metropolitan City Railway Company to comply with the provisions herein contained, authority, permission and consent are hereby given, granted and duly vested in said company, its successors and assigns, to lay down, operate and maintain a single or double track railway, with all necessary and convenient turnouts, turn tables, side tracks, and switches in, upon, over and along Lake street, Lake street bridge, and West Lake street, from the Union depot at the foot of Lake street to Canal street; on Canal street from West Lake street to West Fourteenth street; on West Fourteenth street from Canal street to California avenue, in the city of Chicago, in Cook county, in the state of Illinois. The said Metropolitan City Railway Company, after obtaining the consent of this council, shall allow any other street railway company not at this time having a right to lay a track upon Lake street to use said track upon said Lake street between the Union depot at the foot of Lake street, and Canal street, by their paying to the said Metropolitan City Railway Company their proportion of the cost of construction and maintenance of said track upon said Lake street between the points above named.

¶ 2. **Animal motive power only.**] § 2. The cars or carriages to be used upon said track or tracks hereby authorized to be constructed upon said streets shall be operated with animal power only, and no car shall be run upon said tracks except under the charge of a competent driver and conductor, who shall be two separate persons, and the said track or tracks and cars operated thereon shall be used for no other purpose than to transport passengers and their ordinary baggage.

¶ 3. **Laying of tracks.**] § 3. The track or tracks of said railway shall not be elevated above the surface of the street, and shall be laid with modern improved rails, and shall be so laid that carriages and other vehicles can easily and freely cross said track or tracks at any and all points, and in any and all directions, without obstructions.

¶ 4. **Street improvements, repairs, etc.**] § 4. The said railway company, its associates, successors and assigns shall pay one-third of the cost of grading, paving, macadamizing or filling said streets or parts of said streets on which it is hereby authorized to construct said railway, when said grading, paving, macadamizing or filling shall be ordered by the common council or other proper authority of said city, and shall at all times keep that portion of said streets as shall be occupied by its said railway in good repair and condition, in accordance with whatever orders may hereafter be passed in that be-

half by said common council; and said railway company, its successors and assigns shall be liable for all legal and consequential damages which may be sustained by any person by reason of the carelessness, neglect or misconduct of any agent or servant of said company, its successors and assigns, in the course of their employment, in the construction or the use of the said track or tracks or railway.

¶ 5. **Construction of tracks—time limit.**] § 5. The rights and privileges hereby granted to said company shall be forfeited to the city of Chicago unless the said railway (excepting that part of the same to be constructed on West Fourteenth street, between Ashland avenue and California avenue), shall be fully completed and ready for use on or before the first day of October, A. D. 1876; Provided, that if the said company shall be delayed by the order or injunction of any court, the time of such delay shall be excluded, and the same time, in addition to the period above prescribed, shall be allowed for the completion of said railway as that during which said company may have been so delayed; and provided, further, that said company shall be allowed until January first, A. D. 1880, for the completion of said railway on West Fourteenth street, between Ashland avenue and California avenue.

¶ 6. **Expiration of grant—city may purchase.**] § 6. The right to operate said railway shall extend to the first day of January, A. D. 1900, at which time the rights and privileges herein and hereby granted to said company shall cease; but said company operating said railway at said time shall be entitled to enjoy all of such rights and privileges after the expiration of said time, and until the common council shall thereafter elect, by order for that purpose, to purchase said track or tracks of said railway, cars, carriages, furniture and implements and appurtenances of every kind and description used in the construction and operation of said railway, and pay for the same in the manner hereinafter mentioned.

¶ 7. **Order to purchase—arbitrators.**] § 7. Such order to purchase shall fix the time when said city of Chicago will take such railway and other property before mentioned, which shall not be less than six months after the passage of said order; and at the time of taking such railway and other property before mentioned the city of Chicago shall pay to the parties operating the same a sum of money to be ascertained by three commissioners to be appointed for that purpose, as follows: one to be chosen from the disinterested freeholders of Cook county by the said common council; one in like manner by the said company, its associates or successors, and the two persons so chosen to choose the third from said freeholders.

¶ 8. **Vested rights preserved.**] § 8. All rights heretofore vested in the board of water commissioners and sewerage commissioners, or other corporations, are not to be impaired or affected by this

ordinance, but the rights and privileges hereby granted are subject thereto.

¶ 9. **Bond.**] § 9. The said Metropolitan City Railway Company shall enter into a good and sufficient bond with the city of Chicago in the penal sum of ten thousand dollars, for the faithful performance of all the terms and conditions herein contained in this ordinance, and that said railway herein mentioned shall be completed at the times and manner herein stated, unless delayed by the order or injunction of some court having jurisdiction of such matters from so completing the same.

¶ 10. **When in effect.**] § 10. This ordinance shall take effect and be in force as soon as the same shall have been duly accepted by the said Metropolitan City Railway Company, and the said company shall have made and executed the bond provided for herein in manner and form as hereinbefore required; Provided, the fare on said road shall not exceed five cents for the whole distance to the city limits.

NORTH CHICAGO CITY RAILWAY COMPANY.

§ 607. North Chicago City Railway company.

¶ 1. Grant.
¶ 2. Route.
¶ 3. Motive power—passenger traffic.
¶ 4. Power of council.
¶ 5. Tracks—how laid.
¶ 6. Rate of fare.
¶ 7. Street improvement and repairs.
¶ 8. Time of completion.
¶ 9. Reservation of rights.
¶ 10. Term of grant.
¶ 11. Bond.

An ordinance authorizing the construction and operation of horse railways in the north division of the city of Chicago. (Passed May 23, 1859.)

¶ 1. **Grant.**] Be it ordained by the common council of the city of Chicago: § 1. That there is hereby granted to the North Chicago City Railway Company the consent, authority and permission of the common council to lay a single track for a railway, with all necessary and convenient tracks for turnouts, side tracks and switches, in and along the course of certain streets in the city of Chicago, hereinafter mentioned, and to operate railway cars and carriages thereon, in the manner and for the time and upon the conditions hereinafter prescribed; Provided, however, that, except in turning street corners, said tracks shall not be laid within twelve feet of the sidewalk upon any of the streets.

¶ 2. **Route.**] § 2. The said company is hereby authorized to lay a single or double track for a railway in and along the course of any or all the following streets in said city, to wit:

Commencing on Clark street, in the north division of said city, at its intersection with North Water, and extending thence north on Clark street to Green Bay road; thence on Green Bay road to the present or future northern city limits.

Also, beginning on said Clark street at the intersection of Division street, thence west upon Division street to Clybourn avenue; thence on Clybourn avenue to Racine road; thence in the same direct line to the northern city limits, whenever a street shall be opened on said line to said city limits.

Also, beginning on said Clark street at its intersection with Michigan street, and extending thence east on Michigan street to Rush street; thence north on Rush street to Chicago avenue; thence on Green Bay road to Wolcott street; thence north on Wolcott street to Elm street; thence west on Elm street to Clark street.

Also, commencing on Wells street at its intersection with North Water, and running thence north to Division street; thence west on Division street to Sedgwick street; thence north on Sedgwick street to its intersection with Green Bay road.

Also, commencing on Chicago avenue at its intersection with Rush street, and running thence west on Chicago avenue to the north branch of the Chicago river.

¶ 3. **Motive power—passenger traffic.**] § 3. The cars to be used upon said tracks shall (within the limits of the city) be propelled by animal power only, and the said tracks and railways shall be used for no other purpose than to transport passengers and their ordinary baggage, and the cars or carriages used for that purpose shall be of the best style and class in use on such railways.

¶ 4. **Power of council.**] § 4. The common council shall have power at all times to make such regulations as to the rate of speed and time or times of running said cars or carriages as the public safety and convenience may require; Provided, that the common council shall not require said company to run any carriage or car earlier than five o'clock in the morning, nor later than eleven o'clock in the night.

¶ 5. **Tracks, how laid.**] § 5. The tracks of said railways shall not be elevated above the surface of the streets, shall be laid with modern improved rails, and shall be so laid that carriages and other vehicles can easily and freely cross said tracks at any and all points, and in any and all directions, with the least obstruction possible.

¶ 6. **Rate of fare.**] § 6. The rates of fare for any distance within the city limits shall not exceed five cents for each passenger, except when cars and carriages shall be chartered for a specific purpose.

¶ 7. **Street improvement and repairs.**] § 7. The said company shall, as respects the grading, macadamizing, paving, filling or planking of the streets or parts of streets upon which they shall construct their said railways, or any of them, keep eight feet in width along the line of said railway on all streets whereon one track is constructed, and sixteen feet in width along the line of said railway where two tracks are constructed, in good repair and condition during all the time to which the privileges hereby granted to said company shall extend, in accordance with whatever order or regulation respecting the ordinary repairs thereof may be passed or adopted by the common council of said city; and the said company shall be liable for all the legal consequential damages which may be sustained by any person, by reason of the carelessness, negligence or misconduct of any of the agents or servants of said company in the course of their employment in the construction or use of said railways or either of them.

¶ 8. **Time of completion.**] § 8. Unless the said railway, commencing on said Clark street at its intersection with North Water street, and extending north to Green Bay road, and thence on Green Bay road to the present or future northern city limits, shall be completed and ready for use on or before the first day of January, A. D. 1860; and unless the said railway, commencing on Clark street at its intersection with Division street, and extending thence west on Division street to Clybourn avenue, thence on Clybourn avenue to Racine road, thence on the same direct line to the northern limits of the city, shall be completed on or before the first day of July, A. D. 1862, or within six months after a street shall have been opened from the intersection of Clybourn avenue and Racine road, on the same direct line with said Clybourn avenue, to the northern city limits; and unless the said railway, beginning on said Clark street at its intersection with Michigan street, and running thence east on Michigan street to Rush street, thence north on Rush street to Chicago avenue, thence on Green Bay road to Wolcott street, thence north on Wolcott street to Elm street, thence west on Elm street to Clark street, shall be completed on or before the first day of January, A. D. 1861; and unless all the remaining railways herein mentioned shall be completed on or before the first day of January, A. D. 1862, then the rights and privileges granted to said company by virtue of this ordinance shall be forfeited to said city of Chicago, unless the common council thereof shall grant to said company a further extension of time to construct the same; Provided, however, that nothing in this ordinance shall be so construed as to cause a forfeiture of any of said lines which shall be completed previous to the time herein specified for their respective completion; and provided, further, that, if said company shall be delayed by order or injunction of any court having competent jurisdiction, the time of such delay shall be excluded, and the same time, in

addition to the periods above prescribed, shall be allowed for the completion of said railways as that during which they may be so delayed.

¶ 9. **Reservation of rights.**] § 9. All rights heretofore vested in the boards of water commissioners and sewerage commissioners, or other corporations, are not to be affected by this ordinance, but the rights and privileges hereby granted are subject thereto.

¶ 10. **Term of grant.**] § 10. The rights and privileges granted to the said company by this ordinance, or intended so to be, shall continue and be in force for the benefit of said company for the full term of twenty-five years from the passage of this ordinance and no longer.

¶ 11. **Bond.**] § 11. The North Chicago City Railway Company shall enter into a bond with the city of Chicago, in the penal sum of twenty-five thousand dollars, conditioned for the faithful performance by said company of all the terms and conditions of this ordinance, and that the railways aforesaid shall be completed at the times and in the manner specified in this ordinance, unless delayed by the order or injunction of some court of competent jurisdiction from so completing the same; and until such bond is made by said parties this ordinance is to have no force or effect whatever.

Note.—See following three amendatory ordinances.

§ 607a. Amendment to section 7 of foregoing ordinance.

¶ 1. Amending section 7.

An ordinance supplementary to and explanatory of an ordinance entitled "An ordinance authorizing the construction and operation of horse railways in the north division of the city of Chicago." (Passed June 20, 1859)

¶ 1. **Amending section 7 of foregoing ordinance.**] Be it ordained by the common council of the city of Chicago: § 1. That section 8 [7] of the ordinance entitled "An ordinance authorizing the construction and operation of horse railways in the north division of the city of Chicago," passed May 23, 1859, be, and the same is hereby declared to read as follows: The said company shall, as respects the grading, paving, macadamizing, filling or planking of streets or parts of streets upon which they shall construct their said railways, or any of them, keep eight feet in width along the line of said railway on all streets where one track is constructed, and sixteen feet in width along the line of said railway on all streets where two tracks are constructed, in good repair and condition during all the time to which the privileges hereby granted to said company shall extend, in accordance with whatever order or regulation, respecting the ordinary repairs thereof, may be passed or adopted by the common council of said city. And the said company shall be liable for all legal consequential damages which may be sustained by any person by reason of the carelessness, negligence or misconduct of any of the agents or servants of the said

company, in the course of their employment in the construction or use of the railways aforesaid, or any or either of them.

§ 607b. Extension of time.

¶ 1. Grant extended—release of North Wells street.

An ordinance extending the time for the construction of certain horse railways therein mentioned, and compelling the North Chicago City Railway company to abandon their right to run upon and construct a railway in North Wells street. (Passed December 17, 1860.)

¶ 1. Grant extended—release of N. Wells street.] Be it ordained by the common council of the city of Chicago: § 1. That the North Chicago City Railway Company shall have ten years in addition to the time fixed by the ordinance entitled, "An ordinance authorizing the construction and operation of horse railways in the north division of the city of Chicago," for the construction of the several railways, or any parts thereof, named therein, as follows: On Michigan street to Rush street; thence north on Rush street to Chicago avenue; thence on Green Bay road to Wolcott street; thence north on Wolcott street to Elm street; thence west on Elm street to Clark street; from Division street to Sedgwick street; thence on Sedgwick street to Green Bay road; also, from Rush street on Chicago avenue to Clark street; Provided, however, and this extension is upon this express condition, that the said North Chicago City Railway Company shall release all the right they now have, or may hereafter acquire, to construct and run a railway on North Wells street in said city, and the right is hereby granted to said company to construct and operate a horse railway, in accordance with the ordinance hereby extended, on Franklin street, from its intersection with Chicago avenue north to its intersection with Division street.

§ 607c. Amendment.

¶ 1. Amending section 1 of the foregoing ordinance.
¶ 2. When in force.

An ordinance amending an ordinance authorizing the construction and operation of horse railways in the north division of the city of Chicago, passed May 23, 1859. (Passed September 3, 1877.)

¶ 1. Amending section 1 of the foregoing ordinance.] Be it ordained by the city council of the city of Chicago: § 1. That section 1 of an ordinance authorizing the construction and operation of horse railways in the north division of the city of Chicago, passed May 23, 1859, be and the same is hereby amended by adding to said section, the following, viz.: and provided further, that on North Clark street, from North avenue to the intersection of North Franklin street, permission is hereby granted to said company to lay their track so that the easterly track shall be eight feet westerly from the easterly curb line of said street between said points; and when any new improvement has been or may be ordered by the city council on said

street, between said points, said company shall make such new improvement on sixteen feet in width where double track is used, and if the said company shall refuse or neglect to make such new improvement within a reasonable time, a special assessment may be ordered by said city council for the doing of said work and collected as other special assessments are collected.

¶ 2. **When in force.**] § 2. This ordinance shall be in force from and after its passage.

§ 608. North Chicago City Railway company.

¶ 1. Grant of right of way to North Chicago City Railway company —route.

Grant of right of way to North Chicago City Railway company. (Granted March 2, 1861.)

¶ 1. **Grant—route.**] I, James H. Rees as supervisor of the township of Lake View, in the county of Cook, and state of Illinois, by virtue of my office as such supervisor, do hereby assent and consent, that the North Chicago City Railway Company, may lay down, maintain and operate their railway in, upon, over and along that part of the Green Bay road in said township of Lake View, from the city limits of the city of Chicago, northward to a point forty rods north of the north line of the southwest quarter of section twenty-eight (28), township forty (40), north of range fourteen (14) east; Provided, the said railway shall be laid by or before the first day of September next, to the line aforesaid.

In witness whereof, I have hereunto set my hand this second day of March, A. D. 1861.

(Signed), JAMES H. REES,
Supervisor of the town of Lake View.

§ 609. North Chicago City Railway company.

¶ 1. Grant of rights of way—route.

Grant of rights of way of North Chicago City Railway company. (Granted October 2, 1863.)

¶ 1. **Grant—route.**] I, James H. Rees, as supervisor of the township of Lake View, in the county of Cook, and state of Illinois, by virtue of my office, as such supervisor, do hereby assent and consent, that the North Chicago City Railway Company, may lay down, maintain, and operate their railway in, upon, over and along, that part of the public highway in said town, the center line of which runs as follows: Beginning at a point in the south line of the northwest quarter of section 28, 300 chains, or 198 feet west of the north and south center line of the said quarter section, being a point in the center of the Green Bay road near the house of Dr. Charles V. Dyer, running thence north-eastwardly on a curve of 825 feet radius, and 541 feet long, meeting the said north and south center line of the N. W. ¼

of section 28 at 535 feet (or 8.10 chains) north of the south line of the said N. W. quarter; thence north along said center line 2,100 feet, more or less, to the north line of section 28; thence north along the east line of the west half of the southwest fractional quarter of section 21, 983 feet more or less to a point 7 feet south of the north line produced of lots 24 and 31 in Pine Grove subdivision; thence north 22 degrees, 30 minutes west 3,327 feet more or less on a line parallel to, and 33 feet from the west line of blocks 5, 8, 11, 13 and 16 of Hundley's subdivision of sundry lots and original lots 22 and 23 in Pine Grove subdivision, to a point in the west line of the N. W. ¼ of fractional section 21, 29 feet north of the south line produced, of Grace street, in the subdivision of the northeast quarter of section 20; thence north along the west line of section 21, 741 feet, to a point 494 feet south of northwest corner of said section 21; thence N. 24 degrees, 45 minutes W. 546 feet to the section line between sections seventeen and twenty, being the center of a road known as Albert street; thence west on said section line, the center of Albert street, to the Green Bay road.

Provided, that said railway shall be laid by the first day of June next, and, provided, further, that said company shall leave said highway in as good condition for ordinary travel as it now is.

In witness whereof, I have hereunto set my hand this second day of October, A. D. 1863.

(Signed), JAMES H. REES,
Supervisor of the town of Lake View.

§ 610. North Chicago City Railway company.

¶ 1. Connection with C. C. Ry. Co. on State street bridge.
¶ 2. Subject to ordinance of May 23, 1859.
¶ 3. Street improvements and repairs.

An ordinance authorizing the connection of the tracks of the horse railways of the North Chicago City Railway and the Chicago City Railway companies. (Passed January 18, 1864.)

¶ 1. Connection with C. C. Ry. Co. on State street bridge.] Be it ordained by the common council of the city of Chicago: § 1. That the North Chicago City Railway Company is hereby authorized to lay a single or double track, with the necessary curves and appendages, in and along Wolcott street, in the city of Chicago, from its intersection with Michigan street, to the center of the Chicago river, at such points and in such way as that they may make connections with the tracks of the Chicago City Railway Company (by arrangement with said company) at such center of the river, thereby making continuous lines of horse railway between the different divisions of the city; and for this purpose the last named company is authorized to lay a single or double track with the necessary curves and appendages, from the present point of intersection of the tracks of said last named

company on State street, with Lake street in said city of Chicago, in and along said State street to the center of the Chicago river.

¶ 2. **Subject to ordinance of May 23, 1859.**] § 2. The construction and operation of any road or roads that may be built under this ordinance, shall be subject to all the rules and limitations and restrictions that are prescribed in the ordinance heretofore passed by the common council, entitled "An ordinance authorizing the construction and operation of horse railways in the north division of the city of Chicago," approved May 23, 1859.

¶ 3. **Street improvements and repairs.**] § 3. That the said companies shall if a single track be laid, pave, macadamize, gravel or otherwise improve in accordance with such ordinances as may be passed by the common council, eight feet in width on the street occupied by said track; and if a double track be laid, they shall pave, macadamize, gravel or otherwise improve in accordance with such ordinances as may be passed by the common council, sixteen feet in width, on the street occupied by said track; Provided, the form of rail to be used on said railroads, shall be the best and most modern improved tram rail; And provided, further, in case any or either of said railroad companies should fail to comply with the provisions of this ordinance, or any previous ordinance granting railroad privileges to said companies, that the privileges hereby granted shall cease and become forfeited.

§ 611. North Chicago City Railway company.

¶ 1. Grant for extension—route.
¶ 2. Time of completion.
¶ 3. Subject to ordinance of May 23, 1859.
¶ 4. Funeral cars—rate—agreement with other companies.
¶ 5. Street improvements and repairs.

An ordinance authorizing the North Chicago City Railway company to extend their tracks on certain streets. (Passed August 11, 1864. Accepted August 18, 1864.)

¶ 1. **Grant for extension—route.**] Be it ordained by the common council of the city of Chicago: § 1. That permission and authority be and is hereby granted to the North Chicago City Railway Company to construct, maintain and operate a single or double track railway, with the necessary curves and side tracks, as an extension of the lines of railway now operated by said company, on the following streets, to wit: commencing at Chicago avenue and running on Larrabee street to Little Fort road, and thence on Little Fort road to the present or future city limits; and commencing at Larrabee street and running east on Linden street and Eugenie street to Wells street, and thence across Wells street, and on any street that may hereafter be laid out, to Green Bay road; except that on Larrabee street from Chicago avenue to the north side of Hawthorne avenue, only a single track shall be laid.

¶ 2. **Time of completion.**] § 2. The line on Larrabee street, between Clybourn avenue and Center street, shall be completed within sixty days after the passage of this ordinance, unless restrained by a court of competent jurisdiction, and the other lines of railways hereinbefore mentioned shall be completed as soon as practicable after the passage of this ordinance; but whenever the common council shall determine that the public interest requires any of said lines to be constructed, and pass an ordinance that any of said lines shall be constructed, in a period of time not less than ninety days after the passage of said ordinance, and actual notice thereof to said company, it shall be the duty of said company to comply with said ordinance; Provided, the work shall not be required to be done between the first day of November and the first day of May.

¶ 3. **Subject to ordinance of May 23, 1859.**] § 3. The permission and authority hereby granted are made subject to all the restrictions and conditions, the rights and privileges, mentioned in the ordinance passed by the common council on the twenty-third day of May, 1859, entitled, "An ordinance authorizing the construction and operation of horse railways in the north division of the city of Chicago," except as otherwise herein provided, reserving to the common council the right to regulate the laying down of tracks, and the kind of rail to be used.

¶ 4. **Funeral cars—rate—agreements with other companies.**] § 4. The said railway company shall keep on hand a sufficient number of cars adapted to funeral purposes, in which shall be suitable compartments for the carrying of the corpse by itself; and, on the application of any person, shall furnish not exceeding three cars, unless more shall be agreed upon, at any designated point on the lines of any of its roads, to convey the corpse and persons attending the funeral to any cemetery to which their lines or connections may extend; Provided, that, if their funeral cars are all engaged for funeral purposes before any such application is made, the company shall not be bound to furnish the same until such prior engagement is fulfilled. Said company shall be entitled to charge not exceeding two dollars for each corpse, and not exceeding twenty cents for the round trip for each person conveyed on such funeral occasion. The said company shall, on its part, make an arrangement with the Chicago City Railway Company and the Chicago West Division Railway Company, as soon as the bridge is built across Chicago river at State street, to convey the cars of either of said companies, used for funeral purposes, over the tracks of said North Chicago City Railway Company, to any cemetery to which its lines extend, so that the charge for conveying any corpse from any part of the city on any of the lines of said companies shall not exceed three dollars, and for each person attending said funeral shall not exceed twenty-five cents for the round trip to and from any

such cemetery, which shall be in full for all the charges to all of said companies.

¶ 5. **Street improvements and repairs.**] § 5. The said railway company, its successors or assigns, as respects grading, paving, macadamizing, filling or planking, shall at their own expense keep eight feet where a single track is used, and sixteen feet where a double track is used, of said streets or parts thereof so occupied, in good repair, so that wagons, carriages and other vehicles can pass and repass at any and all points and in any and all directions, and when any new improvement, paving, repaving, planking or replanking is ordered by the common council in any of said streets, or parts of streets, the said railway company shall, in the same manner, and with like material as required of the owners of property as to other parts of the street, make such new improvements, on eight feet where a single track is used, or sixteen feet where a double track is used; and if the said company shall refuse or neglect to make such new improvement within a reasonable time, to be fixed by the ordinance, the work may be done by the city, and the cost thereof assessed by the board of public works on said company, and collected as other assessments, from any real or personal property of said company. But if the board of public works should deem it inexpedient that said new improvement should be so made by said company, then the same shall be done by the city as in other cases, and the cost thereof assessed upon and collected of said company in manner as aforesaid. And if the said company shall refuse or neglect to make any necessary repairs as aforesaid, or the repairs required by any ordinances heretofore passed, after twenty days' notice from the board of public works, the city may make the repairs and collect the cost thereof by suit at law in any court of competent jurisdiction.

Stipulation in reference to foregoing ordinance:

August 18th, 1864.

At a meeting of the directors of the North Chicago City Railway Company, held at the office of said company this eighteenth day of August, A. D. 1864, the following resolutions were adopted:

"Resolved, That the North Chicago City Railway Company will and do hereby accept an ordinance passed by the common council of the city of Chicago on the 11th day of August, A. D. 1864, entitled 'An ordinance authorizing the North Chicago City Railway Company to extend their tracks on certain streets,' and in so accepting the said ordinance, the said railway company declare that wherever the words 'eight feet' and 'sixteen feet' occur in the fifth section thereof, they mean, and shall be held to mean, 'eight feet in width,' and 'sixteen feet in width.'

"Resolved, That a certified copy of these resolutions be delivered to the city of Chicago."

(Seal.) JOHN J. GRAHAM, Sec'y pro tem.

§ 612. North Chicago City Railway company.

¶ 1. Grant for extension—route.
¶ 2. Subject to ordinance of May 23, 1859.
¶ 3. Time of completion.
¶ 4. When in effect—acceptance.

An ordinance in relation to laying a railroad track on Lincoln avenue. (Passed May 8, 1871. Accepted June 5, 1871.)

¶ 1. Grant for extension—route.] Be it ordained by the common council of the city of Chicago: § 1. That permission and authority is hereby granted to the North Chicago City Railway Company to construct, maintain and operate a single or double track railway, with the necessary curves and side tracks, as an extension of the lines now operated by said company, on the following streets, to wit: Commencing at North Clark street, and running west on Center street to Lincoln avenue, and thence along said avenue to the present or future limits of the city.

¶ 2. Subject to ordinance of May 23, 1859.] § 2. The permission and authority hereby granted are made subject to all the restrictions and conditions, the rights and privileges, mentioned in the ordinance passed by the common council on the 23d day of May, 1859, entitled, "An ordinance authorizing the construction and operation of horse railways in the north division of the city of Chicago," and all contracts by and between the common council of the city of Chicago and the North Chicago Railway Company, applicable to the line of said railway on North Clark street, shall be and is hereby extended to its said line on said Center street and Lincoln avenue.

¶ 3. Time of completion.] § 3. The said company shall complete a single track in said streets, from North Clark street to Fullerton avenue, on or before the first day of June, 1872, unless restrained by some court of competent jurisdiction.

¶ 4. When in effect—acceptance.] § 4. This ordinance shall take effect whenever it shall be accepted by said company, but unless accepted within thirty days after the passage thereof, the same shall be null and void.

RESOLUTION OF COMPANY ACCEPTING, DATED JUNE 5, 1871.

To the Honorable the Mayor and Common Council of the city of Chicago:

The North Chicago City Railway Company respectfully submit the following resolution, passed by its board of directors on the 5th day of June, 1871:

Whereas, the common council of the city of Chicago passed an ordinance on the 8th day of May, 1871, which was approved by the mayor on the 15th day of the same month, granting permission to the North Chicago City Railway Company to use portions of Center street and Lincoln avenue for the construction and operation of railway tracks; and, whereas, there is no time expressly named or referred to in said ordinance as the period of time during which such permission shall run, and there is now doubt expressed as to the true meaning and construction of said ordinance, as to the extent of the

rights and privileges, as well as the conditions and restrictions thereof: Now, therefore,

Resolved, that the North Chicago City Railway Company hereby accept said ordinance, and assents to the proposition herein contained; Provided, that said ordinance be construed to mean that said railway company may have the same rights and privileges that it now has on North Clark street, shall be subject to the same conditions and restrictions now imposed on said company on North Clark street, and may use parts of streets designated in said ordinance for the same length of time it is now authorized to use North Clark street, and that the common council assent to this construction.

In witness whereof, I, H. N. Towner, secretary of the North Chicago City Railway Company, have, on this 5th day of June, 1871, signed my name and affixed the seal of said corporation.

(Seal.) H. N. TOWNER, Secretary.

RESOLUTION OF ACCEPTANCE BY THE COUNCIL, PASSED MAY 6, 1872.

Resolved, that the city of Chicago assent to the acceptance of the North Chicago City Railway Company, by resolution of June 8, 1871, of the ordinance authorizing it to use parts of Center street and Lincoln avenue, passed May 8, 1871, and approved May 15, 1871, but the time for which said company may use said parts of streets as provided in the ordinance is fixed at twenty-five years from and after the passage of the ordinance, and the time for completing said tracks is extended from the 1st day of June, 1872, for ninety days; Provided, that nothing herein contained, or in the original ordinance, shall be so construed as to give the sanction, consent or assent of this common council to the ninety-nine year franchise claimed by said railway company, or any other horse railway company, under the act of the general assembly entitled "An Act concerning horse railways in the city of Chicago," passed over the governor's veto, February 6, 1865.

§ 613. North Chicago City Railway company.

¶ 1. Connection with the C. C. Ry. Co. on Clark street bridge.
¶ 2. Subject to ordinance of May 23, 1859.
¶ 3. Street repairs and improvements.
¶ 4. Term of grant.

An ordinance authorizing the connection of the tracks of the horse railway of the North Chicago City railway and the Chicago City railway on Clark street. (Passed November 20, 1871.)

¶ 1. Connection with C. C. Ry. Co. on Clark street bridge.] Be it ordained by the common council of the city of Chicago: § 1. That the North Chicago City Railway Company is hereby authorized to lay a double track, with the necessary appendages, in and along North Clark street in the city of Chicago, from its intersection with North Water street to the center of Chicago river, in such a way that it may make connections with the tracks of the Chicago City Railway Company at such center of the river, on the bridge; and the last-named company is authorized to lay a double track, with the necessary appendages, from the center of the Chicago river, on the bridge, connecting with the tracks of the former company, and thereby making a continuous line to the court house for the North Chicago City Railway Company, under its lease and contract with the Chicago City

Railway, and a connection between the lines of said companies on Clark street.

¶ 2. **Subject to ordinance of May 23, 1859.**] § 2. The construction and operation of the tracks that may be built under this ordinance shall be subject to all the rules and limitations and restrictions that are prescribed in the ordinance heretofore passed by the common council, entitled, "An ordinance authorizing the construction and operation of horse railways in the north division of the city of Chicago," approved May 23, 1859.

¶ 6. **Street repairs and improvements.**] § 3. That the said companies shall pave, macadam, gravel, or otherwise improve, in accordance with such ordinances as may be passed by the common council, sixteen feet in width on the streets occupied by said track.

¶ 4. **Term of grant.**] § 4. The rights and privileges herein and hereby granted shall continue for the term of ——— years after the passage of this ordinance, and it shall not be construed so as to affect in any way the extension of time granted by the legislature, in an act entitled, "An Act concerning horse railways in the city of Chicago," passed February 6, 1865, it not being the intention of the common council, or said company, by the passage and acceptance of this ordinance, to ratify or modify such extension of time.

§ 614. North Chicago City Railway company.

¶ 1. Grant.
¶ 2. Route—Wells street bridge.
¶ 3. Motive power.
¶ 4. Power reserved—council.
¶ 5. Tracks—how laid.
¶ 6. Improvement and repair of streets.
¶ 7. Time of completion.
¶ 8. Term of grant—right to purchase.
¶ 9. Arbitrators for purchase price.
¶ 10. Rights reserved.
¶ 11. Indemnity bond.
¶ 12. Lessee of C. C. Ry. Co.
¶ 13. When in force—acceptance.

An ordinance authorizing the construction and operation of a horse railway on Fifth avenue, north of Randolph street, and over and upon the bridge across the Chicago river known as Wells street bridge, and on Wells street to Clark street, in the city of Chicago. (Passed October 26, 1874.)

¶ 1. **Grant.**] Be it ordained by the common council of the city of Chicago: § 1. That in consideration of the acceptance hereof, and the undertaking of the North Chicago Railway Company to comply with the provisions hereof, authority, permission, and consent are hereby given, granted and duly vested in the said company, its successors and assigns, to construct, lay down, operate, and maintain a double track railway, with all necessary turnouts, side tracks, and switches, in, upon and along the course of certain streets in the city of Chicago hereafter named, and over a certain bridge across Chicago

river, and to operate railway cars or carriages thereon in the manner and for the time, and upon the conditions hereinafter prescribed; Provided, the tracks of said railway shall not be laid within twelve feet of the sidewalks upon any of the said streets.

¶ 3. **Route—Wells street bridge.**] § 2. That said railway company is hereby authorized to lay a single or double track for a railway in and along and upon the following streets and bridge in said city, to wit: Commencing north of Randolph street, and extending north along Fifth avenue over and along said Fifth avenue to the Chicago river, thence upon and over the bridge known as Wells street bridge, across said river, thence extending north along Wells street to the intersection of the same with North Clark street and connecting with the railway tracks on said Clark street, or any other tracks now in use at intermediate points.

¶ 4. **Motive power.**] § 3. The cars to be used upon said tracks hereby authorized to be constructed upon said Fifth avenue said bridge, and said Wells street, shall be operated with animal power only, and no railway car or carriage used by any other railroad company in this state shall be used upon or passed over said tracks.

¶ 5. **Power reserved in council.**] § 4. The said tracks and cars, or carriages, operated thereon shall be used for no other purpose than to transport passengers and their ordinary baggage; and the cars or carriages used for that purpose shall be of the best style and class in use on such railways; and the common council shall have the power at all times to make such regulations as to the rate of speed and time of running said cars or carriages as said council may require.

¶ 6. **Tracks, how laid.**] § 5. The tracks of said railway shall not be elevated above the surface of the street, and shall be laid with modern improved rails; and shall be so laid that carriages and other vehicles can easily and freely cross said track or tracks at any and all points, and in any and all directions without obstruction.

¶ 7. **Improvement and repair of streets.**] § 6. The said railway company, its associates, successors, and assigns, shall pay one-third of the cost of grading, paving, macadamizing, or filling said streets, or part of said streets, on which it is hereby authorized to construct said railway, and shall at all times keep that portion of said streets as shall be occupied by its said railway in good repair and condition, in accordance with whatever orders may be hereafter passed in that behalf by said common council; and said railway company, its successors and assigns, shall be liable for all legal and consequential damages which may be sustained by any person by reason of the carelessness, neglect, or misconduct of any agent or servant of said company, its successors and assigns, in the course of their employment in the construction, or the use of said tracks or railway.

¶ 8. **Time of completion.**] § 7. The rights and privileges

hereby granted to said company shall be forfeited to the city of Chicago, unless the said railway shall be fully completed and ready for use on or before the first day of July, A. D. 1875; Provided, that if said company shall be delayed by the order or injunction of any court, the time of such delay shall be excluded, and the same time, in addition to the period above prescribed, shall be allowed for the completion of said railway, as that during which said company may have been so delayed.

¶ 9. **Term of grant—right to purchase.**] § 8. The right to operate said railway shall extend to the first day of October, A. D. 1894, at which time the rights and privileges herein and hereby granted to said company shall cease; but said company operating said railway at said time, shall be entitled to enjoy all of such rights and privileges after the expiration of said time, and until the common council shall hereafter elect, by order for that purpose, to purchase said tracks of said railway, cars, carriages, furniture, and implements of every kind and description used in the construction and operation of said railway, and pay for the same in the manner hereinafter mentioned.

¶ 10. **Arbitrators for purchase price.**] § 9. Such order to purchase shall fix the time when said city of Chicago will take such railways and other property before mentioned, which shall not be less than six months after the passage of said order, and at the time of taking said railways and other property before mentioned, the city of Chicago shall pay to the parties operating the same a sum of money to be ascertained by three commissioners, to be appointed for that purpose, as follows: One to be chosen from the disinterested freeholders of Cook county by the said common council; one in like manner by the company, its associate, or successors; and the two persons so chosen to choose the third from said freeholders.

¶ 11. **Rights reserved.**] § 10. All rights heretofore vested in the board of water commissioners and sewerage commissioners, or other corporations, are not impaired or affected by this ordinance, but the rights and privileges hereby granted are subject thereto.

¶ 12. **Indemnity bond.**] § 11. The said North Chicago Railway Company shall enter into a good and sufficient bond with the city of Chicago in the penal sum of ten thousand dollars for the faithful performance of all terms and conditions herein contained in the ordinance, and that said railway herein mentioned shall be completed at the times and manner herein stated unless delayed by the order or injunction of some court having jurisdiction of such matters, from so completing the same, said bond to be drawn by the law officers of the city of Chicago, and to contain such conditions, provisions, restrictions, prohibitions, or other matters as shall in the opinion of such law officers be necessary to fully and completely protect and indemnify the said city of Chicago in all things from any and all loss or damages

by reason of the grant of the powers and privileges herein granted to said company.

¶ 13. **Lessee of C. C. Ry. Co.**] § 12. That the rights and privileges granted under this ordinance for the use of the aforesaid part of Fifth avenue by said North Chicago Railway Company shall be only as the lessee of the Chicago City Railway Company.

¶ 14. **When in force—acceptance.**] § 13. This ordinance shall take effect and be in force as soon as the same shall have been duly accepted by the said North Chicago Railway Company and said company shall have made the bond provided for herein in manner and form as hereinbefore required.

Note.—See following amendatory ordinance.

§ 615. North Chicago City Railway company.

¶ 1. Amending foregoing ordinance.
¶ 2. Grant.
¶ 3. Route—Wells street bridge.
¶ 4. Motive power.
¶ 5. Powers reserved in council.
¶ 6. Tracks—how laid.
¶ 7. Improvement and repair of streets.
¶ 8. Time of completion.
¶ 9. Term of grant—right of purchase.
¶ 10. Arbitrators for purchase price.
¶ 11. Rights reserved.
¶ 12. Indemnity bond.
¶ 13. Lessee of C. C. Ry. Co.
¶ 14. When in force—acceptance.

An ordinance to amend an ordinance entitled "An ordinance authorizing the construction and operation of a horse railway on Fifth avenue, north of Randolph street, and over and upon the bridge across the Chicago river known as Wells street bridge and on Wells street to Clark street, in the city of Chicago," passed October 26, 1874. (Passed April 26, 1875.)

¶ 1. **Amending foregoing ordinance.**] Be it ordained by the common council of the city of Chicago: That the ordinance entitled, "An ordinance authorizing the construction and operation of a horse railroad on Fifth avenue, north of Randolph street, and over and upon the bridge across the Chicago river, known as Wells street bridge, and on Wells street to Clark street, in the city of Chicago," passed October 26, 1874, be, and the same is hereby amended so as to read as follows:

¶ 2. **Grant.**] § 1. That in consideration of the acceptance hereof, and the undertaking of the North Chicago City Railway Company to comply with the provisions hereof, authority, permission, and consent are hereby given, granted, and duly vested in the said company, its successors and assigns, to construct, lay down, operate, and maintain a double track railway, with all necessary turnouts, side tracks, and switches, in, upon, and along the course of certain streets in the city of Chicago hereafter named, and over a certain bridge across

Chicago river, and to operate railway cars or carriages thereon in the manner and for the time and upon the conditions hereinafter prescribed; Provided, the tracks of said railway shall not be laid within twelve feet of the sidewalks upon any of the said streets.

¶ 2. **Route—Wells street bridge.**] § 2. That said railway company is hereby authorized to lay a single or double track for a railway in and along and upon the following streets and bridge in said city, towit: Commencing north of Randolph street, and extending north along Fifth avenue over and along said Fifth avenue to the Chicago river; thence upon and over the bridge known as Wells street bridge: across said river; thence extending north along Wells street to the intersection of the same with North Clark street and connecting with the railway tracks on said Clark street, or any other tracks now in use at intermediate points.

¶ 3. **Motive power.**] § 3. The cars to be used upon said tracks hereby authorized to be constructed upon said Fifth avenue, said bridge and said Wells street, shall be operated with animal power only, and no railway car or carriage used by any other railroad company in this state shall be used upon or passed over said tracks.

¶ 4. **Powers reserved in council.**] § 4. The said tracks and cars, or carriages, operated thereon shall be used for no other purpose than to transfer passengers and their ordinary baggage; and the cars or carriages used for that purpose shall be of the best style and class in use on such railways; and the common council shall have the power at all times to make such regulations as to the rate of speed and time of running said cars or carriages as said council may require.

¶ 5. **Tracks, how laid.**] § 5. The tracks of said railway shall not be elevated above the surface of the street, and shall be laid with modern improved rails; and shall be so laid that carriages and other vehicles can easily and freely cross said track or tracks at any and all points, and in any and all directions, without obstruction.

¶ 6. **Improvement and repair of streets.**] § 6. The said company shall, as respects the grading, paving, macadamizing, filling or planking of the streets or parts of streets upon which they shall construct their said railways, or any of them, keep sixteen feet in width along the line of said railway in good repair and condition during all the time to which the privileges hereby granted to said company shall extend, in accordance with whatever order or regulation, respecting the ordinary repairs thereof, may be passed or adopted by the common council of said city; and the said company shall be liable for all the legal consequential damages which may be sustained by any person, by reason of the carelessness, negligence or misconduct of any of the agents or servants of said company, in the course of their employment in the construction or use of said railways, or either of them.

¶ 7. **Time of completion.**] § 7. The said railway company

shall lay said tracks whenever and as fast as a new pavement shall be laid in said streets or parts of streets next after the passage of this ordinance: Provided, that if said company shall be prevented or delayed by the order or injunction of any court, that shall be a sufficient excuse, and it shall be sufficient to lay such tracks within a reasonable time after such order or injunction shall be vacated or dissolved.

¶ 8. **Term of grant—right to purchase.**] § 8. The right to operate said railway shall extend to the first day of October, A. D. 1894, at which time the rights and privileges herein and hereby granted to said company shall cease; but said company operating said railway at said time shall be entitled to enjoy all of such rights and privileges after the expiration of said time, and until the common council shall hereafter elect, by order for that purpose, to purchase said tracks of said railway, cars, carriages, furniture, and implements of every kind and description used in the construction and operation of said railway, and pay for the same in the manner hereinafter mentioned.

¶ 9. **Arbitrators for purchase price.**] § 9. Such order to purchase shall fix the time when said city of Chicago will take such railways and other property before mentioned, which shall not be less than six months after the passage of said order, and at the time of taking said railways and other property before mentioned, the city of Chicago shall pay to the parties operating the same a sum of money to be ascertained by three commissioners, to be appointed for that purpose, as follows: One to be chosen from the disinterested freeholders of Cook county by the said common council; one in like manner by the company, its associates, or successors; and the two persons so chosen to choose the third from said freeholders.

¶ 10. **Rights reserved.**] § 10. All rights heretofore vested in the board of water commissioners and sewerage commissioners, or other corporations, are not impaired or affected by the ordinance, but the rights and privileges hereby granted are subject thereto.

¶ 11. **Indemnity bond.**] § 11. Said railway company shall execute a bond in the sum of ten thousand dollars, for the faithful performance of all the terms and conditions of this ordinance, and to indemnify and protect the city of Chicago from any and all loss or damage by reason of the powers and privileges granted to said company.

¶ 12. **Lessee of C. C. Railway Co.**] § 12. That rights and privileges granted under this ordinance for the use of the aforesaid part of Fifth avenue by said North Chicago City Railway Company shall be only as the lessee of the Chicago City Railway Company.

¶ 13. **When in force.**] § 13. This ordinance shall take effect and be in force as soon as the same shall have been duly accepted by the said North Chicago Railway Company and said company shall

have made the bond provided for herein in manner and form as hereinbefore required.

§ 616. North Chicago City Railway company.

¶ 1. Grant for extension—route.

An ordinance authorizing the extension of the railway of the North Chicago City Railway company in Lincoln avenue. (Passed September 25, 1876.)

¶ 1. Grant for extension—route.] Be it ordained by the board of trustees of the town of Lake View that authority and permission be and is hereby given to the North Chicago City Railway Company to extend their railway in Lincoln avenue, in the city of Chicago, by single or double track with necessary switches and turnouts, from the present terminus at Fullerton avenue, along Lincoln avenue in the said town of Lake View, to Wrightwood avenue in said town, and to maintain and operate the same.

§ 617. North Chicago City Railway company.

¶ 1. Grant for extension—route.

An ordinance to authorize the North Chicago City Railway company to extend its tracks on Lincoln avenue and on Wrightwood avenue. (Passed May 28, 1878.)

¶ 1. Grant for extension—route.] Be it ordained by the board of trustees of the town of Lake View that permission and authority be granted to the North Chicago City Railway Company to extend its tracks, single or double from the present terminus on Lincoln avenue, to and in, and along Wrightwood avenue to a point opposite the west line of lot two, in the subdivision of the east half of block seventeen, in the Canal Trustees' subdivision of the east half of section twenty-nine (29), in township forty, north of range fourteen, east of the third principal meridian, and to lay side tracks or curves from said tracks so as to run on lots one and two in said subdivision, being property owned by said company, on the same terms and conditions as prescribed for the tracks on Lincoln avenue.

§ 618. North Chicago City Railway company.

¶ 1. Grant for extension—fare—route—term.
¶ 2. Tracks, how laid.
¶ 3. Time of completion.
¶ 4. Street improvements and repairs.
¶ 5. Speed and running time regulated.
¶ 6. When to take effect.

An ordinance to authorize an extension of the tracks of the North Chicago City Railway company on Division and State streets, and the relaying of tracks on State street. (Passed March 22, 1880.)

¶ 1. Grant for extension—fare—route—term.] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof, and the undertaking of the North Chicago

City Railway Company to comply with the provisions herein contained, permission and authority is hereby given to said company to construct, maintain and operate as an extension of the tracks used by said company a single or double track railway, with all necessary side tracks, turnouts and switches, from its tracks on North Clark and Division streets, on Division street to State, and thence south on State street to the south line of Michigan street, and there to connect with tracks authorized to be laid by an ordinance entitled "An ordinance authorizing the connection of the tracks of the horse railways of the North Chicago City Railway and the Chicago City Railway Companies," approved January 29th, 1864, which tracks may be relaid under said ordinance and the said company may maintain and operate said railways with the said tracks over the bridge to Lake street and with its lines now used by said company, and as an extension thereof, upon the terms and conditions and subject to the restrictions mentioned in this ordinance, for the period of twenty years after the passage of this ordinance; and the rates of fare for any distance on the tracks of said company, whether on the lines herein authorized or heretofore constructed, shall not exceed five cents for each passenger for any continuous travel at one ride.

¶ 2. **Tracks, how laid.**] § 2. Each of said tracks shall be laid as near the center of the street as practicable, and shall not be laid within twelve feet of the sidewalk in any place except in turning street corners, and then no nearer than may be required to make the necessary curve. The cars shall be constructed with all the latest improvements for the comfort and convenience of passengers, shall be used for no other purpose than the transportation of passengers and their ordinary luggage, and shall be operated by animal power and not otherwise.

¶ 3. **Time of completion.**] § 3. The tracks herein authorized shall be completed before the first day of November, A. D. 1880; Provided, that, if the said company shall be delayed by the order or writ of any court from proceeding with the work, the time of such delay shall also be excluded from the time prescribed herein for completing any of said railways, and if the said company shall fail to complete the tracks within the time mentioned the city may revoke the authority so far as such tracks are not completed; Provided, further, that if such order or writ of court shall be collusively obtained by the parties to the cause in which such order may be rendered or such writ issued, or by any of the officers or agents of such parties, then the time of such delay shall not be excluded, and it shall be the duty of said railway company to prove the absence of such collusion.

¶ 4. **Street improvements and repairs.**] § 4. The said company shall, as respects the grading, paving, macadamizing, filling or planking of said streets or parts of streets aforesaid, upon which they shall construct their said railways, or any of them, keep sixteen feet

in width, including the track, in good repair and condition, during all the time to which the privileges hereby granted to said company shall extend, in accordance with whatever order or regulation respecting the ordinary repair thereof may be passed or adopted by the city council; and, when any new improvement shall be ordered by the city council therein, the said company shall in the manner required by the city authorities make such new improvements for the width of sixteen feet aforesaid, and if the company fails to do so it may be done by the city, and the costs collected of said company; and, if the said company shall neglect to make any necessary repairs for twenty days after notice, the work may be done by the city, and the costs thereof collected from said company.

¶ 5. **Speed and running time regulated.**] § 5. The city council shall have power at all times to make such regulations as to the rate of speed and time or times of running said cars or carriages as the public safety and convenience may require.

¶ 6. **When to take effect.**] § 6. This ordinance shall take effect when it shall be accepted by said railway company, Provided the same shall be accepted within three months after its passage.

§ 619. North Chicago City Railway company.

¶ 1. Grant—route—term.
¶ 2. Street repairs and improvements.
¶ 3. Time of completion—limitation.
¶ 4. Acceptance.

An ordinance granting permission to the North Chicago City Railway company to construct and operate a street railway on Sedgwick and Market streets. (Passed October 26, 1881. Accepted November 16, 1881.)

¶ 1. **Grant—route—term.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance of this ordinance, and a compliance with its provisions by the North Chicago City Railway Company, permission and authority is hereby given to said company to construct, maintain and operate a single track railway on Sedgwick street, from Division street to Chicago avenue, and on Market street, from Chicago avenue to Division street, and to connect the same with the tracks of said company now used by it on Division street and Chicago avenue, for the term of twenty years after the passage of this ordinance.

¶ 2. **Street repairs and improvements.**] § 2. The permission and authority hereby granted are subject to the conditions and restrictions and the rights and privileges mentioned in an ordinance passed by the common council of the city of Chicago on the 23d day of May, 1859, entitled "An ordinance authorizing the construction and operation of horse railways in the north division of the city of Chicago," and the further condition that said company shall pave and keep in repair eight feet in width, embracing the track of said streets,

in accordance with whatever regulations may be made by the city of Chicago, by ordinance or otherwise.

¶ 3. **Time of completion—limitation.**] § 3. The said tracks shall be completed before the first day of November, 1882.

¶ 4. **Acceptance.**] § 4. This ordinance shall be accepted by said company within thirty days, and, in case of failure to accept, it shall be null and void.

§ 620. North Chicago City Railway company.

¶ 1. Grant—subject to all ordinances.
¶ 2. When in force.

An ordinance granting permission to the North Chicago City Railway company to lay down a double curve at Chicago avenue and Larrabee street. (Passed January 3, 1883.)

¶ 1. **Grant—subject to all ordinances.**] Be it ordained by the city council of the city of Chicago: § 1. That the North Chicago City Railway Company is hereby permitted and authorized to lay down and operate a double curve in their tracks at the intersection of Chicago avenue and Larrabee street, in the place and stead of the single curve now in use, upon which to run and operate the horse cars of the Chicago avenue and Larrabee street lines of said company; subject, however, to all the general or special ordinances of the city of Chicago in reference to horse railways and the said North Chicago City Railway Company.

¶ 2. **When in force.**] § 2. This ordinance shall be in force from and after its passage.

§ 621. North Chicago City Railway company.

¶ 1. Grant—fare—power of council.
¶ 2. Penalty.
¶ 3. Subject to ordinances.

An ordinance to plank that part of Evanston avenue lying between the rails heretofore used as a dummy track, and to operate the same as a horse railroad on or before April 1, 1883, and in default thereof to remove the tracks and ties thereon under penalty. (Passed March 5, 1883.)

¶ 1. **Grant—fare—power of council.**] Be it ordained by the board of trustees of the town of Lake View: § 1. That the North Chicago City Railway Company be and it is hereby empowered to plank that part of Evanston avenue and Graceland avenue in the town of Lake View lying between the rails heretofore used by said company as a dummy track, and to operate the same as a horse railroad for the carrying of passengers at a fare of not exceeding five cents for each passenger, on or before the first day of April, 1883, and until such time as the board of trustees may order said track to be removed for the purpose of grading and paving said avenues.

¶ 2. **Penalty.**] § 2. That in case said company shall neglect or refuse to plank said track and operate the same as aforesaid on or be-

fore the said first day of April, 1883, the said company shall forthwith remove said track, the ties thereon and every part thereof; and the said company and its agents, or any of them, shall be subject to a fine not exceeding two hundred dollars for every day said track or the ties thereon or any part thereof shall remain upon said avenues or upon any portion of the same.

¶ 3. **Subject to ordinances.**] § 3. That if said company shall operate said track in the manner and at the time herein prescribed, the same shall be done under existing ordinances, and such other ordinances as may be ordained by the board of trustees of said town, and not otherwise.

§ 622. North Chicago City Railway company.

¶ 1. Grant—term two years.
¶ 2. Conditions—fare.
¶ 3. Term of grant—removal of tracks.
¶ 4. Conditions for relaying track—extension.
¶ 5. When to take effect—acceptance.

An ordinance regulating the use of the tracks of the North Chicago City Railway company on Evanston and Graceland avenues. (Passed and approved April 2, 1883. Accepted April 16, 1883.)

¶ 1. **Grant—term two years.**] § 1. Be it ordained by the board of trustees of the town of Lake View that the North Chicago City Railway Company may use its tracks on Evanston and Graceland avenues in the following manner, that is to say, the said company may plank between the rails as now laid and run cars thereon by animal power, with or without a conductor, the number of cars and time to be determined by it, for a period of two years, unless the said streets or parts thereof are graded and paved before the expiration of that time as hereinafter mentioned.

¶ 2. **Conditions—fare.**] § 2. The said company shall not be required to pay any license fees, or to sprinkle the streets, or improve them except by planking as aforesaid, and to so arrange the tracks at crossings for the full width of the intersecting streets, that the tracks can be crossed freely and without obstruction, and the company may charge and receive a fare of five cents per passenger.

¶ 3. **Term of grant—removal of tracks.**] § 3. On the expiration of two years or whenever before that time the said streets or either of them, or any part thereof, may be paved, the said company shall cease to operate the tracks as now laid, and take up the rails and ties and discontinue the use of said streets.

¶ 4. **Conditions for relaying track—extension.**] § 4. But upon taking up the said rails as aforesaid, said company may, if it elect to do so, relay its tracks in any part of the streets, or either of them, with tram rails; Provided, however, that it shall pave the space between the rails, with like material as the other parts of the street,

or with stone or granite, and keep the same in good repair and condition, and continue to run its cars by animal power thereafter without regard to the time hereinbefore mentioned. Said tracks shall be laid as near the center of the street as practicable.

¶ 5. **When to take effect—acceptance.**] § 5. This ordinance shall take effect when accepted by the said company, if done within thirty days, and remain in force until changed by the action of the town and company.

Note.—See following amendatory ordinance.

§ 623. North Chicago City Railway company.

Preamble.
¶ 1. Extension of grant.
¶ 2. Paving of streets.
¶ 3. Improvement and repair of streets.
¶ 4. Route extended.
¶ 5. Time of completion.
¶ 6. Rights reserved.
¶ 7. When to take effect.

An ordinance amending an ordinance entitled, "An ordinance regulating the use of the tracks of the North Chicago City Railway company in Evanston and Graceland avenues," adopted on the 2d day of April, A. D. 1883, and to authorize an extension thereof. (Passed and approved November 25, 1885. Accepted December 7, 1885.)

Preamble.] Whereas, the board of trustees of the town of Lake View have heretofore ordered and provided for the pavement of that portion of Evanston avenue lying between Diversey street and Belmont avenue, and the North Chicago City Railway Company, in pursuance of the provisions of section 4 of an ordinance entitled "An ordinance regulating the use of the tracks of the North Chicago City Railway Company in Evanston and Graceland avenues," adopted April 2d, 1883, has elected, with the consent of said board of trustees, to replace its present single track railway with a double track tram-railway over, upon and along the portion of said Evanston avenue aforesaid, and said double track has now been constructed.

And whereas, it is desirable that a double track with tram rails shall be laid in Evanston avenue, north of Belmont and in Graceland avenue in place of the T-rails now in use as fast as the said streets or parts thereof shall be paved or macadamized, therefore,

¶ 1. **Extension of grant.**] Be it ordained by the board of trustees of the town of Lake View: § 1. That the right of the North Chicago City Railway Company to maintain and use its tracks in Evanston and Graceland avenues is hereby extended and continued in force, subject, however, to the provisions hereinafter mentioned.

¶ 2. **Paving of streets.**] § 2. Said company shall take up the T rails now in use in said avenues and lay double tracks with tram rails north of Belmont avenue, and in any part thereof, when and at the same time the said avenues, or any part thereof, shall be paved

or macadamized by the town. The tracks shall be laid in the center of said streets as nearly as practicable.

¶ 3. **Improvement and repair of streets.**] § 3. Said company shall, as respects the paving or macadamizing of said streets, or parts thereof, improve and pave and thereafter keep in repair the space between the outside rails of the tracks, and shall make such improvement with like material in the same manner and at the same time as required as to the rest of the street not embraced in the said space, except that it may use stone or such other material as may hereafter be authorized by the board of trustees of said town, or its successors.

¶ 4. **Route extended.**] § 4. That permission and authority are hereby given to extend the tracks of the company now laid on Graceland avenue westward to Ashland avenue, and to operate the same; the same to be laid and operated for the conveyance of passengers before the first day of June, 1886.

¶ 5. **Time of completion.**] § 5. Said company may and shall also construct and operate a double track tram railway on Ashland avenue from Graceland avenue to Sulzer street, and connect such tracks with those laid on Graceland avenue, and operate the same for the conveyance of passengers within one year after the sewer shall be laid in that part of Ashland avenue. And the said tracks as reconstructed or extended shall be maintained and operated on the same terms and conditions as provided in said ordinance of April 2nd, 1883, and in sections 2 and 3 of this ordinance, but the fare for the conveyance of each passenger in either direction on the entire route between Diversey street and Sulzer street shall not exceed the sum of five cents.

¶ 6. **Rights reserved.**] § 6. That in granting the authority and permission aforesaid, the said town of Lake View reserves its chartered right to construct and repair sewers and drains, lay down and repair water or gas pipes on any of said streets or avenues, and to control its streets and crossings, and to grant at its pleasure, without condemnation proceedings or other let or hindrance whatsoever to any other person or corporation, the right of way over and across and over the said right of way and said tracks of the said North Chicago City Railway Company.

¶ 7. **When to take effect.**] § 7. That this ordinance shall take effect and be in force from and after its passage, provided that within ten days thereafter the said North Chicago City Railway Company shall signify, in writing, its acceptance of the same.

Note.—See following amendatory ordinance.

§ 624. North Chicago City Railway company.

¶ 1. Amending section 6 of foregoing ordinance.

An ordinance to amend section 6 of an ordinance regulating the use of Evanston and Graceland avenues by the North Chicago City Railway company, passed and approved November 25, 1885. (Passed and approved December 21, 1885. Accepted January 4, 1886.)

¶ 1. Amending section 6 of foregoing ordinance.] Be it ordained by the board of trustees of the Town of Lake View, that section 6 of an ordinance entitled, "An ordinance amending an ordinance entitled, 'An ordinance regulating the use of the tracks of the North Chicago City Railway Company in Evanston and Graceland avenues,' adopted on the second day of April, 1883, and to authorize an extension thereof," be amended so as to read as follows:

Section 6 as amended.] § 6. That in granting the authority and permission aforesaid, the said town of Lake reserves its chartered right to construct and repair sewers and drains, lay down and repair water or gas pipes on any of said streets or avenues, and to control its streets and crossings, and to grant at its pleasure, without condemnation proceedings or any other let or hindrance whatsoever, to any other person or corporation the right of way on the surface across, or at an elevation higher than the cars used by said railway along the said streets or right of way; but there shall be no right reserved to grant any such permission or authority for the use of the said street lengthwise on the surface, or the tracks of said railway company.

§ 625. North Chicago City Railway company.

¶ 1. Grant for extension of route.
¶ 2. Tracks, how laid.
¶ 3. Time of completion.
¶ 4. License fee.
¶ 5. Street improvements and repairs.
¶ 6. When to take effect.

An ordinance granting permission and authority to the North Chicago City Railway company to construct and operate a street railway. (Passed April 21, 1884. Accepted May 3, 1884.)

¶ 1. Grant for extension—route.] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof and the undertakings of the North Chicago City Railway Company to comply with the provisions herein contained, permission and authority is hereby given to said company to construct, maintain and operate a single track railway, with all the necessary side-tracks, turn-outs and switches, from its tracks on Lincoln avenue on and along Fullerton avenue to Racine avenue, thence on Racine avenue to Webster avenue, so as to connect with said company's track thereon; and the said company may maintain and operate said railways, upon the terms and conditions and subject to the re-

strictions mentioned in this ordinance, for the period of twenty years after the passage of this ordinance; and the rates of fare for any distance on the tracks of said company, whether on the lines herein authorized or heretofore constructed, shall not exceed five cents for each passenger for any continuous travel at one ride.

¶ 2. **Tracks, how laid.**] § 2. The tracks hereby authorized shall be laid south of and as near the center of the street as practicable; the cars shall be constructed with all the latest improvements for the comfort and convenience of passengers; shall be used for no other purpose than the transportation of passengers and their ordinary luggage, and shall be operated by animal power and not otherwise.

¶ 3. **Time of completion.**] § 3. The tracks shall be completed before the first day of November, 1884; Provided, that if the said company shall be delayed by the order or writ of any court from proceeding with the work, the time of such delay shall be excluded from the time prescribed herein for completing said railways, and if the said company shall fail to complete the tracks within the time mentioned the city may revoke the authority, so far as such tracks are not completed

¶ 4. **License fee.**] § 4. The North Chicago City Railway Company shall pay into the city treasury of said city, for the use of said city, the sum of $50, as an annual license fee, for each and every car used by said company on the railways hereby authorized. The number of cars upon which such license shall be imposed shall be determined and the license fee paid in the same manner as provided in an ordinance entitled, "An ordinance concerning street railways in the city of Chicago," passed July 30, 1883, and approved by the mayor August 6th, 1883.

¶ 5. **Street improvements and repairs.**] § 5. The said company shall, as respects the grading, paving, macadamizing, filling or planking of said streets or parts of streets upon which they shall construct their said railways, or any of them, keep eight feet in width, including the track, in good repair and condition during all the time to which the privileges hereby granted to said company shall extend, in accordance with whatever order or regulation respecting the ordinary repair thereof may be passed or adopted by the city council; and, whenever any new improvement shall be ordered by the city council therein, the said company shall make such new improvement with like material, in like manner and at the same time as required as to the rest of the street not embraced in the eight feet, except that it may use stone as now authorized, or such other material as may be hereafter authorized, by the city council of said city, for the space between the rails of said tracks.

¶ 6. **When to take effect.**] § 6. This ordinance shall take effect when it shall be accepted by said railway company, provided the same shall be accepted within thirty days after its passage

§ 626. North Chicago City Railway company.

¶ 1. Grant—extended and defined.
¶ 2. Conditions.
¶ 3. When to take effect.

An ordinance authorizing the North Chicago City Railway company to lay down, maintain and operate horse railways in Lincoln avenue and providing for extension and operating of the same on Ashland avenue to Graceland avenue in the town of Lake View. (Passed and approved September 2, 1885. Accepted September 7, 1885.)

¶ 1. Grant—extended and defined.] Be it ordained by the board of trustees of the town of Lake View: § 1. That authority and permission be and the same are hereby granted to the North Chicago City Railway Company to lay down, maintain and use a double track railway, to be operated by animal power, upon, over and along Lincoln avenue, from Wrightwood avenue northerly to Belmont avenue, with suitable and convenient extensions, curves, side tracks, turnouts and switches necessary for the operation of said tracks and their connection with the tracks now laid and in use by said company south of said Wrightwood avenue, without license fee, assessment or other exaction except as hereinafter set forth.

¶ 2. Conditions.] § 2. The authority and premission aforesaid are granted upon the following conditions, viz.:

1. That said North Chicago City Railway Company shall locate its said track or tracks as near the center of said avenue as may be reasonably practicable, and with proper regard to the public uses of said avenue, and lay down said track or tracks in a substantial and proper manner concurrently as near as may be ordered by the board of trustees of said town, or prior thereto, at the option of said company. That the space between the outer rails of said track or tracks shall be paved by and at the expense of said company, in conformity with the orders of said board of trustees for the pavement of said avenue, or with stone, as said company may elect, and the pavement between said outside rails shall be kept in good repair by and at the expense of said company.

2. The tracks of said company at all street intersections shall be so adjusted as to occasion no unnecessary obstructions to the crossing of the same.

3. Said company shall lay down its said track or tracks on Lincoln avenue to Belmont avenue aforesaid and begin to operate the same for the conveyance of passengers on or before the first day of November, 1885. Provided, said avenue shall be paved and the water, gas and sewer pipes laid therein and all connections made therewith by order of the board of trustees of said town at or prior to said date.

4. The regular fare for each passenger upon the lines of road hereby authorized, conveyed over the same or any part thereof, shall not exceed five cents in either direction; but said company shall be

required to keep at its office, or with its conductors, for sale to persons desiring the same, tickets good for thirty-three (33) rides at the rate and price of one dollar, entitling the holder thereof to thirty-three (33) rides in either direction upon the line of railway aforesaid between Wrightwood avenue and Belmont avenue.

5. That within five years from the first day of November, in the year one thousand eight hundred and eighty-five, or as soon thereafter as the sewer and water connections shall have been placed in Ashland avenue, the said North Chicago City Railway Company shall extend said tracks and lines of horse railway either by a single or double tracks from said terminus on Belmont avenue upon, over and along Ashland avenue, from Belmont avenue aforesaid to Graceland avenue, in said town of Lake View, and operate the same in the same manner and upon the same conditions, restrictions, limitations and reservations as are contained in this ordinance relative to Lincoln avenue; Provided, however, that when said track or tracks are completed and in operation and use from said Wrightwood avenue to Graceland avenue the fare along said route may be five cents for each passenger in either direction.

6. That in granting the authority and permission aforesaid, the town of Lake View specially reserves its chartered right to control its streets and crossings, and grant at its pleasure, without condemnation proceedings or other let or hindrance whatsoever, to any other person or corporation the right of way across the right of way and tracks of the said North Chicago City Railway Company.

¶ 3. When to take effect.] § 3. This ordinance shall take effect and be in force from and after its passage; Provided, said North Chicago City Railway Company shall, within ten days from the date of its passage, signify, in writing, its acceptance thereof.

Note.—See ordinance of May 17, 1886.

§ 627. North Chicago City Railway company.

¶ 1. Grant—term—fare.
¶ 2. Tracks, how laid.
¶ 3. Time of completion.
¶ 4. License fee.
¶ 5. Street improvements and repairs.
¶ 6. When to take effect.

An ordinance granting permission to the North Chicago City Railway company to construct and operate a street railway on Halsted street. (Passed December 9, 1885.)

¶ 1. Grant—term—fare.] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof and the undertakings of the North Chicago City Railway Company to comply with the provisions herein contained, permission and authority is hereby given to said company to construct, maintain and operate a double track railway, with all the necessary side-tracks, turnouts and switches, from its tracks on Clybourn avenue on and along

Halsted street, north to Fullerton avenue, so as to connect with said company's tracks on Lincoln avenue; and the said company may maintain and operate said railway, upon the terms and conditions and subject to the restrictions mentioned in this ordinance, for the period of twenty years after the passage of this ordinance; and the rates of fare for any distance on the tracks of said company, whether on the lines herein authorized or heretofore constructed, shall not exceed five cents for each passenger for any continuous travel at one ride.

¶ 2. **Tracks, how laid.**] § 2. The tracks hereby authorized shall be laid as near the center of the street as practicable, the cars shall be constructed with all the latest improvements for the comfort and convenience of passengers, shall be used for no other purpose than the transportation of passengers and their ordinary luggage, and shall be operated by animal power and not otherwise.

¶ 3. **Time of completion.**] § 3. The tracks hereby authorized shall be completed before the first day of November, 1886; Provided, that, if the said company shall be delayed by the order or writ of any court from proceeding with the work, the time of such delay shall be excluded from the time prescribed herein for completing said railways, and if the said company shall fail to complete the tracks within the time mentioned the city may revoke the authority so far as such tracks are not completed.

¶ 4. **License fee.**] § 4. The North Chicago City Railway Company shall pay into the city treasury of said city, for the use of said city, the sum of fifty dollars, as an annual license fee, for each and every car used by said company on the railways hereby authorized which has not been included for license fees for use on other lines. The number of cars upon which license shall be imposed shall be determined and the license fee paid in the same manner as provided in an ordinance entitled "An ordinance concerning street railways in the city of Chicago," passed July 30th, 1883, and approved by the mayor August 6th, 1883.

¶ 5. **Street improvements and repairs.**] § 5. The said company shall, as respects the grading, paving, macadamizing, filling or planking of said street or parts of streets upon which they shall construct their said railways, or any of them, keep sixteen feet in width, including the tracks, in good repair and condition, during all the time to which the privileges hereby granted to said company shall extend, in accordance with whatever order or regulation respecting the ordinary repair thereof may be passed or adopted by the city council; and, whenever any new improvement shall be ordered by the city council therein, the said company shall make such new improvement with like material, in like manner, and at the same time as required as to the rest of the street not embraced in the sixteen feet,

except that it may use stone as now authorized, or such other material as may be hereafter authorized, by the city council of said city, for the space between the rails of said tracks.

¶ 6. When to take effect.] § 6. This ordinance shall take effect when it shall have been accepted by said railway company; Provided the same shall be accepted within thirty days after its passage.

§ 628. North Chicago City Railway company.

¶ 1. Joint grant—term—rate of fare.
¶ 2. Tracks, how laid.
¶ 3. Time of completion.
¶ 4. License fee.
¶ 5. Street improvements—repairs, etc.
¶ 6. When to take effect.

An ordinance granting authority to the North Chicago City Railway company and the Chicago West Division Railway company to make connections between their lines on North Halsted street bridge. (Passed March 1, 1886.)

¶ 1. Joint grant—term—rate of fare.] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof, and the undertaking of the North Chicago City Railway Company and the Chicago West Division Railway Company, respectively, to comply with the provisions herein contained, permission and authority is hereby given to the North Chicago City Railway Company to construct, maintain and operate a double track railway on North Halsted street, with all the necessary side tracks, turnouts and switches, from the intersection of said Halsted street with Clybourn avenue, on and along said Halsted street, to the center of the north branch of the Chicago river, at such points and in such way that they make connections with the tracks of the Chicago West Division Railway Company, at such center of the river, thereby making continuous lines of railways on North Halsted street, between the north and west divisions of said city; and for this purpose the last named company is hereby authorized to construct, maintain and operate a double track railway, with all the necessary side-tracks, turnouts and switches, from the present point of intersection of the tracks of the last named company on North Halsted street with Indiana street, in and along North Halsted street, to the center of the north branch of the Chicago river; and said companies may respectively maintain, and operate jointly or separately, as they may agree, said railway tracks, upon the terms and conditions and subject to the restrictions mentioned in this ordinance, for the period of twenty years after the passage hereof; and the rate of fare for any distance, on the cars of said companies, operated on the tracks hereby authorized or heretofore constructed or authorized to be constructed on said North Halsted street, shall not exceed five cents for each passenger for any continuous passage of one ride; and, when any car on said North Halsted street shall not run for the full length of the tracks used by either or both of said companies, a transfer ticket shall be

given to each passenger who shall have paid fare, and shall request the same, which shall be good to such passenger for the fare, if presented at the next following car, at the place of such transfer, in any other Halsted street car, running on North and South Halsted street, in the same direction, and not otherwise, so as to make the fare five cents for a continuous passage in the same direction on North and South Halsted street.

¶ 2. **Tracks, how laid.**] § 2. The tracks hereby authorized shall be laid as near the center of the street as may be practicable, and the cars to be used shall be equal to those now in use by said companies, and shall be used for no other purpose than the transportation of passengers and their ordinary luggage, and shall be operated by animal power, and not otherwise.

¶ 3. **Time of completion.**] § 3. The tracks hereby authorized shall be completed before the first day of November, 1888; Provided, however, that, if the said companies, or either of them, shall be delayed by the order or writ of any court from proceeding with the work, suitable time, equal to the time of such delay, shall be added to the time herein prescribed for the completion of said tracks; but if, otherwise, the said companies, or either of them, shall fail to complete the said tracks within the time mentioned, the city may revoke the authority so far as such tracks are not completed.

¶ 4. **License fee.**] § 4. Each of said companies, respecting the license fees which may be respectively imposed on said companies or on the cars operated on the tracks hereby authorized, shall be subject to the provisions of section one of an ordinance entitled, "An ordinance concerning street railways in the city of Chicago," passed July 30th, 1883, and approved by the mayor August 6th, 1883."

¶ 5. **Street improvements, repairs, etc.**] § 5. Said companies, respectively, as respects the grading, paving, macadamizing, filling or planking of said North Halsted street, or parts thereof, upon which they shall construct their said railways, or any of them, shall keep sixteen feet in width, including the tracks, in good repair and condition during all the time to which the privileges hereby granted shall extend, in accordance with whatever order or regulation respecting the ordinary repairs thereof may be passed or adopted by the city council; and, when any new improvements shall be ordered by the city council thereon, the said companies shall respectively make such new improvements with like materials and in like manner and at the same time as required as to the rest of the street not embraced in the sixteen feet, except that they may use stone as now authorized, or such other material as may be hereafter authorized, by the city council of said city, for the space between the rails of said tracks; and as respects the crossing of the tracks of said companies, or either of them, over a bridge or viaduct, or approaches thereto, and the construction, improvement

or repair of the same, such company shall only be required to plank or pave and keep in repair the space occupied by its tracks, the planking or paving to be done in the manner to be agreed upon between such company and the commissioner of public works.

¶ 6. When to take effect.] § 6. This ordinance shall take effect when it shall have been accepted by said railway companies, provided the same shall be accepted within thirty days after its passage.

§ 629. North Chicago City Railway company.

¶ 1. Grant—term—rate of fare.
¶ 2. Style of cars—passenger traffic, etc.
¶ 3. Time of completion.
¶ 4. License fee.
¶ 5. Street improvement—repairs.
¶ 6. When to take effect.

An ordinance granting permission to the North Chicago City Railway company to construct and operate a street railway on certain streets therein named. (Passed March 15, 1886. Accepted March 29, 1886.)

¶ 1. Grant—term—rate of fare.] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof, and the undertakings of the North Chicago City Railway Company to comply with the provisions herein contained, permission and authority is hereby given to said company to construct, maintain and operate a double-track railway, with all the necessary side-tracks, turnouts and switches, from its tracks on Chicago avenue, on and along Market street to the intersection of Illinois, and a single track from the intersection of Illinois street, on and along said Market street to Michigan street, and thence on and along Michigan street to the intersection of Wells street and also a single track, from Market street, on and along Illinois street to Wells street, and to connect the last-named tracks with the tracks now used by said company on Wells street; and said company may maintain and operate said railway tracks upon the terms and conditions and restrictions mentioned in this ordinance for the period of twenty years after the passage of this ordinance.

And the rates of fare for any distance on the tracks of said company, whether on the lines hereby authorized or heretofore constructed, shall not exceed five cents for each passenger for any continuous travel at one ride.

¶ 2. Style of cars—passenger traffic, etc.] § 2. The tracks hereby authorized shall be laid as near the center of the street as practicable, the cars shall be constructed with all the latest improvements for the comfort and convenience of passengers, shall be used for no other purpose than the transportation of passengers and their ordinary luggage, and shall be operated by animal power and none other.

¶ 3. Time of completion.] § 3. The tracks hereby author-

ized shall be completed before the first day of November, 1886; provided, that if the said company shall be delayed by the order or writ of any court from proceeding with the work, the time of such delay shall be excluded from the time prescribed herein for completing said railways, and if the said company shall fail to complete the tracks within the time mentioned, the city may revoke the authority so far as such tracks are not completed.

¶ 4. **License fee.**] § 4. The North Chicago City Railway Company shall pay into the city treasury of said city, for the use of said city, the sum of fifty dollars as an annual license fee for each and every car used by said company on the railways hereby authorized which has not been included for license fees for use on other lines. The number of cars upon which license shall be imposed shall be determined, and the license fee paid in the same manner as provided in and ordinance entitled "An ordinance concerning street railways in the city of Chicago," passed July 30th, 1883, and approved by the mayor August 6th, 1883.

¶ 5. **Street improvements—repairs.**] § 5. The said company shall, as respects the grading, paving, macadamizing, filling or planking of said streets, or parts of streets, upon which they shall construct their said railways, or any of them, keep sixteen feet in width, including the tracks, where they have a double track, and eight feet in width, including the track, where a single track is used, in good repair and condition, during all the time to which the privileges hereby granted to said company shall extend, in accordance with whatever order or regulation, respecting the ordinary repairs thereof, may be passed or adopted by the city council; and whenever any new improvement shall be ordered by the city council therein, the said company shall make such new improvement with like material, in like manner, and at the same time as required as to the rest of the street not embraced in the sixteen or eight feet, except that it may use stone as now authorized, or such other material as may be hereafter authorized by the city council of said city, for the space between the rails of said tracks.

¶ 6. **When to take effect.**] § 6. This ordinance shall take effect when it shall have been accepted by the railway company aforesaid, provided the same shall be accepted within thirty days after its passage.

§ 630. North Chicago City Railway company.

¶ 1. Grant.
¶ 2. Conditions.
¶ 3. When in force.

An ordinance authorizing the North Chicago City Railway company to lay down, maintain and operate horse railways in Halsted street in the town of Lake View. (Passed April 12, 1886. Accepted April 19, 1886.)

¶ 1. **Grant.**] Be it ordained by the board of trustees of the town of Lake View: § 1. That authority and permission be, and the

same are hereby, granted to the North Chicago City Railway Company to lay down, maintain and use a double-track railway to be operated by animal power, upon, over and along Halsted street from Fullerton avenue north to Belmont street, with suitable and convenient extensions, curves, side-tracks, turnouts and switches, necessary for the operation of said tracks, and their connection with the track now laid and in use by said company or hereafter laid and used south of said Fullerton avenue, without license fee, assessment or other exaction, except as hereinafter set forth.

¶ 2. **Conditions.**] § 2. The authority and permission aforesaid are granted upon the following conditions, viz.:

1. That North Chicago City Railway Company shall locate its said track or tracks as near the center of said street as may be reasonably practicable, and with proper regard to the public uses of said street, and lay down said track or tracks in a substantial and proper manner, concurrently as near as may be with the paving of said street, as such paving may be ordered by the board of trustees of said town; that the space between the outer rails of said track or tracks shall be paved by and at the expense of said company in conformity with the order of said board of trustees for the pavement of said street, or with stone, as said company may elect, and the pavement between said outside rails shall be kept in good repair by and at the expense of said company.

2. The tracks of said company at all street intersections shall be so adjusted as to occasion no unnecessary obstruction to the crossing of the same.

3. Said company shall lay down said track or tracks in Halsted street aforesaid and begin to operate the same for the conveyance of passengers on or before the first day of November, 1886; Provided, said street shall be paved and the water, gas and sewer pipes laid therein and all connections made therewith by order of the board of trustees of said town at or prior to said date.

4. The regular fare for each passenger upon the line hereby authorized conveyed thereon and from or to any point on the connecting lines of said company for one continuous ride in the same car, shall be five cents.

5. That in granting the authority and permission aforesaid, the town of Lake View specially reserves its chartered right to control its streets and crossings, and grant at its pleasure, without condemnation proceedings or other let or hindrance whatsoever, to any other person or corporation the right of way across the right of way and tracks of the said North Chicago City Railway Company.

¶ 3. **When in force.**] § 3. This ordinance shall take effect or corporation, the right of way across the right of way and tracks of the said North Chicago City Railway Company.

§ 631. North Chicago City Railway company.

¶ 1. Grant.
¶ 2. Conditions.
¶ 3. Repeal of part of ordinance of May 17, 1886.
¶ 4. When to take effect.

An ordinance authorizing the North Chicago City Railway company to lay down, maintain and operate horse railways in Belmont avenue between Lincoln and Western avenues in the town of Lake View. (Passed and approved May 17, 1886.)

¶ 1. Grant.] Be it ordained by the board of trustees of the and be in force from and after its passage; provided, said North Chicago City Railway Company shall within ten days from the date of its passage signify in writing its acceptance thereof.

¶ 2. Conditions.] § 2. The authority and permission aforetown of Lake View: § 1. That authority and permission be and are hereby granted to the North Chicago City Railway Company to lay down, maintain and use a single or double track railway with a tram rail, to be operated by animal power, upon and over Belmont avenue, from a point of connection with the tracks of said company in Lincoln avenue to Western avenue, with suitable and convenient extensions, curves, side-tracks, turnouts and switches necessary for the operation of said tracks and their connections with the tracks now laid and in use by said company on Lincoln avenue, without license fee, assessment or exaction except as is hereinafter set forth.
said are granted upon the following conditions, viz.:

First. That said North Chicago City Railway Company shall locate its said tracks as near the center of said avenue as may be reasonably practicable and with proper regard to the public uses of said street, and lay down said track or tracks in a substantial and proper manner, and that the space between lines parallel with and eight inches on the outside of the outer rails of said track or tracks shall be paved by the said company in conformity with the order of said board of trustees for the pavement of said street, or with stone, as said company may elect, and the pavement between such parallel lines shall be kept in good repair by and at the expense of said company.

Second. The tracks of said company at all street intersections shall be so constructed as to occasion no unnecessary obstruction to the crossing of the same.

Third. Said company shall lay down at least one of said tracks in Belmont avenue aforesaid and begin to operate the same for the convenience of passengers on or before the first day of November, 1886, and whenever the said board of trustees shall order or direct said avenue on said line to be paved said company shall lay double tracks thereon.

Fourth. The regular fare for each passenger on the line hereby authorized conveyed thereon and from or to any point between the

said Lincoln and Western avenues for one continuous ride in the same car, shall be five cents.

Fifth. That in granting the authority and permission aforesaid the town of Lake View specially reserves its chartered rights to control its streets and crossings and grant at its pleasure, without condemnation proceedings or other let or hindrance whatsoever, to any other person or corporation, the right of way across the right of way and tracks of the said North Chicago City Railway Company.

¶ 3. Repeal of part of ordinance of May 17, 1886.] § 3. The fourth provision under section two of an ordinance authorizing the North Chicago City Railway Company to lay down, maintain and operate horse railways in Lincoln avenue and providing for extension and operating of the same in Ashland avenue to Graceland avenue in the town of Lake View, adopted September 2nd, 1885, is hereby repealed, and after this ordinance shall have been accepted by said company as hereinafter provided, the regular fare for each passenger upon the line of the North Chicago City Railway Company from the starting point of the cars of said company on South Clark street, between Randolph and Washington, in the city of Chicago, to Belmont avenue, by the way of Lincoln avenue, shall not exceed five cents in either direction.

¶ 4. When to take effect.] § 4. This ordinance shall take effect and be in force from and after its passage, provided said North Chicago City Railway Company shall within ten days from the date of its passage signify in writing its acceptance thereof.

§ 632. North Chicago City Railway company

¶ 1. Grant for cable power.
¶ 2. Excavations—conditions.
¶ 3. Cars—how operated.
¶ 4. When in force.

An ordinance authorizing the North Chicago City Railway company to operate its various lines by cable power or stationary engines. (Passed June 7, 1886. Accepted June 28, 1886.)

¶ 1. Grant for cable power.] Be it ordained by the city council of the city of Chicago: § 1. That the North Chicago City Railway Company, or its lessee or assignee, may hereafter operate its various lines of railways, or any of them, or any part thereof, by stationary engine or engines, not located on the public streets or public places on the street, and propelled by other than animal power.

¶ 2. Conditions—excavations.] § 2. That the said North Chicago City Railway Company may, for said purposes, make all needful and convenient curves, trenches, excavations and sewer connections, and may place all needful and convenient cables and machinery on any streets upon which its railways are now constructed. Such cables and machinery shall be underground and constructed in a sub-

stantial and workmanlike manner, of most approved method and convenience, so as not to interfere with public travel.

Provided, that if in the construction of said trenches and excavations, any damage or injury shall result to any of the sewers, water pipes or private drains, then said company shall pay and be held liable therefor; and if, at any time, by reason of the permission hereby granted and the making of said trenches, and running of said cables, any injury or damages shall result to any person or property, then said company shall be liable therefor; and also, that all needful and convenient connections with the motive power or engines, shall be subject to the same restrictions. Also, that the aperture opening into said trenches shall not exceed five-eighths of an inch in width.

¶ 3. **Cars, how operated.**] § 3. As respects conductors and managers of its cars, said North Chicago City Railway Company may operate not exceeding two cars and the grappling-car, with one driver in charge of the grip-car, and one conductor in charge of each additional car. Provided, however, nothing herein shall be construed into a waiver or relinquishment by the city of Chicago or by the North Chicago City Railway Company, of any rights or privileges either may have under or in pursuance of any law or ordinance heretofore passed in reference to said North Chicago City Railway Company, or in pursuance of any charter rights of said city, except as heretofore stated.

¶ 4. **When in force.**] § 4. This ordinance shall be in force from and after its passage.

Note.—See following supplementary ordinance.

§ 633. North Chicago City Railway company.

Preamble.
¶ 1. Requiring frontage consents.

A supplement to an ordinance entitled "An ordinance authorizing the North Chicago City Railway company to operate its cars by other than animal power." (Passed June 14, 1886. Accepted June 28, 1886.)

Preamble.] Whereas, The city council of the city of Chicago passed an ordinance on the seventh day of June, 1886, entitled "An ordinance authorizing the North Chicago City Railway Company to operate its cars by other than animal power;" and,

Whereas, said company has requested the city council to pass a supplement thereto, agreeing to accept the same and make it a part of the ordinance already passed; now, therefore,

¶ 1. **Requiring frontage consents.**] Be it ordained by the city council of the city of Chicago: § 1. That the provisions of said ordinance shall not apply to Division street, between Clark and State streets, and State street, between Division and Kinzie streets, unless the owners of more than one-half of the frontage on said streets, between Clark street and Kinzie street, shall present a petition to said

company asking that the cars of the street railway company be operated on the same in the manner therein provided.

§ 634. North Chicago City Railway company.

¶ 1. Grant—route—cable power—fare.
¶ 2. Excavations—indemnity.
¶ 3. Time of completion.
¶ 4. How operated.
¶ 5. Rights forfeited, when.
¶ 6. When in force—acceptance.

An ordinance authorizing the North Chicago City Railway company to operate its cars on Lincoln avenue between Fullerton and Wrightwood avenues by other than animal power. (Passed and approved August 2, 1886. Accepted August 16, 1886.)

¶ 1. Grant—route—cable power—fare.] Be it ordained by the board of trustees of the town of Lake View: § 1. That the North Chicago City Railway Company or its lessee or assignee may hereafter operate its lines of railway on Lincoln avenue between Fullerton and Wrightwood avenues, by stationary engine or engines not located on public streets or public places on the street, and propelled by other than animal power; Provided, that immediately upon the acceptance of this ordinance by the said railway company as hereinafter provided the regular fare for each passenger conveyed upon the said line from or to any point in the connecting lines of the said company for a continuous ride, shall be five cents.

¶ 2. Excavations—indemnity.] § 2. That the said North Chicago City Railway Company may for such purposes make all needful and convenient curves, trenches, excavations and sewer connections, and may place all needful and convenient cables and machinery upon any streets upon which its railways are now constructed. Such cables and machinery shall be underground and constructed in a substantial and workmanlike manner, of most approved method and convenience, so as not to interfere with public travel.

Provided, that if in the construction of such trenches and excavations any damage or injury shall result to any of the sewers, water pipes, private drains, then the said company shall pay and be held liable therefor, and if at any time, by reason of the permission hereby granted, and the making of said trenches and running of said cables, any injury or damages shall result to any person or property, then said company shall be held liable therefor, and also that all needful and convenient connections with the motive power or engine shall be subject to the same restrictions; also that the aperture opening in said trenches shall not exceed five-eighths of an inch in width.

¶ 3. Time of completion.] § 3. The said company shall begin the operation of its cars in the manner herein authorized at such time as it shall have begun to operate its cars in like manner on Lincoln avenue north to Fullerton avenue, and construct such trenches.

excavations, sewer connections, cables and machinery to Wrightwood avenue.

¶ 4. **How operated.**] § 4. As respects conductors and managers of its cars, said North Chicago City Railway Company may operate not exceeding two cars and a grappling car, with one driver in charge of the grip car and one conductor in charge of each additional car.

Provided, however, nothing herein shall be construed into a waiver or relinquishment by the town of Lake View, or by the North Chicago City Railway Company, of any rights or privileges either may have under or in pursuance of any law or ordinance heretofore passed in reference to said North Chicago City Railway Company, or in pursuance of any charter rights of said town, except as heretofore stated.

¶ 5. **Rights forfeited, when.**] § 5. The rights and privileges herein granted are upon the express condition that any failure upon the part of said company to fulfill all and singular the provisions hereof shall, at the option of the board of trustees, or their successors, work a forfeiture of such rights and privileges.

¶ 6. **When in force—acceptance.**] § 6. This ordinance shall take effect and be in force from and after its passage; Provided, said North Chicago City Railway Company shall, within ten days from the date of its passage, signify in writing its acceptance thereof, and also its acceptance of an ordinance entitled "An ordinance authorizing the North Chicago City Railway Company to lay down, maintain and operate horse railways in Halsted street in the town of Lake View," passed the second day of August, 1886, and also its acceptance of another ordinance entitled "An ordinance authorizing the North Chicago City Railway Company to operate its cars on Clark street between Fullerton avenue and Diversey street by other than animal power," passed the second day of August, 1886, and also its acceptance of another ordinance entitled "An ordinance authorizing the North Chicago City Railway Company to construct a horse railway on Clark street to the north line of the town of Lake View," passed the second day of August, 1886.

§ 635. North Chicago City Railway company.

¶ 1. Grant—motive power.
¶ 2. Excavation—construction.
¶ 3. Time of completion.
¶ 4. Subject to ordinances.
¶ 5. Rights forfeited, when.
¶ 6. When in force—acceptance.

An ordinance authorizing the North Chicago City Railway company to operate its cars on Clark street between Fullerton avenue and Diversey street by other than animal power. (Passed and approved August 2, 1886. Accepted August 16, 1886.)

¶ 1. **Grant—motive power.**] Be it ordained by the board of trustees of the town of Lake View: § 1. That the North Chicago City Railway Company, or its lessee or assignee, may hereafter operate its line of railway on Clark street between Fullerton avenue and Diversey street by stationary engine or engines not located on the public streets or public places on the street, and propelled by other than animal power.

¶ 2. **Excavations—construction.**] § 2. That the said North Chicago City Railway Company may for such purposes make all needful and convenient curves, trenches, excavations and sewer connections, and may place all needful and convenient stables and machinery upon any streets upon which its railways are now constructed. Such cables and machinery shall be underground and constructed in a substantial and workmanlike manner of most approved method and convenience, so as not to interfere with public travel.

Provided, that if in the construction of such trenches and excavations any damages or injury shall result to any of the sewers, water pipes, private drains, then said company shall pay and be held liable therefor, and if at any time, by reason of the permission hereby granted and the making of said trenches and running of said cables, any injury or damages shall result to any person or property, then said company shall be held liable therefor; and, also, that all needful and convenient connections with the motive power or engine shall be subject to the same restrictions; also, that the aperture opening into said trenches shall not exceed five-eighths of an inch in width.

¶ 3. **Time of completion.**] § 3. The said company shall begin the operation of its cars in the manner herein authorized at such time as it shall have begun to operate its cars in like manner on Clark street north to Fullerton avenue, and such further time as may be necessary by the use of reasonable diligence to construct such trenches, excavations, sewer connections, cables and machinery to Diversey street.

¶ 4. **Subject to ordinances.**] § 4. As respects conductors and managers of its cars, said North Chicago City Railway Company may operate not exceeding two cars and a grappling car, with one driver in charge of the grip car and one conductor in charge of each additional car

Provided, however, nothing herein shall be construed into a waiver or relinquishment by the town of Lake View, or by the North Chicago City Railway Company, of any rights or privileges either may have under or in pursuance of any law or ordinance heretofore passed in reference to said North Chicago City Railway Company, or in pursuance of any charter rights of said town, except as heretofore stated.

¶ 5. **Rights forfeited, when.**] § 5. The rights and privileges herein granted are upon the express condition that any failure upon

the part of said company to fulfill all and singular the provisions hereof shall, at the option of the board of trustees or their successors, work a forfeiture of such rights and privileges.

¶ 6. When in force—acceptance.] § 6. This ordinance shall take effect and be in force from and after its passage.

Provided, said North Chicago City Railway Company shall within ten days from the date of its passage signify in writing its acceptance thereof, and also its acceptance of the ordinance entitled "An ordinance authorizing the North Chicago City Railway Company to lay down, maintain and operate horse railways in Halsted street in the town of Lake View," passed the second day of August, 1886; and also its acceptance of another ordinance, entitled, "An ordinance authorizing the North Chicago City Railway Company to operate its cars on Lincoln avenue, between Fullerton and Wrightwood avenues, by other than animal power," passed the second day of August, 1886; and, also, its acceptance of another ordinance, entitled, "An ordinance authorizing the North Chicago City Railway Company to construct a horse railway on Clark street to the north line of the town of Lake View," passed the second day of August, 1886.

§ 636. North Chicago City Railway company.

¶ 1. Grant—term—route.
¶ 2. Tracks, how laid.
¶ 3. Time of completion.
¶ 4. Operated by driver only.
¶ 5. Repair of streets—improvement.
¶ 6. Running time and speed regulated.
¶ 7. Rate of fare.
¶ 8. Indemnity clause.
¶ 9. Rights reserved.
¶ 10. Rights forfeited, when.
¶ 11. When in force—acceptance.

An ordinance authorizing the North Chicago City Railway company to construct a horse railway on Clark street to the north line of the town of Lake View. (Passed and approved August 2, 1886. Accepted August 16, 1886.)

¶ 1. Grant—term—route.] Be it ordained by the board of trustees of the town of Lake View: § 1. That in consideration of the acceptance hereof and the undertaking of the North Chicago City Railway Company to comply with the provisions herein contained, permission and authority is hereby given to the said company to construct, maintain and operate for a period of twenty years a double track street railway on Clark street between Diversey street and the north line of the town of Lake View, and to operate the same by animal power with suitable and convenient extensions, curves, side tracks, turnouts, turntables and switches necessary for the operation of the cars and tracks and their connections with the tracks of the said company.

¶ 2. Tracks, how laid.] § 2. The tracks of said railway shall

not be elevated in said streets above the surface of the streets and shall be laid with modern improved rails in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction and the rails to be used shall be such kind or character as are required by the ordinances of said town. Each of said tracks shall be laid as near the center of said street as practicable and shall not be laid within twelve feet of the sidewalk in any place, except in turning street corners or constructing curves and then no nearer than may be required to make the necessary curves, and the cars shall be constructed with all the latest improvements for the comfort and convenience of passengers, and shall be used for no other purpose than the transportation of passengers.

¶ 3. **Time of completion.**] § 3. The company shall lay down said tracks and begin to operate its cars for the convenience of passengers to Lawrence avenue within three months, and to the north line of the town of Lake View within three years after the passage of this ordinance. Provided, that if said company shall be delayed by the writ of injunction of any court from proceeding with the work, the time of such delay shall be excluded from the time prescribed herein for completing said tracks. Provided, however, that the board of trustees, or their successors, may direct the town attorney of said town to intervene in any such suit and move for the dissolution of such injunction.

Provided, further, that any delay exceeding six months occasioned by the writ of injunction sued out by the Rose Hill and Evanston Toll Road Company, or its assigns, or by any person whose application for such injunction shall be based on any supposed rights of said toll road company, shall not be excluded from the time within which said cars shall be operated as aforesaid.

Provided, further, that if during the delay contemplated by the last preceding proviso the said company shall have shown due diligence and good faith in endeavoring to obtain a dissolution of such injunction, if any shall be issued, and shall have made all reasonable efforts to that end, then such further time to operate said cars shall be granted as said board of trustees may deem expedient and proper.

¶ 4. **Operated by driver only.**] § 4. The said company shall have the right to operate the said cars with a driver only and when so operated shall place in the car a box in which the passengers shall deposit their fare. Provided, however, that the said cars when so operated shall be arranged with a patent fare collector, patent signal strap for stopping the car, and patent door opener, by which the door in the rear of the car may be opened or closed by the driver from the front platform.

¶ 5. **Repair of streets—improvement.**] § 5. The said company as to the parts of said street in and upon which its said railway may be laid, shall keep sixteen feet in width in good

condition and repair, during all the time to which the privileges hereby granted shall be extended, in accordance with whatever order, ordinance, or regulation, may be passed or adopted by the board of trustees, or their successors, in relation to such repairing, and when any new improvement shall be ordered by the board of trustees or their successors, of the said street the said railway company shall, in the manner which may be required of the owners of property fronting on said parts of said street, make such new improvements for the width of sixteen feet, and if said company shall refuse or fail so to do, the same may be done by the board of trustees, or their successors, and the company shall be liable to the town of Lake View for the cost thereof; Provided, said improvement, if a pavement shall be made with stone, if said company shall so select.

¶ 6. **Running time and speed regulated.**] § 6. The board of trustees or their successors may regulate the time or times of running the said cars, and their rate of speed, but the said company until such regulation shall be so made shall run said cars as often as every fifteen minutes each way, during the part of the day when it is usual for cars to run.

¶ 7. **Rate of fare.**] § 7. The regular fare for each passenger shall not exceed five cents for one continuous ride in one direction south of Belmont avenue, on the connecting lines of the said company; and five cents for one continuous ride in one direction north of Belmont avenue on the connecting lines of the said company. But said company shall be required to keep at its office, or with its conductors for sale to persons desiring the same, tickets good for thirty-three rides at the rate and price of one dollar, entitling the holder thereof to thirty-three rides in either direction upon the line of railway aforesaid, between Diversey street and Lawrence avenue.

¶ 8. **Indemnity clause.**] § 8. The said company shall forever indemnify and save harmless the town of Lake View from all legal damages, judgments, decrees, costs and expenses of the same which it may suffer or which may be recovered or obtained against said town, for or by reason of or granting of or resulting from the passage of this ordinance or any matter or thing connected herewith, and with the exercise by this company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance; and the said railway company shall pay all the damages to the owners of property abutting on said street, upon or over which its said road is to be constructed, which said owners may sustain by reason of the location or construction of said company's road.

¶ 9. **Rights reserved.**] § 9. The board of trustees, or their successors, shall have the right to lay all sewers or water mains in said street which may be required from time to time, but in case of the displacement or removal of said tracks by the board of trustees, or their

successors, for such purpose, then the same shall be replaced in as good condition as they were before said displacement, and the expense thereof to be paid by said town.

¶ 10. Rights forfeited, when.] § 10. The rights and privileges herein granted are upon the express condition that any failure upon the part of said company to fulfill all and singular the provisions hereof, shall at the option of the board of trustees or their successors, work a forfeiture of such rights and privileges.

¶ 11. When in force—acceptance.] § 11. This ordinance shall take effect and be in force from and after its passage.

Provided, said North Chicago City Railway Company shall within ten days from the date of its passage, signify in writing, its acceptance thereof, and also its acceptance of the ordinance entitled "An ordinance authorizing the North Chicago City Railway Company to lay down, maintain and operate horse railways in Halsted street in the town of Lake View, passed the 2d day of August, 1886, and also its acceptance of another ordinance entitled, "An ordinance authorizing the North Chicago City Railway Company to operate its cars on Clark street between Fullerton avenue and Diversey street by other than animal power," passed the 2d day of August, 1886, and also its acceptance of another ordinance entitled, "An ordinance authorizing the North Chicago Street Railway Company to operate its cars on Lincoln avenue between Fullerton and Wrightwood avenues by other than animal power," passed the 2d day of August, 1886.

§ 637. North Chicago City Railway company.

¶ 1. Grant—term—route.
¶ 2. Conditions of grant.
¶ 3. Forfeiture.
¶ 4. Repeal of ordinance of April 12, 1886.
¶ 5. When in force—acceptances.

An ordinance authorizing the North Chicago City Railway company to lay down, maintain and operate horse railways in Halsted street in the town of Lake View. (Passed and approved August 2, 1886. Accepted August 16, 1886.)

¶ 1. Grant—term—route.] Be it ordained by the board of trustees of the town of Lake View: § 1. That authority and permission be and the same are hereby granted to the North Chicago City Railway Company to lay down, maintain and use a double track railway to be operated for a period of twenty years by animal power, upon, over and along Halsted street from Fullerton avenue north to a point two hundred feet north of the easterly line of Clark street, with suitable and convenient extensions, curves, side tracks and their connection with the track now laid and in use by said company, or hereafter laid and used south of Fullerton avenue, without license, fee, assessment or other exaction, except as hereinafter set forth.

¶ 2. Conditions of grant.] § 2. The authority and permis-

sion aforesaid are granted upon the following conditions, viz.: 1. That the said North Chicago City Railway Company shall locate its said track or tracks as near the center of said street as may be reasonably practicable and with proper regard to the public uses of said street and lay down said track or tracks in a substantial and proper manner concurrently as near as may be with the paving of said street, as such paving may be ordered by the board of trustees of said town.

2. The said company as to the parts of said street in and upon which its said railway may be laid, shall keep sixteen feet in width in a good condition and repair, during all the time to which the privileges hereby granted shall be extended in accordance with whatever order, ordinance or regulation, may be passed or adopted by the board of trustees or their successors, in relation to such repairing, and when any new improvement shall be ordered by the board of trustees or their successors, of the said street, the said railway company shall in the manner which may be required of the owners of property fronting on said parts of said street, make such new improvement for the width of sixteen feet, and if said company shall refuse or fail to do so, the same may be done by the board of trustees or their successors, and the company shall be liable to the town of Lake View for the cost thereof; Provided, said improvement, if a pavement may be made with stone, if said company shall so elect.

3. The tracks of said company at all street intersections shall be so adjusted as to occasion no unnecessary obstruction to the crossing of the same.

4. Said company shall lay down said track or tracks in Halsted street aforesaid and begin to operate the same for the conveyance of passengers on or before the first day of November, 1886; Provided, said street shall be paved and the water, gas and sewer pipes laid therein and all connections made therewith by order of the board of trustees of said town at or prior to said date.

5. The regular fare for each passenger upon the line hereby authorized conveyed thereon and from or to any point on the connecting lines of said company for one continuous ride shall be five cents.

6. That in granting the authority and permission aforesaid, the town of Lake View specially reserves its chartered rights to control its streets and crossings, and grant at its pleasure, without condemnation proceedings, or other let or hindrance whatsoever, to any other person or corporation the right of way across the right of way and tracks of the said North Chicago City Railway Company.

¶ **3. Forfeiture.**] § 3. The rights and privileges herein granted are upon the express condition that any failure upon the part of said company to fulfill all and singular the provisions hereof, shall at the option of the board of trustees or their successors, work a forfeiture of such rights and privileges.

¶ **4. Repeal of ordinance of April 12, 1886.**] § 4. An or-

dinance entitled "An ordinance authorizing the North Chicago City Railway Company to lay down, maintain, and operate horse railways on Halsted street," passed and approved April 12, 1886, is hereby repealed.

¶ 5. **When in force—acceptances.**] § 5. This ordinance shall take effect and be in force from and after its passage.

Provided, said North Chicago City Railway Company shall, within ten days from the date of its passage, signify in writing its acceptance thereof, and also its acceptance of the ordinance entitled "An ordinance authorizing the North Chicago City Railway Company to operate its cars on Lincoln avenue, between Fullerton and Wrightwood avenues, by other than animal power," passed the 2nd day of August, 1886, and also its acceptance of another ordinance entitled "An ordinance authorizing the North Chicago City Railway Company to operate its cars on Clark street, between Fullerton avenue and Diversey street by other than animal power," passed the 2d day of August, 1886, and also its acceptance of another ordinance entitled "An ordinance authorizing the North Chicago City Railway Company to construct a horse railway on Clark street to the north line of the town of Lake View," passed the 2d day of August, 1886.

§ 638. North Chicago City Railway company

¶ 1. Grant.
¶ 2. Tracks, how laid.
¶ 3. Tracks to be promptly laid.
¶ 4. Rate of fare.
¶ 5. Street improvements and repairs.
¶ 6. Running time and speed regulated.
¶ 7. Indemnity clause.
¶ 8. Street sprinkling.
¶ 9. Forfeiture.
¶ 10. When to take effect.

An ordinance authorizing the North Chicago City Railway company to lay down, maintain and operate horse railways in Evanston avenue between Graceland avenue and a point four hundred feet north of the center line of Sulzer street in the town of Lake View. (Passed August 8, 1887.)

¶ 1. **Grant.**] Be it ordained by the city council of the city of Lake View: § 1. That in consideration of the acceptance hereof, and the undertaking of the North Chicago City Railway Company to comply with the provisions herein contained, permission and authority is hereby given to the said company to construct, maintain and operate for a period of twenty years, a double track street railway upon and over Evanston avenue from a point of connection with the tracks of said company in Evanston avenue near Graceland avenue, as they are now used and operated, and a point four hundred feet north of the center line of Sulzer street, in the city of Lake View, and to operate the same by animal power with suitable and convenient extensions, curves, side tracks, turnouts, turn tables and switches neces-

sary for the operation of the cars and tracks and their connections with the tracks of the said company.

¶ 2. **Tracks, how laid.**] § 2. The tracks of said railway shall not be elevated in said streets above the surface of the streets, and shall be laid with modern improved rails, in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction, and the rails to be used shall be such kind or character as are required by the ordinances of said city. Each of said tracks shall be laid as near the center of said street as practicable and shall not be laid within twelve feet of the sidewalk in any place, except in turning street corners or constructing curves, and then no nearer than may be required to make the necessary curves, and the cars shall be constructed with all the latest improvements for the comfort and convenience of passengers, and shall be used for no other purpose than the transportation of passengers.

¶ 3. **Tracks to be promptly laid.**] § 3. Said company shall lay down said tracks immediately upon its acceptance of this ordinance or contemporaneously with the improvement of said street now being made, to the end that the pavement on said street may not be torn up or disturbed by the laying of said tracks, and shall as soon as said street within the limits aforesaid is improved under the ordinances of such city now in force, and said tracks are laid, begin to operate the same for the conveyance of passengers.

¶ 4. **Rate of fare.**] § 4. The regular fare on the line hereby authorized and the connecting lines, for each passenger who shall be conveyed thereon from or to any point between Diversey street in said city of Lake View and the said point four hundred feet north of Sulzer street, for one continuous ride in one direction shall not exceed five cents, provided this section shall not be construed as in any way or manner impairing or affecting any provision in any other ordinance granting rights and privileges in the city of Lake View to said company.

¶ 5. **Street improvements and repairs.**] § 5. The said company as to the parts of said street in and upon which its said railway may be laid, shall keep sixteen feet in width in good condition and repair, during all the time to which the privileges hereby granted shall be extended, in accordance with whatever order, ordinance or regulation may be passed or adopted by the city council in relation to such repairing, and when any new improvement shall be ordered by the city council, of the said street, the said railway company shall, in the manner which may be required of the owners of property fronting on said parts of said streets, make such new improvements for the width of sixteen feet, and if said company shall refuse or fail so to do, the same may be done by the city council, and the company shall be lia-

ble to the city of Lake View for the cost thereof; Provided said improvement, if a pavement, may be made with stone, if said company shall so elect.

¶ 6. **Running time and speed regulated.**] § 6. The city council may regulate the time or times of running the said cars, and their rate of speed, but the said company, until such regulation shall be so made, shall run said cars as often as every fifteen (15) minutes each way, during the part of the day when it is usual for cars to run.

¶ 7. **Indemnity clause.**] § 7. The said company shall forever indemnify and save harmless the city of Lake View from all legal damages, judgments, decrees, costs and expenses of the same which it may suffer or which may be recovered or obtained against said city, for or by reason of or granting of or resulting from the passage of this ordinance, or any matter or thing connected herewith, and with the exercise by this company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance; and the said railway company shall pay all the damages to the owners of property abutting of said street, upon or over which its said road is to be constructed, which said owners may sustain by reason of the location or construction of said company's road.

¶ 8. **Street sprinkling.**] § 8. The said company shall from and after the first day of May and during and until the first day of November in each and every year during the existence of the rights herein granted, keep the said Evanston avenue from Diversey street to said point four hundred (400) feet north of Sulzer street moistened and well sprinkled with water.

¶ 9. **Forfeiture.**] § 9. The rights and privileges herein granted are upon the express condition that any failure upon the part of said company to fulfill all and singular the provisions hereof, shall, at the option of the city council, work a forfeiture of such rights and privileges.

¶ 10. **When to take effect.**] § 10. This ordinance shall take effect and be in force from and after its passage; Provided said North Chicago City Railway Company shall, within ten days from the date of its passage, signify in writing its acceptance thereof.

Provided, also, the said railway company shall have obtained from Messrs. McAdam and Amberg, who have a contract with the city of Lake View for improving the entire width of said Evanston avenue from Graceland avenue to Sulzer street, a full and absolute release and discharge from so much of said contract as applies to the center sixteen feet of said avenue, so that the city of Lake View will be released from all and every obligation to pay the said McAdam and Amberg for the improvement in section five (5) of this ordinance provided to be made by the said railway company.

NORTH CHICAGO ELECTRIC RAILWAY COMPANY.

§ 639. North Chicago Electric Railway company.

¶ 1. Grant—route—consent of other companies.
¶ 2. Double track.
¶ 3. Overhead wires—return circuit.
¶ 4. Feeder wires—running time.
¶ 5. Street improvements and repairs.
¶ 6. Time of completion.
¶ 7. Fare—policemen, firemen and letter carriers free
¶ 8. Tracks, how laid.
¶ 9. License fees.
¶ 10. Heating cars.
¶ 11. Indemnity clause.
¶ 12. Bond of indemnity.
¶ 13. When in force—acceptance.

An ordinance authorizing the North Chicago Electric Railway company to construct and operate street railroads in Lincoln avenue and Milwaukee avenue. (Passed March 12, 1894. Accepted April 7, 1894. Agreements filed April 14, 1894.)

¶ 1. Grant—route—consent of other companies.] Be it ordained by the city council of the city of Chicago: § 1. That, in consideration of the acceptance hereof, and the undertaking by the North Chicago Electric Railway Company to comply with the provisions herein contained, consent, permission and authority are hereby granted to said company, its successors and assigns, to lay down, construct, maintain and operate, for the period of twenty (20) years from and after the date of the passage of this ordinance, a double track street railroad, with all such necessary and convenient turnouts, side tracks and switches as the commissioner of public works may approve and permit, in, along and upon certain streets in the city of Chicago, hereinafter named, with the right to connect with other street railroad tracks and to operate upon said street railroads, hereby authorized, railway cars in the manner and for the time and upon the conditions herein prescribed; Provided, however, that the North Chicago Electric Railway Company, before this ordinance shall become operative, and before said Electric Railway Company shall make use of any part of either of the avenues in which authority is hereby given to construct and operate a street railroad therein, shall first obtain the written assent and agreement of the North Chicago City Railway Company and the North Chicago Street Railroad Company to such user in Lincoln avenue, between Wrightwood avenue and Belmont avenue, and also the written assent and agreement of the Chicago West Division Railway Company and the West Chicago Street Railroad Company to such user in Milwaukee avenue, between Armitage avenue and Logan square; and Provided, further, that this grant shall not be construed as authorizing the North Chicago Electric Railway Company to lay down, construct or operate in Lincoln avenue, between said Wrightwood avenue and Belmont avenue, or in

Milwaukee avenue, between Armitage avenue and Logan square, any track or tracks outside of the space now occupied respectively by the tracks of the North Chicago City Railway Company and the North Chicago Street Railroad Company, and the Chicago West Division Railway Company and the West Chicago Street Railroad Company; and Provided, further, that the separate written assents and agreements hereby required and authorized to be entered into respectively between the said North Chicago Electric Railway Company, of the one part, and the North Chicago City Railway Company and the North Chicago Street Railroad Company of the other part; and the North Chicago Electric Railway Company, of the one part, and the Chicago West Division Railway Company and the West Chicago Street Railroad Company of the other part, shall each contain an agreement to the following effect: The agreement between the said North Chicago Electric Railway Company and the North Chicago City Railway Company and the North Chicago Street Railroad Company shall stipulate that the North Chicago Electric Railway Company shall haul the cars of the North Chicago City Railway Company and the North Chicago Street Railroad Company, from the connection with the cable road at Wrightwood avenue to Graceland avenue, free of expense to said North Chicago City Railway Company and the North Chicago Street Railroad Company; and Provided, further, that said North Chicago Electric Railway Company shall carry passengers on said cars hauled for the North Chicago City Railway Company and the North Chicago Street Railroad Company, between said Wrightwood avenue and Graceland avenue, without extra fare, that is to say, that there shall be but one fare of five (5) cents for such passengers for one continuous ride, either way, between Graceland avenue and Monroe street, the southern terminus of the railway line of the North Chicago City Railway Company and the North Chicago Street Railroad Company; and that said last named companies, or one of them, shall furnish to said North Chicago Electric Railway Company at least one car for each and every train operated by said North Chicago Electric Railway Company between Wrightwood avenue and Graceland avenue, and the same shall be hauled by said North Chicago Electric Railway Company with every such train. The agreement between the said North Chicago Electric Railway Company and the Chicago West Division Railway Company and the West Chicago Street Railroad Company shall stipulate that the North Chicago Electric Railway Company shall haul the cars of the Chicago West Division Railway Company and the West Chicago Street Railroad Company from the connection with the cable road at Armitage avenue to Logan square, free of expense to said Chicago West Division Railway Company and the West Chicago Street Railroad Company; and Provided, further, that the said North Chicago Electric Railway Company shall carry the passengers on said cars

hauled for the Chicago West Division Railway Company and the West Chicago Street Railroad Company, between said Armitage avenue and Logan square, without extra fare, that is to say, there shall be—as now established—but one fare of five (5) cents for such passengers for one continuous ride, either way, between Logan square and La Salle street, the eastern terminus of the railway line of the Chicago West Division Railway Company and the West Chicago Street Railroad Company; and said last named companies, or one of them, shall furnish said North Chicago Electric Railway Company at least one car for each and every train operated by said North Chicago Electric Railway Company between Armitage avenue and Logan square; and each said car shall be hauled by the said North Chicago Electric Railway Company with every such train.

¶ 2. **Double track.**] § 2. The said North Chicago Electric Railway Company is hereby authorized to lay a double track street railroad in, upon and along the course of the following streets: On Lincoln avenue, between Wrightwood avenue and North Fifty-ninth street, in said city of Chicago; and on Milwaukee avenue, between Armitage avenue and Lawrence avenue, in said city.

¶ 3. **Overhead wires—return circuit.**] § 3. The cars to be used on said lines of railroad hereby authorized may be propelled and operated by electric overhead contact wires suspended from cross arms extending from ornamental iron poles of such construction and design as may be approved by the mayor and commissioner of public works, such poles to be set near the center line of the street, between the two tracks of said railroad, and so as to cause the least possible obstruction to the use of the streets. The wires shall be suspended not less than eighteen and one-half (18½) feet above the rails; and the said poles authorized shall be placed on an average of not less than one hundred and fifteen (115) feet apart, except at the intersection of streets and avenues, when said poles or supports shall be placed at the intersection of streets and avenues; Provided, that the city of Chicago shall have the right to use the said poles for the purpose of stringing wires, and the right to affix to said poles electric lamps for street lighting purposes; and Provided, further, and the privileges and rights granted by this ordinance are granted upon the express condition that the said North Chicago Electric Railway Company, its successors and assigns, shall establish and maintain a metallic return circuit conductor independent of its rails.

¶ 4. **Feeder wires—running time.**] § 4. For the purpose of operating said cars, said North Chicago Electric Railway Company may make all such needful and convenient curves, tracks, turnouts, excavations and sewer connections as the commissioner of public works may approve, and may place all needful and convenient poles, wires and appliances in said Lincoln avenue and Milwaukee

avenue, and connect the said wires herein authorized with the generator or power station or stations, or with any station or car house or houses that may be erected along the lines of said railway, or either of them. The cars or carriages to be used on said railway lines, hereby authorized, shall be used for no other purpose than to carry passengers and their ordinary baggage, and they shall be kept clean and well lighted, and shall be heated as hereinafter provided. At least one car shall be run every half-hour each way during the hours between 6 o'clock a. m. and 12 o'clock p. m., and at least one car, which, however, may be drawn by horses, shall be run every hour each way during the hours between 12 o'clock p. m. and 6 o'clock a. m. .

¶ 5. **Street improvements and repairs.**] § 5. The said North Chicago Electric Railway Company, as to the part of each of said streets in and upon which its said railways may be laid, shall keep sixteen (16) feet in width in good condition and repair, during all the time to which the privileges hereby granted shall extend, in accordance with any order or regulation that may be adopted by the city council in relation to such repairs; and when any new improvements shall be ordered in any part of said streets, or either of them, the company shall, in the manner which may be required of the owners of the property fronting on said part of said streets, make such improvements for the width of sixteen (16) feet; and, if said company shall refuse or fail so to do, the same may be done by the city, and the company shall repay to the city upon demand the cost thereof.

¶ 6. **Time of completion.**] § 6. The tracks authorized to be constructed by this ordinance in said Lincoln avenue and said Milwaukee avenue shall be laid and completed in each of said avenues within the period of one year after the passage and acceptance of this ordinance. If said company shall fail to complete said tracks within said time, the rights and privileges hereby granted shall cease and determine, and the city of Chicago shall have the right to remove all tracks, or any part thereof, laid by virtue of the authority granted by this ordinance. The time during which any legal proceedings shall be pending whereby the said company shall be prevented from or delayed in constructing its railroad, or any part thereof, shall be excluded from the time herein prescribed for the completion of said railroad, and shall be allowed to said company in addition to the time prescribed for the completion thereof; Provided, however, that such exclusion shall date only from the time when the said company shall have given notice to the corporation counsel of the city of Chicago of the institution of such legal proceedings. The city of Chicago shall have the right to intervene in any suit or proceeding brought by any person or persons seeking to enjoin, restrain, or in any manner interfere with, the prosecution of said work of construction, and move for a dissolution of such injunction or restraining order, and for any

other proper order in such suit, in case it shall be deemed collusive or instituted for the purpose of delay.

¶ 7. **Fare—policemen, firemen and letter carriers free.**] § 7. The rate of fare to be charged upon the line of railway herein authorized in Lincoln avenue shall be five (5) cents for one continuous ride from Wrightwood avenue to North Fifty-ninth street, and from North Fifty-ninth street to Wrightwood avenue; and for the railway line herein authorized to be constructed in Milwaukee avenue, the fare shall be five (5) cents for one continuous ride from Armitage avenue to Lawrence avenue, and from Lawrence avenue to Armitage avenue; Provided, that police officers, firemen and letter carriers in uniform be carried free of charge.

¶ 8. **Tracks, how laid.**] § 8. The tracks of said railway shall not be elevated above the surface of the street, and shall be laid with modern improved rails, to be approved by the mayor and commissioner of public works, and in such a manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction, and shall be also laid as near the center of the street as practicable. Section 1509 of the Municipal Code of Chicago of 1881 shall not apply to the railroad tracks herein authorized.

¶ 9. **License fees.**] § 9. The said North Chicago Electric Railway Company shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of fifty ($50) dollars, as an annual license fee for each and every car used by said company on each of said lines herein authorized, in the manner following: In computing the number of cars upon which said license charge may be imposed, thirteen round trips when one car is used in the transportation of passengers shall be taken as equivalent to one day's use of the car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter, such quotient shall be the number of cars subject to such license fee. The president or other chief officer of said company shall, under oath, make report quarter-yearly to the comptroller of the city of Chicago of the whole number of cars so run by said company, and, at the same time, pay to the said comptroller twelve dollars and a half ($12.50) for each car, to be ascertained as above prescribed in this section. The first quarter, as to each line of railway, shall begin upon the first day upon which the said company shall run a car or cars for the carriage of passengers. After the expiration of five years from the date of the passage of this ordinance the said North Chicago Electric Railway Company shall annually pay into the treasury of the city of Chicago a percentage of its gross receipts from the operation of the roads hereby authorized, as additional compensation for the benefits conferred by this ordinance upon said company, as follows: One per centum per annum

for a period of five years; two per centum per annum for the following period of five years and three per centum per annum for the remaining five years of the term for which this franchise is granted.

¶ **10. Heating cars.**] § 10. The cars upon the lines hereby authorized shall be provided during the months of November, December, January, February and March of each year with heating apparatus of a kind and nature which shall be reasonably effective in raising the temperature of said car and heating the same; and the said apparatus shall be operated at such times during the months aforesaid as the nature of the weather and the degree of the temperature shall require. And the cars upon said tracks herein authorized to be laid shall be run at such intervals as may be necessary to accommodate the public.

¶ **11. Indemnity clause.**] § 11. The company shall forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs and expenses which it may suffer, or which may be recoverable or obtained against said city, for or by reason of the granting of such privileges, or for or by reason of, or growing out of, or resulting from, the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ **12. Bond of indemnity.**] § 12. The North Chicago Electric Railway Company shall execute to the city of Chicago a good and sufficient bond, in the penal sum of twenty-five thousand ($25,000) dollars, to be approved by the mayor, for the faithful observance and performance of the provisions and conditions of this ordinance on its part to be observed and performed as aforesaid.

¶ **13. When in force—acceptance—bond.**] § 13. This ordinance shall take effect and be in force as soon as the said North Chicago Electric Railway Company shall file with the city clerk its formal acceptance of the same, the bond as herein prescribed, and also the written agreements with the North Chicago City Railway Company and the North Chicago Street Railroad Company and the Chicago West Division Railway Company and the West Chicago Street Railroad Company, as herein provided; Provided, however, that, if said acceptance and bond and both said agreements shall not be filed with said city clerk as aforesaid within sixty (60) days from the passage of this ordinance, this ordinance shall be void and of no effect.

§ 640. North Chicago Electric Railway company.

¶ 1. Grant—term—route—consent of other companies.
¶ 2. Tracks—time of completion.
¶ 3. Motive power.
¶ 4. Cable power—overhead wires.
¶ 5. Street improvements and repairs.
¶ 6. Restoration of streets.
¶ 7. License fee.
¶ 8. Cars to be heated.
¶ 9. Rate of fare.
¶ 10. Feeder wires in certain streets.
¶ 11. Time of completion.
¶ 12. Indemnity clause.
¶ 13. Bond.
¶ 14. When in force.

An ordinance granting permission to the North Chicago Electric Railway company to operate and maintain a street railway on certain streets. (Passed July 27, 1896. Accepted August 6, 1896.)

¶ 1. Grant—term—route—consent of other companies.] Be it ordained by the city council of the city of Chicago: § 1. Permission and authority are hereby granted to the North Chicago Electric Railway Company, its successors and assigns, to lay down, construct and operate for the period of twenty years from and after the passage hereof, a double track street railway, with all necessary and convenient turnouts and switches, in, upon and along the following routes: Commencing in North Robey street, at its intersection with Lincoln avenue and Irving Park boulevard, and connecting at that point with the present tracks of the said North Chicago Electric Railway Company, and thence running northerly in and along said North Robey street to Bryn Mawr avenue, and thence running easterly in and along said Bryn Mawr avenue to East Ravenswood Park, and thence running northerly in and along said East Ravenswood Park to Rose Hill Cemetery station; also, in and along the following route: Commencing at Balmoral avenue, at its intersection with said North Robey street, and connecting at that point with the tracks hereinabove authorized, thence running easterly in and along said Balmoral avenue to East Ravenswood Park, and thence running northerly in and along said East Ravenswood Park to Bryn Mawr avenue, connecting at that point with the tracks hereinabove authorized; and, also, in and along the following route: Commencing in Lawrence avenue, at its intersection with Evanston avenue, and thence running westerly in and along said Lawrence avenue to the intersection of said Lawrence avenue with Milwaukee avenue, and connecting at said intersection of Evanston avenue with the tracks of the Chicago North Shore Street Railway Company and, also, in and along the following route: Commencing in Montrose boulevard, at its intersection with Evanston avenue, and thence running westerly in and along said Montrose boulevard to its intersection with Milwaukee avenue, connecting at said intersection at Evanston avenue with the tracks of

the Chicago North Shore Street Railway Company; Provided, however, that before making the connections hereby authorized to be made with the tracks of the Chicago North Shore Street Railway Company, the said North Chicago Electric Railway Company shall obtain the written consent of the said Chicago North Shore Street Railway Company to make such connections.

¶ 2. **Tracks—time of completion.**] § 2. The tracks of said railways hereby authorized shall not be elevated above the surface of the street, and shall be laid with modern, improved rails, and in such manner that carriages and other vehicles can easily and freely cross the same, at all points and in all directions, without obstruction, and shall also be laid as near the center of the street as practicable, except as hereinafter directed. That section 1509 of the Municipal Code of Chicago of 1881 shall not apply to the railway tracks herein authorized, but the rails to be used shall be satisfactory to the mayor and commissioner of public works and shall be laid under the direction of the said commissioner; and Provided, further, that the said tracks hereby authorized shall be laid within 18 months after the passage of this ordinance, not counting the months of December, January, February and March; and in the event the said tracks shall be laid in any street or avenue in which the said tracks are hereby authorized to be laid, before the water or sewer pipes shall be laid in any such street or avenue, then such sewer or water pipes shall be laid in such street or avenue on either side of the said tracks, and so as not to interfere with said tracks then laid in such street or avenue and Provided, further, that the tracks hereby authorized to be laid in said Montrose boulevard shall be laid in said Montrose boulevard, between Clark street on the west and the east line of Graceland Cemetery, on the south side of said Montrose boulevard, and within the space of sixteen feet lying north of the said curb line in said Montrose boulevard.

¶ 3. **Motive power.**] § 3. The cars to be used on said railway may be operated by electric power, cable or such other motive power as said company shall by any ordinance of the city of Chicago be authorized to use.

¶ 4. **Cable power—overhead wires.**] § 4. In case said company, upon the lines hereby authorized, shall use cable power, the method of laying and constructing such cable, and operating the same, shall in all respects be the same, and be governed by the same conditions and limitations as provided by an ordinance of the city council of the city of Chicago passed June 7th, 1886, authorizing the North Chicago Street Railroad Company to use cable power.

And in case said company, upon the lines hereby authorized, shall use electric power by means of electric overhead contact wires, the method of construction and operation shall be the same, and gov-

erned by all the conditions and limitations as provided in an ordinance of the city of Chicago passed April 30th, 1894, authorizing the operation by electric overhead contact wires of certain lines of the North Chicago Street Railroad Company and the West Chicago Street Railroad Company; Provided, however, that the iron poles for supporting the trolley wires shall be placed between the curb lines and the sidewalk and next to the curb line.

¶ 5. **Street improvements and repairs.**] § 5. The said company, as to the parts of said streets and avenues in and upon which its said railways may be laid, shall pave and keep sixteen feet in width in good condition and repair during all the time to which the privileges hereby granted shall extend, in accordance with whatever order, ordinance or regulation may be passed or adopted by the city council in relation to such repairing; and when any new improvement shall be ordered by the city council of said part of said streets or avenues, the said railway company shall, in the manner which may be required of the owners of the property fronting on said part of said street, make such new improvement for the width of sixteen feet; and if the said company shall refuse or fail so to do, the same may be done by the city, and the company shall be liable to the city for the cost thereof. Said railway company shall pave the center sixteen feet of that part of said streets and avenues hereby authorized to be used for railroad purposes at the time when its tracks shall be laid, and in event said streets and avenues, or any of them, shall have been paved before said tracks shall be laid, said company shall refund to the property owners the cost of said sixteen feet; Provided, however, that said company shall not be required to pave that part of Montrose boulevard in which its tracks are not laid in the center of the said boulevard, and are hereby authorized to be laid on the south side of the said boulevard and next to the curb line.

¶ 6. **Restoration of streets.**] § 6. When the right of said railway company to operate its railway on said streets and avenues shall cease and determine, said company shall remove the tracks from the said part of said streets and avenues, and put the said parts of the said streets and avenues, from which said tracks shall be removed, in as good condition as the adjacent part of said streets or avenues.

way Company shall pay into the city treasury of the city of Chicago,

¶ 7. **License fee.**] § 7. The said North Chicago Electric Railfor the use of said city, the sum of fifty dollars ($50) as an annual license fee for each and every car used by said company, in the manner following: In computing the number of cars upon which said license charge may be imposed, thirteen round trips, when the car is used in the transportation of passengers, shall be taken as equivalent to one day's use of the car, one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter,

such quotient shall be the number of cars subject to such license fee; Provided, however, that such cars shall not already be liable for the payment of a license fee on one of the other lines of this company or its connections. The president or any other officer of said company shall, under oath, make report quarter-yearly to the comptroller of the city of Chicago, of the whole number of cars so run by said company, and at the same time pay to the said comptroller twelve dollars and a half ($12.50) for each car, to be ascertained as above prescribed in this section. The first quarter shall begin on the first day upon which said company shall run a car or cars for the carriage of passengers.

¶ **8. Cars to be heated.**] § 8. The cars upon the railways hereby authorized shall be provided during the months of November, December, January, February and March of each year with heating apparatus of a kind and nature to be selected by said company, which shall be reasonably effective in raising the temperature in said cars and heating the same; and the said apparatus shall be operated at such times during the months aforesaid as the need of the weather and degree of the temperature shall require and on all cars, both day and night. And the cars upon said tracks herein authorized to be laid shall be run at such intervals as may be necessary to accommodate the public.

¶ **9. Rate of fare.**] § 9. The rate of fare over the several lines herein specified, together with the main lines of the North Chicago Electric Railway Company, shall be five (5) cents for a continuous ride over the said lines; so that a passenger riding between the extreme limits of either of the lines hereby authorized, to the connecting point of the North Chicago Electric Railway Company with the North Chicago Street Railroad, or the connecting point with the West Chicago Street Railroad in a continuous ride, shall be charged five (5) cents in either direction.

¶ **10. Feeder wires on certain streets.**] § 10. Permission and authority are also given to said railway company to erect and maintain poles in and along Bryn Mawr avenue, from Elston avenue to Clark street; and also in and along North Fifty-ninth street, from Evanston avenue to Robey street, and to place and attach to such poles feed wires for the purpose of conveying electricity from the power house or power houses, to the wires necessary to operate said lines of railway hereby authorized.

¶ **11. Time of completion.**] § 11. If said company shall be restrained or prevented from proceeding with the work upon said railway, by the order or writ of any court of competent jurisdiction, the time during which said company may be so delayed shall be added to the time herein prescribed for the completion of said work. The city of Chicago shall, however, have the right to intervene in any suit

for an injunction to restrain the said company as aforesaid, and move for a dissolution of said injunction.

¶ 12. **Indemnity clause.**] § 12. The company shall forever indemnify and save harmless the city of Chicago, against and from any and all legal damages, judgments, decrees and costs and expenses of the same which it may suffer, or which may be recovered or obtained against said city, for or by reason of the granting of such privileges, or for or by reason of, or growing out of, or resulting from the exercise by the said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 13. **Bond.**] § 13. The North Chicago Electric Railway Company shall execute to the city of Chicago a good and sufficient bond in the penal sum of fifty thousand dollars ($50,000), to be approved by the mayor, conditioned for the faithful observance and performance of the provisions and conditions of this ordinance, on its part to be performed and observed as aforesaid.

¶ 14. **When in force.**] § 14. This ordinance shall take effect and be in force from and after its passage and approval by the mayor, and filing of the bond and acceptance as herein prescribed; Provided, however, that if said acceptance and bond shall not be filed as aforesaid, within sixty (60) days of the passage hereof, then all the rights and privileges herein granted to said North Chicago Electric Railway Company shall be void and of no effect.

NORTH CHICAGO STREET RAILROAD COMPANY.

§ 641. North Chicago Street Railroad company.

¶ 1. Cable road authorized.
¶ 2. Tracks required—fare, etc.
¶ 3. Time limited—forfeiture, etc.
¶ 4. Street improvements, etc.
¶ 5. $25,000 per annum license fee unless bridges are built, etc.
¶ 6. Improvements and repairs to and in the tunnel.
¶ 7. Rate of speed and running time may be regulated.
¶ 8. License fee $50 per car.
¶ 9. Removal of snow.
¶ 10. Tracks to be removed, when.
¶ 11. Bond.
¶ 12. When in force.

An ordinance authorizing the North Chicago Street Railroad company to operate by cable power through the La Salle street tunnel and on streets in the south division. (Passed July 19, 1886. Accepted October 11, 1886.)

¶ 1. **Cable road authorized.**] Be it ordained by the city coun-

cil of the city of Chicago: § 1. That in consideration of the acceptance hereof and the undertaking of the North Chicago Street Railroad Company to comply with the provisions herein contained, permission and authority is hereby given to said company to construct, maintain and operate a double track street railroad on Illinois street, between Clark and Wells streets, and on La Salle avenue and La Salle street, through the La Salle street tunnel, from Illinois to Jackson street, and to operate the same by stationary engines not located upon the streets or public places of the city, upon the terms and conditions, and subject to the restrictions, mentioned in this ordinance, and for that purpose to make all needful and convenient trenches, excavations and sewer connections, and to place all needful and convenient endless cables and machinery on said streets, so that such cables and machinery shall be under ground and not interfere with public travel, such right to be in force for the period of twenty years after the passage of this ordinance. And said company may make all necessary side tracks, turnouts, curves, switches and connections with other street railway tracks which may be intersected by said company in laying said tracks, and may connect its tracks on Illinois street with the tracks laid by the North Chicago City Railway Company, and operate the same herewith; Provided, that if, in constructing said trenches and excavations, or using the same, any damage or injury shall result to any of the sewers, water pipes or private drains, then the said company shall pay and be held liable therefor; and if at any time, by reason of the permission hereby granted, and the making of said trenches or running said cables, any injury or damage shall result to any person or property, then said company shall be held liable therefore, and said company shall pay all damages to the owners of property abutting upon roads, streets, highways or public property upon or over which its said road is to be constructed, which said owners may sustain by reason of the location or construction of said company's road. And all needful and convenient connections with the motive power or engines shall be subject to the same conditions and restrictions; And provided, further, that the aperture opening into the said trenches shall not exceed five-eighths of an inch in width; And provided, further, that said North Chicago Street Railroad Company may operate not exceeding two cars and one grappling car attached together, with one driver in charge of the grip car, and one conductor in charge of each additional car.

¶ 2. **Tracks required—fare, etc.**] § 2. The tracks of said railway shall not be elevated in said streets above the surface of the streets, and shall be laid with modern improved rails, in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction.

Section 1509 (§1704-1897) of the "Municipal Code of Chicago," of 1881, shall not apply to the said railway tracks herein authorized;

but the rails to be used shall be satisfactory to the mayor and commissioner of public works. Each of said tracks shall be laid as near the center of said street as practicable, and shall not be laid within twelve feet of the sidewalk in any place, except in turning street corners or constructing curves, and then no nearer than may be required to make the necessary curve; and the cars shall be constructed with all the latest improvements for the comfort and convenience of passengers, and shall be used for no other purpose than for the transportation of passengers. Animal power may be used to move the cars. The rate of fare shall not exceed five cents for each passenger for any continuous travel at one ride over said tracks, and the tracks laid by the North Chicago City Railway Company.

¶ 3. **Time limited—forfeiture, etc.**] § 3. The tracks herein authorized shall be completed before the first day of November, A. D. 1887; Provided, that if the said company shall be delayed, by the writ of injunction of any court, from proceeding with the work, the time of such delay shall be excluded from the time provided herein for the completing of said tracks; Provided, however, that the city law department may intervene in any such suit, and move for the dissolution of such injunction in case such suit may be deemed by such law department as collusive, or for the purpose of delay or extension of such time. And if the said company shall fail to complete the tracks within the time mentioned herein, the rights and privileges hereby granted shall cease and determine.

¶ 4. **Street improvements, etc.**] § 4. The said company, as to the parts of streets in and upon which its said railway may be laid, shall keep eight feet in width where a single track shall be laid, and sixteen feet in width where a double track shall be laid, in good condition and repair during all the time to which the privileges hereby granted shall be extended, in accordance with whatever order, ordinance or regulation may be passed or adopted by the city council in relation to such repairing, and when any new improvement shall be ordered, by the city council, of the said streets, or any of them, the said railway company shall, in the manner which may be required of the owners of property fronting on said parts of streets, or any of them, make such new improvements for the width of eight feet where a single track shall be laid, and for the width of sixteen feet where a double track shall be laid; and said company shall make any new improvement of the roadway of said tunnel as may be required by said council; and, if said company shall refuse or fail so to do, the same may be done by the city, and the company shall be liable to the city for the cost thereof. Nothing in this ordinance shall be construed as imposing any obligations or duty upon the city of Chicago concerning the repair or maintenance of said La Salle street tunnel.

¶ 5. **$25,000 per annum license fee unless bridges are built, etc.**] § 5. The said North Chicago Street Railroad Company shall

pay to the city of Chicago, as a fee for the license or permission to lay its cables and tracks and run its cars through said La Salle street tunnel, the sum of $25,000 per annum, payable semi-annually on the first days of January and July of each year during the time said tunnel is used by said company, the time to commence when said company shall begin to dig its trenches or lay its tracks through said tunnel; Provided, however, that if said company shall pay into the city treasury, or arrange to the satisfaction of the mayor and city comptroller for such payment, an amount of money sufficient to defray the entire expense of erecting a new four-track iron bridge, similar to those at Rush and Lake streets, the same to be operated by steam power, over the Chicago river at Clark street, in lieu of the present bridge at that point, then said annual license fee shall be reduced to the sum of $10,000 per annum, from and after the payment of said expenses into the city treasury, or if said expense be arranged for as aforesaid, but not paid in advance, then from and after the commencement of the construction of said bridge. Before said rebate shall be allowed, the said company shall secure the consent of the abutting property owners to the erection and swinging of said bridge in perpetuity; Provided, further, that if said company shall also pay into the city treasury, or arrange for said payment in the manner hereinbefore mentioned, an amount of money sufficient to defray the entire expense of erecting a similar four-track iron bridge, to be operated by steam power, over the Chicago river at Wells street and Fifth avenue in lieu of the present bridge at that point, then said annual license fee shall cease to be paid, from and after the time when said expense is advanced to the city, or, if arranged for as aforesaid and not advanced, then from and after the commencement of the construction of said last-mentioned bridge. The expense of erecting said bridges, and each of them, shall also include the cost of all necessary piers, abutments, engines and machinery, and the same shall be built from plans to be prepared by, and under the supervision of, the commissioner of public works. Such plans to be prepared by said commissioner within 90 days after the acceptance of this ordinance by said company. It is hereby declared that said bridges shall not be constructed at the same time, nor either of them, while said tunnel shall be closed for the building of said trenches or the laying of said tracks therein. The said company may, however, elect as to which of said bridges shall be first constructed; but the abatements herein above named from said license fee of $25,000 shall be made for each of said bridges, to wit: $10,000 for said bridge at Wells street and 5th avenue, and $15,000 for the bridge at Clark street, in accordance with the provisions therefor hereinbefore stated. For any failure to comply with the provisions of this section, this ordinance shall be subject to repeal.

¶ 6. **Improvements and repairs to and in the tunnel.**] § 6. The said company shall pave the entire roadway of said tunnel, from

end to end, with stone or such other material as may be agreed upon by said company and the commissioner of public works; and said company shall provide proper engine or engines, boilers and machinery with which to light and ventilate said tunnel and pump the water from the roadway thereof, using the present engine station ground for the same, as far as practicable, and shall, during the use of said tunnel, light the same, including the footway, in the best manner, and shall keep the said tunnel and its passageways free from water and well ventilated.

The said company shall also keep the walls of the carriageway and footway wall well painted, and maintain the tunnel in good repair during the time it shall use the same. The said company shall, at its own expense, pave, maintain, and keep paved and in good order, the whole of the roadway through said tunnel. The rails to be used in the tunnel shall be a grooved rail, having a flat surface, and so laid that the surface on both edges shall be flush with the pavement, the groove being for the flange of the wheel to run in. The bands, or "Z iron," which protect the slot or aperture opening into the trenches, shall be corrugated, or shall have a rough surface, so as to prevent horses from slipping thereon; such rails and bands to be approved of by the mayor and commissioner of public works and to be laid to their satisfaction. Said company shall not be permitted to and shall not run any of its cars at a speed greater than four miles per hour; and whenever a carriage, wagon, or other vehicle shall be in front of a car passing through said tunnel on the up grade, then the speed of said car shall be governed by the speed of such carriage, wagon or vehicle; Provided, however, that it shall be the duty of the driver of such carriage, wagon or other vehicle, to exercise reasonable diligence so as not to unnecessarily delay such car. The city council may, at any time, change or regulate the speed of the cars passing through said tunnel, but no such regulation shall so increase the speed above named as thereby to exclude the use of said tunnel by vehicles other than the street cars.

¶ 7. **Rate of speed and running time may be regulated.**] § 7. The city council shall have power at all times to make such regulations as to the rate of speed on said streets, and time or times of running said cars or carriages, as the public safety and convenience may require.

¶ 8. **License fee $50 per car.**] § 8. The provisions of section 1 of an ordinance entitled "An ordinance concerning the street railways in the city of Chicago," passed July 30, 1883, and the license fee of $50 per car as therein imposed, shall extend to the cars to be run on the railway hereby authorized; Provided, that but one license fee shall be charged for cars over the lines of said company in connection with the lines of the North Chicago City Railway Company.

¶ 9. **Removal of snow.**] § 9. The said company shall not

place, or caused to be placed, outside of its tracks upon the roadway of said streets, or either of them, the snow which may fall upon said tracks, except upon the condition that the same be removed therefrom by said company within eighteen hours after the cessation of such snowfall. Said tunnel shall at all times be kept free from snow.

¶ 10. Tracks, etc., to be removed, when.] § 10. When the right of said company to operate its said railway upon said streets and in said tunnel shall cease, said company shall remove its tracks from the same and place the same in as good condition as when said tracks were laid.

¶ 11. Bond.] § 11. The said North Chicago Street Railroad Company shall enter into a good and sufficient bond with the city of Chicago, with sureties satisfactory to the mayor, in the penal sum of $50,000, for the faithful performance of all the terms and conditions contained in this ordinance, and that said railway herein mentioned shall be completed at the times and manner herein stated, unless delayed by order of court, as provided by section 3 of this ordinance.

¶ 12. When in force.] § 12. This ordinance shall take effect and be in force as soon as the same shall have been duly accepted by said company, and the said company shall have executed and filed with the city clerk the bond provided for herein, in manner and form as hereinbefore required; Provided, however, that unless this ordinance shall be duly accepted and said bond executed and filed within ninety days of the passage hereof, this ordinance shall be null and void.

Note.—See three following amendatory ordinances.

§ 641a. North Chicago Street Railroad company.

Preamble.
¶ 1. Modification of grant.

An ordinance changing and modifying ordinance of July 19, 1886, as to tracks of the North Chicago Street Railroad company in La Salle street. (Passed July 6, 1887.)

Preamble.] Whereas, the North Chicago Street Railroad Company acquired the right, by an ordinance passed July 19, 1886, to construct a street railroad on certain streets named in said ordinance, and said company has laid its double tracks on La Salle street, from Washington street to Monroe street, and is about to continue the same from Monroe street to Jackson street; and,

Whereas, the property owners on La Salle street are anxious that only a single track shall be laid at present on La Salle street, from Randolph street to Monroe street, and that no track shall now be laid south of Monroe street, and said company is willing to temporarily remove one of its present tracks on La Salle street, between Washington street and Monroe street, and also to postpone the laying

of its tracks on La Salle street south of Monroe street, upon condition that said company shall have and possess all the rights as granted by said ordinance of July 19, 1886: therefore,

¶ 1. **Modification of grant.**] Be it ordained by the city council of the city of Chicago: § 1. That the time for the completion of the tracks of the North Chicago Street Railroad Company upon La Salle street, as authorized by the ordinance of July 19, 1886, is hereby extended until November 1, 1888; Provided, that the second track laid by said company upon La Salle street, between Washington street and Monroe street, shall be removed by said company within ten (10) days from the taking effect of this ordinance; and provided, also, that all the grants to said company, as specified in said ordinance of July 19, 1886, shall be and remain vested in said company, upon the conditions mentioned in such ordinance.

§ 641b. North Chicago Street Railroad company.

¶ 1. Amendment—rebate—consent.
¶ 2. When effectual.

An ordinance amending ordinance of July 19, 1886, to the North Chicago Street Railroad company. (Passed October 5, 1888.)

¶ 1. **Amendment—rebate—consent.**] Be it ordained by the city council of the city of Chicago: § 1. That the ordinance passed by the city council July 19, 1886, granting permission to the North Chicago Street Railroad Company to construct a street railroad on Illinois street, and on La Salle avenue and La Salle street, through the La Salle street tunnel, be and the same is hereby amended by striking out from section 5 of said ordinance the following sentence:

"Before said rebate shall be allowed, the said company shall secure the consent of the abutting property owners to the erection and swinging of said bridge in perpetuity."

¶ 2. **When effectual.**] § 2. This ordinance shall take effect and be in force from and after its passage.

§ 641c. North Chicago Street Railroad company.

¶ 1. Extension of time.
¶ 2. In force, when.

An ordinance granting a further extension of time to the North Chicago Street Railroad company to lay tracks on La Salle street (under ordinance of July 19, 1886). (Passed October 15, 1888.)

¶ 1. **Extension of time.**] Be it ordained by the city council of the city of Chicago: § 1. That the time for the completion of the tracks of the North Chicago Street Railroad Company upon La Salle street, as authorized by the ordinance of July 19, 1886, and amended by the ordinance of July 6, 1887, be and the same is hereby extended until such time as the council shall order the laying and completion of the said tracks.

¶ 2. In force, when.] § 2. This ordinance shall be in force and effect from and after the date of its passage.

§ 642. North Chicago Street Railroad company.

¶ 1. Extension on Division street—fare five cents, etc.—transfer tickets.
¶ 2. Tracks required.
¶ 3. How laid.
¶ 4. Animal power only—passenger traffic.
¶ 5. Street improvements, repairs, etc.
¶ 6. Speed and time of running may be regulated.
¶ 7. Time limited—forfeiture, etc.
¶ 8. Removal of tracks, etc.
¶ 9. Indemnity to city.
¶ 10. Bond.
¶ 11. License fee.
¶ 12. Bridges.
¶ 13. When to take effect.

An ordinance permitting the North Chicago Street Railroad company to operate on Division street between Clybourne and Milwaukee avenues. (Passed December 20, 1886.)

¶ 1. Extension on Division street—fare five cents, etc.—transfer tickets.] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof, and the undertaking of the North Chicago Street Railroad Company to comply with the provisions herein contained, permission and authority is hereby given to said company, its assigns and lessees, to construct, maintain and operate a double track railroad, with all necessary side tracks, turnouts, curves and switches, on Division street, between Clybourn avenue and Milwaukee avenue, except on Division street bridges and the approaches thereto, said company being hereby permitted to lay, at their option, a single track on said bridges and their said approaches, and to connect said double track with any street railroad tracks in Division street, or in said avenues, upon the terms and conditions and subject to the restrictions mentioned in this ordinance, for the period of twenty years, and no longer; and the rate of fare shall not exceed five (5) cents for each passenger for any continuous travel of one ride upon said line and over said tracks and all other lines and tracks of said company connected therewith, including the so-called Sedgwick street line of said company.

Provided, that said railroad company shall issue to any person desiring it, and who has paid one fare, a transfer ticket for immediate passage on any other track or line of said railroad company, with which said track or line hereby authorized shall intersect, and shall also issue similar transfer tickets to passengers who have paid fare on any such other intersecting line, which tickets shall be good for immediate passage on the line hereby authorized, so that in any event a passenger may ride back or forth on the said above authorized line,

and any line of said railroad company with which it intersects, for one fare.

¶ 2. **Tracks required.**] § 2. The tracks herein authorized, of said railway, shall not be elevated above the surface of the street, and shall be laid with modern improved rails, and in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction. Section 1509 (§ 1704-1897) of the Municipal Code of 1881 shall not apply to the railway tracks herein authorized; but the rails to be used shall be satisfactory to the mayor and commissioner of public works, and shall be laid under said commissioner's direction.

¶ 3. **How laid.**] § 3. Each of said tracks shall be laid as near the center of the street as practicable, and shall not be laid within twelve feet of the sidewalk in any place except in turning street corners, or making curves, and then no nearer than may be required to make the necessary curve.

¶ 4. **Animal power only—passenger traffic.**] § 4. The cars or carriages to be used upon said track, or tracks, hereby authorized to be constructed upon said street, shall be operated by animal power only, and shall be constructed with all the latest improvements for the comfort and convenience of passengers, and shall be used for no other purpose than the transportation of passengers and their ordinary luggage; and no cars shall be run upon said tracks, except under the charge of a competent driver and conductor, who shall be two separate persons.

¶ 5. **Street improvements, repairs, etc.**] § 5. As respects the grading, paving, macadamizing, filling or planking of said Division street, so far as the same is embraced in this ordinance, as to the parts of said Division street, in and upon which said company may lay its said railway, said company shall keep sixteen feet in width of said street where said double track shall be laid, and eight feet in width on said bridges and said approaches where a single track is used, in good repair and condition during all the time to which the privileges hereby granted to said company shall extend, in accordance with whatever order, ordinance or regulation respecting such filling, grading, paving or repairing may be passed or adopted by the city council; and when any repairing, paving, planking, filling or other improvement of like character shall be ordered by the city council thereon, said company shall, in the manner required by the city authorities of the owners of property fronting on said streets, make such new improvements for the width of sixteen feet where said double track is laid on said street and said bridges; Provided, however, where a single track crosses said bridges, or either one thereof, and the approaches thereto, said company shall in the same manner make such new improvements for the width of eight feet only, over such bridge or bridges and the approaches thereto; and if said company

fails so to do for twenty days after notice, the same may be done by the city, and the cost thereof collected of said company.

¶ 6. **Speed and time of running may be regulated.**] § 6. The city council shall have the power at all times to make such regulations as to the time of running, and rate of speed of said cars on said line, as the public safety, convenience and interests may require.

¶ 7. **Time limited—forfeiture, etc.**] § 7. The tracks herein authorized shall be laid and completed and said line in operation before the first day of July, A. D. 1887, and if said company shall fail to complete said tracks within the time prescribed herein, the rights and privileges hereby granted shall cease and determine; Provided, however, that if the said company shall be restrained from proceeding with the work upon said tracks, by the order or writ of any court of competent jurisdiction, the time during which said company is delayed thereby shall be excluded from the time prescribed herein for the completion of said tracks. Provided, further, that if such order or writ of court shall be collusively obtained by the parties to the cause in which such order may be rendered or such writ issued, or by any of the officers or agents of such parties, then the time of such delay shall not be excluded, and it shall be the duty of said railway company to prove the absence of such collusion.

¶ 8. **Removal of tracks, etc.**] § 8. When the right of said company to operate its said railway upon said Division street, between Clybourne avenue and Milwaukee avenue, shall cease, said company shall remove its tracks from said street, and place the portions of such street from which such tracks are removed in as good condition as the adjacent parts of said streets.

¶ 9. **Indemnity to city.**] § 9. That said company shall forever indemnify and save harmless the city of Chicago against and from any and all legal damages, judgments, decrees and costs and expenses of the same which it may suffer, or which may be recovered or obtained against said city for or by reason of or growing out of, or resulting from the passage of this ordinance, or any matter or thing connected herewith, or with the exercise by said company of the privileges hereby granted, or from any act or acts by said company, its servants or agents, under or by virtue of the provisions of this ordinance; which said ordinance is granted upon the express condition that the said company will pay all damages to owners of property abutting about such portion or parts of Division street, or other public ground upon or over which its said tracks are to be laid and its said road constructed, which said owners may sustain by reason of the location or construction of said company's road.

¶ 10. **Bond.**] § 10. The said company shall enter into a good and sufficient bond with the city of Chicago in the penal sum of five thousand dollars, for the faithful performance of all terms and conditions contained in this ordinance, and that said tracks shall be laid

and said line constructed and completed at the time and manner herein stated, unless delayed by order of court, as provided by section 7 of this ordinance.

¶ 11. **License fee.**] § 11. The provision of section one (1) of an ordinance entitled "An ordinance concerning the street railways of the city of Chicago," passed July 30, 1883, and the license fee of fifty dollars ($50) per car as therein imposed, shall extend to the cars to be run on the railroad hereby authorized; Provided, that but one license fee shall be charged for the cars over the line of said company in connection with the lines of the North Chicago City Railway Company.

¶ 12. **Bridges.**] § 12. If the city of Chicago shall hereafter, during the term of the license hereby granted, provide by ordinance for the construction of new bridges at Division street in said city, over the North Branch canal and the North Branch Chicago river, or either of them, to be used and take the place of the existing bridges over said river, the said company, in consideration of the license hereby granted, agrees to pay to the city of Chicago, as required by said city during the progress of their construction, one-half of the first cost of each and every one of said bridges, including piers and abutments, and one-half the expense, payable annually, of operating and maintaining each and every one of said new bridges and making any renewals, improvements, enlargements and replacements thereof; such annual payments to commence whenever the new structures are ready for use, and to be continued every year thereafter until the termination of the license hereby granted.

¶ 13. **When to take effect.**] § 13. This ordinance shall take effect and be in force as soon as the same shall have been duly accepted by said company, and said company shall have executed and filed with the city clerk the bond provided for herein in manner and form as hereinbefore required; Provided, however, that unless this ordinance shall be duly accepted and said bond executed and filed within ninety days of the passage hereof, this ordinance shall be null and void.

§ 643. North Chicago Street Railroad company.

¶ 1. Dearborn avenue bridge and street to Polk street.
¶ 2. Conditions.
¶ 3. Bond.
¶ 4. When effectual.

An ordinance granting use of the Dearborn street bridge to the North Chicago Street Railroad company and right to operate on Dearborn street and avenue, etc. (Passed March 14, 1887. Accepted April 4, 1887.)

¶ 1. **Dearborn avenue bridge and street to Polk street.**] Be it ordained by the city council of the city of Chicago: § 1. In consideration of the acceptance hereof, and the undertaking of the North Chicago Street Railroad Company to comply with the conditions herein contained, permission and authority are hereby granted to said

company, its successors and assigns, to construct, maintain and operate upon and across the bridge hereinafter mentioned, to be placed over the Chicago river at Dearborn street, the double street railroad which said company may be authorized by ordinance to construct and maintain on Dearborn street and Dearborn avenue, from Michigan street to Polk street.

¶ 2. **Conditions.**] § 2. The privileges hereby granted are subject to the conditions which may be contained in any ordinance granting the right to said company to construct and maintain tracks on Dearborn street and Dearborn avenue, between Michigan street and Polk street, and are granted upon the further express condition as follows:

Said company shall accept the alternative condition specified in section five of an ordinance entitled "An ordinance to authorize the North Chicago Street Railroad Company to construct a street railroad on Illinois and La Salle streets," passed by the city council of Chicago, July 19th, 1886, as to the payment by said company of the entire expense of erecting a new four-track iron bridge, to be operated by steam power, over the Chicago river at Wells street, that said company shall pay into the city treasury, or arrange for the payment as specified by said ordinance, of the amount of money sufficient to defray the entire expense of said bridge at Wells street. Thereupon, the city of Chicago may, at its convenience, take and use the present bridge across the Chicago river at Wells street, as and for a bridge across said river at Dearborn street; and the entire expense of removing such Wells street bridge to Dearborn street, and placing the same in proper position, shall be paid by said company.

¶ 3. **Bond.**] § 3. The said company shall enter into a good and sufficient bond with the city of Chicago, with sureties satisfactory to the mayor, in the penal sum of five thousand ($5,000) dollars, for the faithful performance of all the terms and conditions contained in this ordinance

¶ 4. **When effectual.**] § 4. This ordinance shall take effect and be in force when accepted by said company and when said bond shall have been filed with the city clerk; Provided, however, that unless this ordinance shall be accepted and said bond filed within ninety (90) days of the passage hereof this ordinance shall be null and void.

§ 644. North Chicago Street Railroad company.

¶ 1. Grant — routes — term — maintenance of bridge at Division street.
¶ 2. Motive power.
¶ 3. Tracks, how constructed, etc.
¶ 4. Cars, grip and trailers—fare, etc.
¶ 5. Limitation—forfeiture, etc.
¶ 6. Removal of tracks.
¶ 7. Lines to be operated.
¶ 8. Canal bridge at Division street.

¶ 9. Street improvements, repairs, bridges, etc.
¶ 10. Regulation of speed.
¶ 11. License fee $50 per car.
¶ 12. Indemnity.
¶ 13. Bond.
¶ 14. When effectual.

An ordinance granting permission to the North Chicago Street Railroad company to operate in and upon Monroe and Randolph streets and Dearborn street and avenue. (Passed March 14, 1887. Accepted April 4, 1887.)

¶ 1. Grant—routes—term—maintenance of bridge at Division street.] Be it ordained by the city council of the city of Chicago: § 1. In consideration of the acceptance hereof and the undertaking by the North Chicago Street Railroad Company to comply with the provisions and conditions herein contained, permission and authority are hereby given the said company, its successors and assigns, to construct, maintain and operate, for the period of twenty years from and after the passage of this ordinance, a street railroad in, along and upon the following-named streets in the city of Chicago:

Monroe street, from La Salle street to Dearborn street, with a single track.

Randolph street, from La Salle street to Dearborn street, with a single track.

Dearborn street and Dearborn avenue, from Polk street to Michigan street, with a double track.

Provided, that said company shall not have the right under this ordinance to construct its track across any bridge at Dearborn street over the Chicago river, until it shall have secured further and express permission therefor from the city council of the city of Chicago.

Fourth avenue, from a point one hundred (100) feet north of Polk street to a point three hundred and fifty (350) feet north of Polk street, with a single track.

Market street, with a single track, from Illinois street to Michigan street, and continuing with a double track from Michigan street to Kinzie street.

Kinzie street, from Market street to State street, with a double track.

Division street, from Clybourn avenue to Milwaukee avenue, with a double track, except upon the bridges and approaches thereto, across the north branch of the Chicago river and the North Branch canal, where only a single track may be used; and

North avenue, from Clark street to Milwaukee avenue, with a double track, except upon the bridge and approaches thereto, across the north branch of the Chicago river, where only a single track may be used; and said company may make all necessary and convenient side-tracks, turn-outs, turn-tables, curves, switches and connections with any street railway tracks which may be intersected by the tracks hereby authorized; Provided, that if the city of Chicago shall here-

after, during the term of the license hereby granted, provide by ordinance for the construction of new bridges over the north branch of the Chicago river at Division street and at North avenue, to be used and to take the place of the present and existing bridges over said river at said points, the said company, in consideration of the license hereby granted, agrees to pay to the city of Chicago one-half of the first cost of each of said bridges, including piers and abutments; provided, that said company shall not be required to make said payment until after the expiration of ten years from the date of the acceptance of this ordinance by said company.

Said company further agrees, in consideration of the license herein granted, to pay to the city of Chicago the sum of two hundred and fifty($250)dollars per annum toward the cost of maintaining the bridge over the north branch of the Chicago river at Division street, and the sum of two hundred and fifty ($250) dollars per annum towards the cost of maintaining the bridge across said river at North avenue; said payments to date from the date of the laying of tracks across said bridges by said company.

¶ 2. **Motive power.**] § 2. Animal power may be used upon the tracks hereby authorized to be laid, or the same may be operated by stationary engines not located upon any street or public place of the city, and subject to the restrictions and upon the terms and conditions mentioned in this ordinance, for the purpose of operating said cars by said stationary engines, said company shall make all needful and convenient trenches, excavations and sewer connections, and place all needful and convenient endless cables and machinery in said streets, so that such cables and machinery shall be underground and shall not interfere with public travel; Provided, that if in constructing said trenches and excavations, or using the same, any damage or injury shall result to any of the sewers, water pipes or private drains, then the said company shall pay and be liable therefor; and if at any time, by reason of the permission hereby granted, and the making of said trenches or running said cables, any injury or damage shall result to any person or property, then said company shall be held liable therefor; and said company shall pay all damages to the owners of property abutting upon roads, streets, highways or public grounds upon or over which its said road may be constructed, which said owners may sustain by reason of the location or construction of said railroads or either of them. All needful and convenient connections with the motive power of engines shall be subject to the same conditions and restrictions. The tracks hereby authorized on Division street shall be operated by animal power only.

¶ 3. **Tracks, how constructed, etc.**] § 3. The tracks of said railways shall not be elevated in any of said streets, above the level of the roadway thereof, and they shall be laid with modern improved rails, in such manner that carriages and other vehicles can

easily and freely cross the same at all points and in all directions, without obstruction; Provided, section 1509 (§1704-1897) of the Municipal Code of the city of Chicago shall not apply to the rails to be laid upon the tracks herein authorized, but such rails shall be of a kind satisfactory to the mayor and commissioner of public works. The aperture opening into the trenches hereby authorized, shall not exceed five-eighths of an inch in width. Each of the tracks hereby authorized shall be laid as near the center of the street as practicable, and shall not be laid within twelve (12) feet of the sidewalk, except in turning street corners and constructing curves, and then no nearer than may be required to make the necessary curves; Provided, that the track hereby authorized to be laid on Randolph street, from La Salle street to Dearborn street, shall be so laid that the south rail of said track shall not be more than five (5)inches south of, and as near as practicable to the south rail of the north track now laid on said street, between said points.

¶ 4. **Cars, grip and trailers—fare, etc.**] § 4. The said company shall operate upon the tracks hereby authorized, where cable cars are run, not exceeding two cars and one grappling car attached together, with a driver in charge of the grip car, and one conductor in charge of each additional car. The cars to be used upon said railways shall be constructed with all the latest improvements, for the comfort and convenience of the passengers, and shall be used for no other purpose than for the transportation of passengers. The rate of fare shall not exceed five (5) cents for each passenger, for any continuous travel at one ride over the tracks of said company, and the tracks of the North Chicago City Railway Company.

¶ 5. **Limitation—forfeiture, etc.**] § 5. The several tracks herein authorized shall be completed before the first day of July, A. D. 1888, except that the tracks on Dearborn street and Dearborn avenue, between Michigan street and Lake street, shall be completed within six months after there shall be opened to public travel, a bridge across the Chicago river at Dearborn street.

Provided, said company shall have obtained permission, as hereinbefore mentioned to use said bridge; Provided, that said company shall also permit its tracks on said Dearborn street to be used by the Chicago City Railway Company. If the said company shall fail to complete the several tracks within the time mentioned herein, the rights and privileges hereby granted thereto shall cease and determine as to so much and such parts of said tracks as are not completed within the time fixed; Provided, that if said company shall be delayed by the writ of injunction, of any court, from proceeding with the work upon any track, the time of such delay shall be excluded from the time provided herein for the completion of said track; provided, however, that the city law department may intervene in any such suit, and move for the dissolution of such injunction, in case the suit may be deemed

by such law department to be collusive or for the purpose of delay or extension of time.

¶ 6. **Removal of tracks.**] § 6. When the right of said company to operate its railway upon said streets shall cease, said company shall remove its tracks from the same and place the same in as good condition as when said tracks were laid.

¶ 7. **Lines to be operated.**] § 7. In consideration of the rights and privileges hereby granted said company to construct its railway on Dearborn street and Dearborn avenue, between Polk street and Michigan street, the said company shall construct such railway so as to connect and operate the same with the cable road of said company heretofore authorized to be constructed on La Salle street and shall run its cars east by cable tracks from La Salle street to Dearborn street on Monroe street, and west from Dearborn street to LaSalle street on Randolph street, by a cable road, as aforesaid. Said company shall also construct and operate the road on Dearborn street and Dearborn avenue, north of Polk street, in connection with the railway of said company and of the North Chicago City Railway Company in the north division of the city, the same to be operated across a bridge at Dearborn street, when built, by animal or cable power; provided, this ordinance shall not be construed as authorizing the use of said bridge.

¶ 8. **Canal bridge at Division street.**] § 8. The entire roadway of the bridge across the north branch canal at Division street shall be planked and kept in repair by said company during the period the same is used by said company under this ordinance.

¶ 9. **Street improvements, repairs, bridges, etc.**] § 9. The said company, as to the parts of streets in and upon which its said railway may be laid, shall keep eight (8) feet in width where a single track may be laid, and sixteen (16) feet in width where a double track shall be laid, in good condition and repair during all the time to which the privileges hereby granted shall extend, in accordance with whatever order, ordinance or regulation may be passed or adopted by the city council in relation to such repairing, and when any new improvement shall be ordered by the city council of the said streets, or any of them, the said company shall in the manner which may be required of the owners of property fronting on said parts of streets, or any of them, make such new improvement for the width of eight (8) feet where a single shall be laid, and for the width of sixteen (16) feet where a double track shall be laid, and if the said company shall fail so to do, the same may be done by the city, and the company shall be liable to the city for the cost thereof; Provided, further, that the said North Chicago Street Railroad Company shall accept the provisions of an ordinance relating to laying its tracks on a bridge across the Chicago river at Dearborn street, in which it is provided that the said company

shall accept the alternative condition specified in section five of an ordinance entitled "An ordinance to authorize the North Chicago Street Railroad Company to construct a street railroad on Illinois and La Salle streets," passed by the city council July 19th, 1896, as to the payment by said company of the entire expense of erecting a new four-track iron bridge, to be operated by steam power, over the Chicago river at Wells street; that said company shall pay into the city treasury, or arrange for the payment as specified by said ordinance of the amount of money sufficient to defray the entire expense of said bridge at Wells street. Thereupon the city may at its convenience take and use the present bridge across the Chicago river at Wells street, as and for a bridge across said river at Dearborn street, and the entire expense of removing such Wells street bridge to Dearborn street, and placing the same in proper position, shall be paid by said company, and said company shall pay the property owners the value of the sixteen feet of stone pavement in Dearborn street.

¶ **10. Regulation of speed.**] § 10. The city council shall have the power at all times to make such regulations as to the rate of speed on said streets, as the public safety and convenience may require.

¶ **11. License fee fifty dollars per car.**] § 11. The provisions of section one of an ordinance entitled "An ordinance concerning the street railways in the city of Chicago," passed July 30th, 1883, and the license fee of fifty ($50) dollars per car as therein imposed shall extend to the cars to be run on the railways hereby authorized; Provided, that but one license fee shall be charged for cars running over the lines of said company in connection with the lines of the North Chicago City Railway Company.

¶ **12. Indemnity.**] § 12. Said company shall forever indemnify and save harmless the city of Chicago against and from any and all legal damages, judgments, decrees and costs and expenses of the same which it may suffer, or which may be recovered or obtained against said city for or by reason of, or growing out of, or resulting from, the passage of this ordinance or any matter or thing connected herewith, or with the exercise by said company of the privileges hereby granted, or from any act or acts by said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ **13. Bond.**] § 13. The said company shall enter into a good and sufficient bond with the city of Chicago in the penal sum of fifty thousand ($50,000) dollars for the faithful performance of all the terms and conditions contained in this ordinance, and conditioned to indemnify and save harmless the city of Chicago of and from all damages which may be occasioned, or which in any way may accrue, or arise, or grow out of the exercise by said company of the privileges hereby granted.

¶ **14. When effectual.**] § 14. This ordinance shall take effect

and be in force as soon as the same shall be duly accepted by said company and the said company shall have executed and filed with the city clerk the bond provided for herein, in manner and form as hereinbefore required; provided, however, that unless this ordinance shall be duly accepted and the said bond executed and filed within ninety (90) days of the passage hereof this ordinance shall be null and void.

Note.—See section 14 of ordinance passed March 21st, 1892, granting rights to the West Chicago Street Railroad Company.

§ 645. North Chicago Street Railroad company.

¶ 1. Construction adopted.
¶ 2. When effectual.

An ordinance construing ordinances of March 14, 1887, in favor of the North Chicago Street Railroad company concerning the Dearborn street bridge. (Passed March 21, 1887.)

Resolutions construing ordinances of March 14, 1887:

Whereas, the North Chicago Street Railroad Company, at a regular meeting of its board of directors held on the 19th day of March, A. D. 1887, adopted the following resolutions:

"Whereas, the city council of the city of Chicago, at its regular meeting held Monday, March 14th, 1887, passed two ordinances—one ordinance granting permission to the North Chicago Street Railroad Company to construct, maintain, and operate a street railroad upon certain designated streets of the city of Chicago, and the other ordinance granting permission to said company to construct, maintain and operate its road upon and across a bridge to be placed over the Chicago river at Dearborn street; and,

"Whereas, by the terms of the ordinance last mentioned it is provided, among other things, that said company shall pay 'the entire expense of removing such Wells street bridge to Dearborn street and placing the same in proper position,' and it is also provided in the ordinance first above mentioned that said company shall accept the provision of the ordinance last mentioned which requires the payment by said company of 'the entire expense of removing such Wells street bridge to Dearborn street and placing the same in proper position;' and,

"Whereas, also, both of said ordinances are before the mayor of the city for his examination, and the mayor is in doubt as to how much is included in the provision of each of said ordinances above referred to which requires said company to pay 'the entire expense of removing such Wells street bridge to Dearborn street and placing the same in proper position':

"Now, therefore, in consideration of the mayor of the city withholding his veto of said ordinances, and each of them, the said North Chicago Street Railroad Company hereby construes the provision of said ordinances above quoted to include the following: The payment by said company of the entire expense of removing such Wells street

bridge to Dearborn street, and also the expense of a center pier, bridge protection and two abutments for said bridge, to be constructed by the city at Dearborn street; Provided, that said center pier, bridge protection and abutments for said bridge shall not be made by the city to cost the company more than the center pier, bridge protection and abutments which were constructed by said city for the same bridge at Wells street; and said provision of said ordinances shall also be construed to require of said company the payment of the cost of placing said Wells street bridge in proper position upon such center pier and abutments at Dearborn street;

"The said North Chicago Street Railroad Company, for the considerations aforesaid, and for other good and valuable considerations, hereby binds itself, its successors and assigns, to the construction aforesaid of said ordinances, and each of them, and hereby obligates itself, its successors and assigns, upon the approval of such ordinances, to the due fulfillment of the same in accordance with the above construction of their provisions;" and,

Whereas, in consideration thereof, the mayor has approved the ordinances referred to in said resolutions:

¶ 1. **Construction adopted.**] Now, therefore, be it ordained by the city council of the city of Chicago: § 1. That said construction placed by said North Chicago Street Railroad Company upon the ordinances referred to in said resolutions be and the same is hereby ratified, confirmed and adopted by the city of Chicago.

¶ 2. **When effectual.**] § 2. This ordinance shall take effect from and after its passage.

Note.—The original resolutions herein above alluded to, executed by the railroad company, are on file in the office of the commissioner of public works.

§ 646. North Chicago Street Railroad company.

¶ 1. Grant—route.
¶ 2. Tracks, how to be laid.
¶ 3. Limitation.
¶ 4. Driver only—patent fare collector, etc.
¶ 5. Street improvements and repairs.
¶ 6. Speed may be regulated.
¶ 7. Indemnity.
¶ 8. Sewers, water mains and pipes.
¶ 9. Condition—forfeiture for failure to comply with.
¶ 10. When to take effect—fare.

An ordinance authorizing the North Chicago Street Railroad company to lay down, maintain and operate a horse railway in Belmont avenue, between Lincoln avenue and Robey street; also in Robey street between Belmont avenue and Roscoe boulevard; also in Roscoe boulevard between Robey street and Western avenue in the city of Lake View. (Passed and approved April 18, 1887. Accepted April 23, 1887.)

¶ 1. **Grant—route.**] § 1. Be it ordained by the board of trustees, acting as city council of the city of Lake View: § 1. That

in consideration of the acceptance hereof, and the undertaking of the North Chicago Street Railroad Company to comply with the provisions herein contained, permission and authority is hereby given to the said company to construct, maintain and operate a single or double track railway upon and over Belmont avenue, from a point of connection with the tracks of said company in Lincoln avenue to Robey street, and thence northward to Roscoe boulevard, and thence westward to Western avenue; and to operate the same by animal power only, with suitable and convenient extensions, curves, side-tracks, turn-outs, turn-tables and switches necessary for the operation of the cars and tracks and their connections with the tracks of the said company.

¶ 2. **Tracks, how to be laid.**] § 2. The tracks of said railway shall not be elevated in said streets above the surface of the streets, and shall be laid with modern improved rails in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions, without obstruction, and the rails to be used shall be satisfactory to the board of trustees or their successors. Each of said tracks shall be laid as near the center of said street as practicable, and shall not be laid within twelve feet of the sidewalk in any place, except in turning street corners or constructing curves, and then no nearer than may be required to make the necessary curves. And the cars shall be constructed with all the latest improvements for the comfort and convenience of passengers, and shall be used for no other purpose than the transportation of passengers.

¶ 3. **Limitation.**] § 3. The company shall lay down the said tracks and begin to operate its cars for the convenience of passengers on or before August 1st, 1887.

¶ 4. **Driver only—patent fare collector, etc.**] § 4. The said company shall have the right to operate the said cars with a driver only, and when so operated shall place in the car a box in which the passengers shall deposit their fare.

Provided, however, that the said cars, when so operated, shall be arranged with a patent fare collector, patent signal strap for stopping the car, and patent door-opener by which the door on the rear of the car may be opened or closed by the driver from the front platform.

¶ 5. **Street improvements and repairs.**] § 5. The said company, as to the parts of said streets in and upon which its said railway may be laid, shall keep sixteen feet in width in good condition and repair during all the time to which the privileges hereby granted shall be extended, in accordance with whatever order, ordinance or regulation may be passed or adopted by the board of trustees or their successors in relation to such repairing, and when any new improvements shall be ordered by the board of trustees, as acting city council, or their successors, of the said streets, the said railway company shall, in the

manner which may be required of the owners of property fronting on said parts of said streets, make such new improvements for the width of sixteen feet, and if said company shall refuse or fail so to do, the same may be done by the board of trustees, or their successors, and the company shall be liable to the city of Lake View for the cost thereof.

Provided, said improvement, if a pavement, may be made with stone, if said company may so elect.

¶ 6. **Speed may be regulated.**] § 6. The board of trustees, or their successors, may regulate the time or times of running the said cars, and their rate of speed.

¶ 7. **Indemnity.**] § 7. The said company shall forever indemnify and save harmless the city of Lake View from all legal damages, judgments, decrees, costs and expenses of the same, which it may suffer or which may be recovered or obtained against said town, for or by reason of, or granting of, or resulting from the passage of this ordinance, or any matter or thing connected herewith, and with the exercise by this company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance, and the said railway company shall pay all the damages to the owners of property abutting on said street, upon or over which its said road is to be constructed, which said owners may sustain by reason of the location or construction of said company's road.

¶ 8. **Sewers—water mains and pipes.**] § 8. The board of trustees, or their successors, shall have the right to lay all sewer or water mains in said street which may be required from time to time, but in case of the displacement or removal of said tracks by the board of trustees as acting council, or their successors, for such purpose, then the same shall be replaced in as good condition as they were before said displacement, and the expense thereof to be paid by the said town.

¶ 9. **Condition—forfeiture for failure to comply with.**] § 9. The rights and privileges herein granted are upon the express condition that any failure upon the part of said company to fulfill all and singular the provisions hereof shall, at the option of the board of trustees, acting as city council, or their successors, work a forfeiture of such rights and privileges.

¶ 10. **When to take effect—fare.**] § 10. This ordinance shall take effect and be in force from and after its passage.

Provided, said North Chicago Street Railroad Company shall, within ten days from the date of its passage, signify in writing its acceptance thereof; and, Provided, further, that the said North Chicago Street Railroad Company shall guarantee that the fare for one continuous ride in one direction between Belmont avenue and the southern termini of said company or its connecting lines in the city of Chi-

cago by the way of Evanston avenue on the line of the North Chicago City Railway Company, or its lessees, or the connecting lines of either of said companies, shall not exceed five cents from and after the date of said acceptance.

§ 647. North Chicago Street Railroad company.

¶ 1. Grant—route—revocation.
¶ 2. In force, when.

An ordinance granting the North Chicago Street Railroad company right of way in the alley between Lill avenue and Wrightwood avenue. (Passed March 4, 1889. Approved March 11, 1889.)

¶ 1. Grant—route—revocation.] Be it ordained by the city council of the city of Lake View: § 1. That permission and authority be and is hereby given to the North Chicago Street Railroad Co. to lay down, maintain and operate a double track street railway over and across the alley between Lill avenue and Wrightwood avenue and between Sheffield avenue and Seminary avenue west of Cable station of said company, so as to enable said company to connect its Wrightwood avenue tracks with its barns in the West Side of said alleys, the northerly rail of said tracks to be one hundred and fifty feet south of the south line of said Wrightwood avenue. Provided, that the rights herein granted may at any time be withdrawn by a vote of a majority of this council.

¶ 2. In force, when.] § 2. This ordinance shall be in force and take effect from and after its passage.

§ 648. North Chicago Street Railroad company.

¶ 1. Clybourn avenue extension—20 years' grant.
¶ 2. Tracks, requirements for, etc.
¶ 3. Time limited.
¶ 4. Operation of cars, etc.
¶ 5 Street improvements and repairs.
¶ 6. Power of council as to running of cars, etc.
¶ 7. Fare—tickets.
¶ 8. Indemnity, etc.
¶ 9. Right to lay sewers or water mains reserved.
¶ 10. General ordinances to govern.
¶ 11. When to take effect.

An ordinance authorizing the North Chicago Street Railroad company to construct and maintain a horse railway in Clybourn avenue between Fullerton and Belmont avenues. (Passed March 19, 1888. Approved March 20, 1888. Accepted March 27, 1888.)

¶ 1. Clybourn avenue extension—20 years' grant.] Be it ordained by the city council of the city of Lake View: § 1. That in consideration of the acceptance hereof and the undertaking of the North Chicago Street Railroad Company to comply with the provisions herein contained, permission and authority is hereby given to said company, its successors and assigns to construct, maintain and operate by animal power for a period of twenty years, a double track

street railway on Clybourn avenue between Fullerton avenue and Belmont avenue, in the city of Lake View, with suitable and convenient curves, side tracks, turn-outs, turn-tables and switches; and said company shall have the right to connect its tracks with the tracks of the North Chicago City Railway Company, and any other street railroad tracks.

¶ 2. **Tracks, requirements for, etc.**] § 2. The tracks of said company shall not be elevated in any street above the surface thereof and shall be laid with modern improved rails, and in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction, and the rails to be used shall be such as are required by the ordinance of said city, or such improved rails as will be acceptable to the mayor and commissioner of public works thereof, said tracks shall be laid as near the center of the street as practicable; and the cars shall be constructed and furnished with modern improvements for the comfort and convenience of passengers and shall be used for no other purpose than the transportation of passengers.

¶ 3. **Time limited.**] § 3. The tracks hereby authorized shall be laid at the time the street wherein said tracks are to be laid shall be paved; and the laying of the tracks shall proceed with said paving, except as to that part of said street that is now paved; or which part they shall be laid by the time the balance of said tracks are laid; and said company shall begin to operate said cars within thirty (30) days after said tracks shall have been laid. Provided, that if said company shall be delayed by the writ of injunction of any court from proceeding with the work, the time of such delay shall be excluded from the time prescribed herein for laying said tracks, provided, however, that the city council may direct the city attorney to intervene in any such suit and move for the dissolution of such injunction.

¶ 4. **Operation of cars, etc.**] § 4. The said company shall have the right at its option to operate the said cars with or without a conductor and with a driver only, and when so operated with a driver only shall place in each car a box in which the passengers shall deposit their fare; Provided, however, that the said cars when so operated shall be managed with a patent fare collector, patent signal strap for stopping the car, and patent door opener by which the rear door of the car may be opened or closed by the driver thereof from the front platform.

¶ 5. **Street improvements and repairs.**] § 5. The said company, as to the parts of said street in and upon which its street railway may be laid, shall pave sixteen feet in width, including one foot in width to be laid in granite blocks against the outer rails of said tracks and immediately within the outer lines of said sixteen feet at the time of laying said tracks, and keep the same in good condition and repair during all the time to which the privileges hereby granted shall extend

and in accordance with whatever order, ordinances, or regulation that has been or may hereafter be passed or adopted by the city council in relation to said paving or repairing, and both as to the paving of said avenue heretofore ordered and for which an assessment has been made and confirmed by the court; and also as to any new improvements of the said street or avenue which shall be ordered by the city council, the said company shall in the manner which may be required of owners of property fronting on said street make such improvement for the width of sixteen feet, except as herein otherwise ordered; and if the said company shall refuse or fail to do so, the same may be done by the city council and the company shall be liable to the city of Lake View for the cost thereof, provided said improvement, if a pavement, may be made for sixteen feet, or for the space between said tracks, with stone if said company shall so elect. Compliance with the requirements in this section contained shall exempt the right of way or privilege granted by this ordinance from any special assessment hereafter to be made by the city council of Lake View for paving or improving the road bed of the portion of said avenue covered by this ordinance.

¶ **6. Power of council as to running of cars, etc.**] § 6. The city council shall have the power at all times to make such regulations as to the time or times of running said cars or their rate of speed; Provided, that in any such regulation, the public safety and convenience on said right of way shall alone be considered.

¶ **7. Fare—tickets.**] § 7. The regular fare for each passenger shall not exceed five cents for any continuous ride in any direction upon the line authorized by this ordinance. But said company shall at its office, or through its conductors, sell to all persons desiring the same, tickets which shall entitle the passenger holding the same to one ride for each ticket and in either direction upon the line of the railway hereby authorized, and shall sell the same at the rate of fifteen tickets for fifty cents or of thirty-three (33) for one dollar.

¶ **8. Indemnity, etc.**] § 8. Said company shall forever indemnify and save harmless the city of Lake View from any and all legal damages, judgments, decrees, costs and expenses of the same which it may suffer, or which may be recovered or obtained against said city for, or by reason of, or resulting from the passage of this ordinance or any matter or thing contained herewith or with the exercise by said company of the privileges hereby granted or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance, and the said company shall pay all the damages to owners of property abutting upon said street, upon or over which its said road shall be constructed, which they may sustain by reason of the location or construction of said road, the same to be ascertained and paid in the manner provided by law for the services of the right of eminent domain.

¶ 9. **Right to lay sewers or water mains reserved.**] § 9. The city council shall have the right to lay all sewers or water mains in said street, which may from time to time be required, but in case of the displacement or removal of the tracks of said company, for such purpose, then the same shall be replaced in as good condition as before, at the expense of said city.

¶ 10. **General ordinances to govern.**] § 10. The franchises granted by this ordinance are so granted subject to all general ordinances of said city of Lake View, concerning street railways now or which may hereafter be in force.

¶ 11. **When to take effect.**] § 11. This ordinance shall take effect and be in force from and after its acceptance by said company provided that the same shall be accepted within thirty days of the passage hereof.

§ 649. North Chicago Street Railroad company.

¶ 1. Halsted street extension.
¶ 2. Tracks, how to be laid, etc.
¶ 3. Street improvements and repairs.
¶ 4. Speed, etc., regulated by city officials.
¶ 5. Fare.
¶ 6. Sewers and water mains.
¶ 7. Time limit for completion, etc.
¶ 8. Indemnity.
¶ 9. Charter rights reserved.
¶ 10. Failure, forfeiture, etc.
¶ 11. When in effect.
¶ 12. Repeal of prior ordinance.

An ordinance authorizing the North Chicago Street Railroad company to construct a horse railway in Halsted street from Clark street to Grace street in the city of Lake View. (Passed March 4, 1889. Approved March 11, 1889. Accepted April 1, 1889.)

¶ 1. **Halsted street extension.**] Be it ordained by the city council of the city of Lake View: § 1. That in consideration of the acceptance hereof, and the undertaking of the North Chicago Street Railroad Company to comply with the provisions herein contained, permission and authority is hereby given to the said company to construct, maintain and operate for a period of twenty years a double track street railway on Halsted street, from a point two hundred (200) feet north of the easterly line of Clark street connecting with the present Halstead street line of this company to Grace street, there to connect with the tracks now laid and in use by said company in Evanston avenue, and to operate the same by animal power, with suitable and convenient extensions, curves, side-tracks, turn-outs, turn-tables and switches necessary for the operation of the cars by said company.

¶ 2. **Tracks, how to be laid, etc.**] § 2. The tracks of said railway shall not be elevated in said street above the surface of the street and shall be laid with modern improved rails in such a manner that carriages and other vehicles can easily and freely cross the same

at all points and in all directions without obstruction, and the rails to be used shall be of such kind or character as shall be approved by the mayor and commissioner of public works of said city.

Each of said tracks shall be laid as near the center of each street as practicable, and shall not be laid within twelve (12) feet of the sidewalk in any place, and the cars shall be constructed with all the latest improvements for the comfort and convenience of passengers, and shall be used for no other purpose than the transportation of passengers, and said tracks shall be laid in a substantial and proper manner concurrently as near as may be with the paving of said street as such paving has been ordered by the city council of said city.

¶ 3. **Street improvements and repairs.**] § 3. The said company as to the parts of said streets in and upon which its said railway may be laid, shall keep sixteen (16) feet in good condition and repair, during all the time to which the privileges hereby granted shall be extended, in accordance with whatever order, ordinance or regulation may be passed or adopted by the city council in relation to such repairing and when any new improvement shall be ordered by the city council of the said city, the said railway company shall in the manner which may be required of the owners of property fronting on said parts of said street, make new improvements for the width of sixteen (16) feet, and if said company shall refuse or fail so to do, the same may be done by the city council, and the company shall be liable to the city of Lake View for the cost thereof. Provided, said improvement, if a pavement, may be made with stone, if said company shall so elect. And provided the company shall pave the ten inches outside and adjoining the water rails with granite blocks at the time they lay their tracks.

¶ 4. **Speed, etc., regulated by city officials.**] § 4. The city council may regulate the time or times of running the said cars, and their rate of speed, but the said company, until such regulation shall be so made, shall run said cars as often as every fifteen minutes each way during the part of the day when it is usual for cars to be run.

¶ 5. **Fare.**] § 5. The regular fare for each passenger shall not exceed five cents for one continuous ride in either direction between said Grace street and the southern terminus of said Halsted street line in the city of Chicago.

¶ 6. **Sewers and water mains.**] § 6. The city council shall have the right to lay all sewers or water-mains, or service pipes, or make or repair any other improvement in said street, which may be required from time to time; reasonable notice of such intention shall be given to said company by the authorities of said city and during such removal and until a reasonable time shall have elapsed to replace said tracks, the provisions of section 4 of this ordinance shall remain in abeyance.

¶ 7. **Time limit for completion, etc.**] § 7. Said company

shall lay down said track or tracks in Halsted street aforesaid and begin to operate the same for the convenience of passengers on or before the first day of November, A. D. 1889. Provided, said street shall be paved, and the water, gas and sewer pipes laid therein, and all connections made therewith by order of the city council at or prior to said date.

¶ 8. **Indemnity.**] § 8. The said company shall forever indemnify and save harmless the city of Lake View from all legal damages, judgments, decrees, costs and expenses of the same, which it may suffer, or which may be recovered or obtained against said city, for or by reason of the granting of or resulting from the passage of this ordinance, or any matter or thing connected herewith; and the exercise of said company of the privileges hereby granted, or from any act or acts of the said company, its servants or agents, under or by virtue of the provisions of this ordinance; and the said railway company shall pay all damages to the owner or owners of property abutting on said street or over which its said road is to be constructed, which said owners may sustain by reason of the location or construction of said road.

¶ 9. **Charter rights reserved.**] § 9. The city of Lake View, in granting the authority and permission aforesaid, especially reserves its chartered right to control its streets and crossings, and grant at its pleasure, without condemnation proceedings, or other let or hindrance whatsoever, to any other person or corporation, the right of way across said tracks of the said North Chicago Street Railroad Company.

¶ 10. **Failure, forfeiture, etc.**] § 10. The rights and privileges herein granted are upon the express condition that any failure upon the part of said company to fulfill all and singular the provisions hereof shall, at the option of the city council of the city of Lake View, work a forfeiture of such rights and privileges.

¶ 11. **When in effect.**] § 11. This ordinance shall take effect and be in force from and after its passage. Provided, the said company shall signify its acceptance of the terms and conditions hereof in writing within twenty days after the passage hereof.

¶ 12. **Repeal of prior ordinance.**] § 12. That an ordinance entitled "An ordinance authorizing the North Chicago Street Railroad Company to construct a horse railway on Halsted street to Grace street." Passed February 4, 1889, be and the same is hereby repealed.

§ 650. North Chicago Street Railroad company.

¶ 1. Sheffield avenue extension.
¶ 2. Time limited.
¶ 3. Conditions.
¶ 4. Speed, etc., may be regulated.
¶ 5. Fare.
¶ 6. Motive power optional.
¶ 7. Tracks—manner of laying—repair of street.

¶ 8. Operating cars.
¶ 9. Street improvement and repairs.
¶ 10. Sewers and water mains.
¶ 11. Indemnity.
¶ 12. Chartered rights reserved.
¶ 13. Conditions—forfeiture, etc.
¶ 14. When to take effect.

An ordinance authorizing the North Chicago Street Railroad company to construct and operate a street railroad on Sheffield avenue, between the center of Fullerton avenue and the center of Clark street in the city of Lake View. (Passed June 27, 1889. Approved July 1, 1889. Accepted July 8, 1889.)

¶ 1. **Sheffield avenue extension.**] § 1. That in consideration of the acceptance hereof, and the undertaking of the North Chicago Street Railroad Company to comply with the provisions herein contained, permission and authority are hereby granted to the North Chicago Street Railroad Company, its successors and assigns, to construct, maintain, and operate a double track street railroad upon Sheffield avenue between Lincoln avenue and the center of Clark street with the right to connect with other street railroad tracks.

¶ 2. **Time limited.**] § 2. Said company shall lay down the tracks aforesaid and begin to operate the same for the convenience of passengers on or before the first day of December, 1889; Provided, said street shall be paved and the water and sewer pipes laid therein and all connections made therewith, by order of the city council, within said time.

¶ 3. **Conditions.**] § 3. The permission hereby granted is upon the further condition that said company shall extend its street railroad on said Sheffield avenue from Lincoln avenue south to Fullerton avenue whenever the city of Chicago shall grant permission to said company to construct a street railroad on Sheffield avenue between Fullerton avenue and North avenue, and permission and authority is hereby given for the construction of said tracks on Sheffield avenue between Lincoln avenue and Fullerton avenue.

Provided, that said company shall pay into the city treasury the cost of paving the center 16 feet of the street improvement made by special assessment for the benefit of and to revert to the owners of abutting property. Whenever the tracks last mentioned shall be constructed to Fullerton avenue, the same shall be connected with the tracks authorized to be laid by the city of Chicago between Fullerton avenue and North avenue, and the same shall then be operated as one line.

¶ 4. **Speed, etc., may be regulated.**] § 4. The city council may regulate the rate of speed of said cars, and said company shall run said cars at least as often as every fifteen minutes, each way, during the part of the day when it is usual for street cars to be run.

¶ 5. **Fare.**] § 5. The rate of fare to be charged on the line hereby authorized shall be not exceeding five cents for any continuous

travel of one trip to or from the northern terminus of the tracks hereby authorized, and the end of the cable line of said company in the south division of the city of Chicago.

¶ 6. **Motive power optional.**] § 6. The tracks hereby authorized may be operated by animal or electric power or by cable power. For the purpose of operating said cars by cable or electric power, the company may make all necessary trenches, excavations and sewer connections, and place all needful and convenient endless cables in said street, so that such cables, electric power, wires and machinery shall be underground, and shall not interfere with public travel. Provided, that if in constructing said trenches or using the same, any damages or injuries result to any sewer, water pipe or private drains, then the said company shall pay and be liable therefor.

¶ 7. **Tracks—manner of laying—repair of street.**] § 7. The tracks of said railway shall not be elevated in said street above the surface of the street, and shall be laid with modern improved rails, in such a manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction; and the rails to be used shall be the same now used by said company on its other lines. Each of said tracks shall be laid as near the center of said street as practicable, and shall not be laid within twelve (12) feet of the sidewalk in any place. Said tracks shall be laid in a substantial and proper manner, concurrently as near as may be with the paving of the street as such paving has been ordered by the city council of said city. The aperture opening into the trenches hereby authorized shall not exceed five-eighths of an inch in width.

¶ 8. **Operating cars.**] § 8. Said company shall operate, when cable cars are run, not to exceed two cars and one grip car attached, together with a gripman in charge of the grip car, and one conductor in charge of each additional car. The cars to be used upon said railroad shall be constructed with all the latest improvements for the comfort and convenience of passengers, and shall be used for no other purpose than for the transportation of passengers.

¶ 9. **Street improvement and repairs.**] § 9. Said company, as to the part of Sheffield avenue in and upon which its said railway shall be laid, shall keep sixteen feet in width in good condition and repair, during all the time to which the privileges hereby granted shall extend, in accordance with whatever ordinance or regulation may be passed or adopted by the city council in relation to such repairing and when any new improvement shall be ordered by the city council for the said part of Sheffield avenue, said company shall, in the manner which may be required of owners of property abutting on said street, make such new improvement for the width of sixteen feet, and if said company shall refuse or fail so to do, the same may be done by the city, and the company shall be liable to the city for the cost thereof; Provided, also, that upon the construction of the street railroad of said

company on Sheffield avenue, between Lincoln avenue and Fullerton avenue, there shall be paid by said company to the city of Lake View for the use of the owners of property abutting on said avenue between said points, the value, at the time such tracks are laid, of sixteen feet of the pavement of said avenue between said points.

¶ **10. Sewers and water mains.**] § 10. The city council shall have the right to lay all sewers or water mains or service pipes, or make or repair any other improvements in said streets which may be required from time to time. Reasonable notice of such intention shall be given to said company by the authorities of said city and during such removal and until a reasonable time shall have elapsed to replace said tracks the provision of section four of this ordinance shall remain in abeyance.

¶ **11. Indemnity.**] § 11. The said company shall forever indemnify and save harmless the city of Lake View from all legal damages, judgments, decrees, costs and expenses of the same, which it may suffer or which may be recovered or obtained against the city for, or by reason of, the granting of or resulting from the passage of this ordinance, or any matter or thing connected herewith, and the exercise by said company of the privileges hereby granted, or from any act or acts of the said company, its servants or agents, under or by virtue of the provisions of this ordinance; and the said railroad company shall pay all damages to the owner or owners of property abutting on said street, upon or over which its said road is to be constructed, which said owners may sustain by reason of the location or construction of said road.

¶ **12. Chartered rights reserved.**] § 12. The city of Lake View, in granting the authority and permission aforesaid, especially reserves its chartered right to control its streets and crossings, and grant at its pleasure, without condemnation proceedings or other let or hindrance whatsoever, to any other person or corporation, the right of way across said tracks of the said North Chicago Street Railroad Company.

¶ **13. Conditions—forfeiture, etc.**] § 13. The rights and privileges hereby granted are upon the express condition that any failure upon the part of said company to fulfill all and singular the provisions hereof shall, at the option of the city council of the city of Lake View, work a forfeiture of such rights and privileges.

¶ **14. When to take effect.**] § 14. This ordinance shall take effect and be in force upon said company filing with the city clerk its acceptance of the same; Provided, that unless said acceptance shall be filed within sixty days from the passage hereof, this ordinance shall be null and void.

§ 651. North Chicago Street Railroad company.

¶ 1. Belmont avenue extension.
¶ 2. In force from passage.

An ordinance authorizing the North Chicago Street Railroad company to cable Clybourn avenue from Fullerton to Belmont avenues. (Passed June 26, 1890.)

¶ 1. Belmont avenue extension.] Be it ordained by the city council of the city of Chicago: § 1. That consent, permission and authority are hereby given to the North Chicago Railroad Company to cable its line of street railroad upon Clybourn avenue, from Fullerton avenue to Belmont avenue; Provided, the same shall be done and said road operated subject to all the terms, conditions and restrictions contained in an ordinance passed by the city council of the city of Chicago June 7, 1886, authorizing the North Chicago Street Railroad Company to cable its lines of railway; and, provided, that said company shall at all times comply with the provisions of an ordinance of the city council in reference to street car fares, passed March 6, 1890; provided, further, that said cable line shall be completed and in operation for the full length of the route herein authorized within one year from the date of the passage of this ordinance, otherwise this ordinance shall be null and void.

¶ 2. In force from passage.] § 2. This ordinance shall be in force and take effect from and after its passage.

§ 652. North Chicago Street Railroad company.

¶ 1. Chicago avenue extension.
¶ 2. Tracks.
¶ 3. Terms and conditions.
¶ 4. Street improvements and repairs.
¶ 5. Transfer tickets, fares, etc.
¶ 6. Motive power—cars to be heated, etc.
¶ 7. Damages, indemnity, etc.
¶ 8. Grant limited as to time.
¶ 9. Bond.
¶ 10. License fees for cars, etc.
¶ 11. Removal of track—restoration of street.
¶ 12. Prior ordinances govern.
¶ 13. When to take effect.

An ordinance granting permission to the North Chicago Street Railroad company to operate on Chicago avenue from Larrabee street to Milwaukee avenue. (Passed March 16, 1891. Accepted April 15, 1891.)

¶ 1. Chicago avenue extension.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby granted to the North Chicago Street Railroad Company, its successors and assigns, to extend, from Larrabee street to Milwaukee avenue, the street railroad of said company, now located on Chicago avenue, between Clark street and Larrabee street, with the right to connect with other street railroads and to use the same for no other

purpose than for the transportation of passengers and their baggage carried in hand.

¶ 2. **Tracks.**] § 2. The tracks, herein authorized, of said railway shall not be elevated above the surface of the street, and shall be laid with modern improved rails and in such manner that carriages and other vehicles can easily and freely cross the same, at all points and in all directions, without obstruction. Section 1509 (§1704-1897) of the Municipal Code of 1881 shall not apply to the railway tracks herein authorized; but the rails to be used shall be satisfactory to the mayor and commissioner of public works, and said rails shall be laid and all work shall be done under the direction of said commissioner of public works of the city. The said tracks to be placed on the center sixteen feet of said streets.

¶ 3. **Terms and conditions.**] § 3. The permission hereby given is subject to all the terms and conditions which apply to said street railroad now located and operated on said Chicago avenue, between Clark street and Larrabee street. The tracks hereby authorized shall be laid on or before August 1st, 1891.

¶ 4. **Street improvements and repairs.**] § 4. The said company, as to the part of streets in and upon which its said railway may be laid, shall keep eight feet in width where a single track shall be laid, and sixteen feet in width where a double track shall be laid, in good condition and repair during all the time to which the privileges hereby granted shall extend, in accordance with whatever order, ordinance or regulation may be passed or adopted by the city council in relation to such repairing; and when any new improvements shall be ordered by the city council of the said part of streets, or either of them, the said company shall, in the manner which may be required of the owners of property fronting on said parts of street, or either of them, make such new improvements, for the width of eighteen feet where a single track shall be laid, and for the width of sixteen feet where a double track shall be laid; and, if the said company shall refuse or fail so to do, the same may be done by the city, and the company shall be liable to the city for the cost thereof.

¶ 5. **Transfer tickets, fares, etc.**] § 5. Said company shall arrange with the West Chicago Street Railroad Company so as to connect the tracks hereby authorized with the tracks leased by the company last aforesaid on West Chicago avenue, and the North Chicago Street Railroad Company shall also arrange with the West Chicago Street Railroad Company for the operation by that company of the tracks hereby authorized, so that the company last named shall operate a line of cars on Chicago avenue, from North Clark street, and connecting with the street railway on North Clark street, to California avenue, and on California avenue from Chicago avenue to Division street, or Humboldt park, and return, for one fare, not to exceed five (5) cents in either direction; in no event shall the rate of fare exceed

five (5) cents for each passenger for any continuous travel of one ride upon said line and its connections over said tracks and all other lines and tracks of said company connected therewith which it may operate as owner or lessee. Said North Chicago Street Railroad Company shall issue transfer tickets either north or south at Clark street.

¶ 6. **Motive power—cars to be heated, etc.**] § 6. Every car operated on said line hereby authorized shall be operated by cable or animal power only, and shall be provided during the months of October, November, December, January, February, March and April each year with a heating apparatus, of a kind and nature to be selected by the person or corporation engaged in operating and running such car, which shall be reasonably effective in raising the temperature in said car and heating the same; and the said apparatus shall be operated at such times, during the months aforesaid, as the nature of the weather and the degree of the temperature shall require.

¶ 7. **Damages, indemnity, etc.**] § 7. The North Chicago Street Railroad Company shall pay all damages to the owners of property abutting on the street upon which the road hereby authorized shall be constructed which said owners may sustain by reason of the location and construction of said road, and the said company shall forever indemnify and save harmless the city of Chicago against and from any and all legal damages, judgments, decrees and costs and expenses of the same which it may suffer, or which may be recovered or obtained against said city, for or by reason of the granting of such privileges, or for or by reason of, or growing out of, or resulting from, the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 8. **Grant limited as to time.**] § 8. The rights and privileges granted to the said company by this ordinance are intended so to be and shall continue and be in force for the benefit of said company for the term ending July 30th, 1903, and no longer.

¶ 9. **Bond.**] § 9. The North Chicago Street Railroad Company shall enter into a bond to the city of Chicago, in the penal sum of twenty-five thousand ($25,000) dollars, conditioned for the faithful performance by said company of the terms and conditions of this ordinance, and that the work to be done under this ordinance shall be completed at the time specified in this ordinance, unless delayed by the order or injunction of some court of competent jurisdiction.

¶ 10. **License fees for cars, etc.**] § 10. The said North Chicago Street Railroad Company shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of fifty ($50) dollars as an annual license fee for each and every car used by said company which has not been included for use on other lines in the manner following: In computing the number of cars upon which such

license charge shall be imposed, thirteen round trips, when the car is used in the transportation of passengers, shall be taken as equivalent to one day's use of one car; one-thirteenth of the total number of round trips during each quarter shall be divided by the number of days in such quarter; such quotient shall be the number of cars subject to such license fee. The president or other chief officer of said company shall, under oath, make report quarter-yearly to the comptroller of the city of Chicago of the whole number of cars so run by said company, and, at the same time, pay to said comptroller $12.50 per quarter for each car, to be ascertained as above prescribed in this section. The first quarter shall begin on the first day upon which said company shall run a car or cars for the carriage of passengers. Said North Chicago Street Railroad Company shall pay into the city treasury of the city of Chicago, during the term of this license, the sum of $500 annually, to be used in repairing the Chicago avenue bridge and viaduct.

¶ **11. Removal of track—restoration of street.**] § 11. When the right of said company to operate its railways upon such parts of streets shall cease and determine, said company shall remove its tracks from said parts of streets, and put the said parts of streets from which said track shall be removed in as good condition as the adjacent parts of streets.

¶ **12. Prior ordinances govern.**] § 12. This permission and authority hereby granted is subject to all general ordinances now in force, or that may hereafter be passed, concerning street or horse railroads, so far as applicable thereto.

¶ **13. When to take effect.**] § 13. This ordinance shall take effect upon the execution and delivery of said bond and the acceptance by said company of this ordinance; Provided, that such bond and acceptance shall be filed with the city clerk within thirty (30) days from the passage of this ordinance, otherwise this ordinance shall be void and of no effect.

Note.—See two amendatory ordinances following.

§ 652a. North Chicago Street Railroad company.

¶ 1. Transfer tickets at Wells street.
¶ 2. When in force.

An ordinance amending ordinance to North Chicago Street Railroad company, passed March 16, 1891. (Passed April 9, 1891.)

¶ **1. Transfer tickets at Wells street.**] Be it ordained by the city council of the city of Chicago: § 1. That section 5 of an ordinance granting to the North Chicago Street Railroad Company authority to extend from Larrabee street to Milwaukee avenue the street railroad of said company now located on Chicago avenue, between Larrabee street and Clark street, passed March 16th, 1891, be and the same is hereby amended so that the last paragraph in said section 5 shall read as follows: "Said North Chicago Street Railroad Company shall issue transfer tickets either north or south at Wells street."

¶ 2. **When in force.**] § 2. This ordinance shall take effect and be in force from and after its passage.

§ 652b. North Chicago Street Railroad company.

¶ 1. Error corrected.
¶ 2. When effectual.

An ordinance amending ordinance to the North Chicago Street Railroad company, passed March 16, 1891. (Passed December 21, 1891.)

¶ 1. **Error corrected.**] Be it ordained by the city council of the city of Chicago: § 1. That section 5 of an ordinance granting to the North Chicago Street Railroad Company, its successors and assigns, permission and authority to extend from Larrabee street to Milwaukee avenue the street railroad of said company, now located on Chicago avenue, between Clark street and Larrabee street, passed March 16th, 1891, be and the same is hereby amended by striking out the word "that," which occurs in the ninth line of said section, and is the 54th word in said section, and substituting in lieu of the said word "that" the words, "the North Chicago Street Railroad."

¶ 2. **When effectual.**] § 2. This ordinance shall take effect and be in force from and after its passage.

§ 653. North Chicago Street Railroad company.

An ordinance authorizing and empowering the West Chicago Street Railroad company and the North Chicago Street Railroad company to operate their several railroads by certain motors or motive powers therein named. (Passed March 21, 1892. Accepted by the West Chicago Street Railroad company March 28, 1892, and by the North Chicago Street Railroad company April 6, 1892.)

An ordinance amending above ordinance of March 21, 1892. (Passed April 30, 1894.)

Ordinances amending section one (1) of above ordinance of April 30, 1894. (Passed May 7, 1894.)

Note.—For above ordinances see West Chicago Street Railway Company.

§ 654. North Chicago Street Railroad company.

¶ 1. Grant twenty years.
¶ 2. Power to be used.
¶ 3. Cable or electricity—construction, conditions, etc.
¶ 4. Street improvements, repairs, etc.
¶ 5. Tracks—limitations—conditions, etc.
¶ 6. Fare—transfer tickets—police, etc., ride free of charge.
¶ 7. Tracks, how laid, etc.
¶ 8. License fee, $50 per car.
¶ 9. Heating apparatus—running time.
¶ 10. Indemnity required.
¶ 11. Bond.
¶ 12. When to take effect.

An ordinance granting permission to the North Chicago Street Railroad company to lay down and operate tracks on Southport avenue from Clark street to Clybourn Avenue, etc. (Passed May 7, 1894.)

¶ 1. **Grant twenty years.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof, and the undertaking by the North Chicago Street Railroad Company to comply with the provisions herein contained, consent, permission and authority are hereby granted to said company, its successors and assigns, and said company is hereby required, to lay down, construct, maintain and operate, for the period of twenty (20) years from and after the date of the passage of this ordinance, a double track street railroad, with all necessary and convenient turn-outs, side-tracks and switches, in, upon and along Southport avenue, between Clark street and Clybourn avenue, in the city of Chicago, with the right to connect with other street railroad tracks, and also to connect the track now on Halsted street with the track now on Evanston avenue where the same crosses Halsted street, and to operate upon said street railroads, hereby authorized, railway cars in the manner and for the time and upon the conditions herein prescribed.

¶ 2. **Power to be used.**] § 2. The cars to be used on said lines of railroad, hereby authorized, may be propelled and operated by any motive power now authorized to be used by the North Chicago Street Railroad Company, or by any power or plan which may hereafter be authorized by the city council of the city of Chicago.

¶ 3. **Cable or electricity—construction, conditions, etc.**] § 3. In case said company, upon the line hereby authorized, shall use cable power, the method of laying and constructing such cable and operating the same shall in all respects be the same and be governed by the same conditions and limitations as provided by an "ordinance of the city council of the city of Chicago," passed June 7th, 1886, authorizing said company to use cable power. Sections 3475 to 3477, of the Compiled Laws and Ordinances of the city: "And in case said company, upon the line hereby authorized, shall use electric power by means of electric overhead contact wires, the method of construction and operation shall be the same and governed by all the conditions and limitations as provided in an ordinance of the city of Chicago, passed April 30, 1894, authorizing the operation by electric overhead contact wires of certain lines of the North Chicago Street Railroad Company and the West Chicago Street Railroad Company." The cars or carriages to be used on said railway lines, hereby authorized, shall be used for no other purpose than to carry passengers and their ordinary baggage; and they shall be kept clean and well lighted, and shall be heated as hereinafter provided.

¶ 4. **Street improvements, repairs, etc.**] § 4. The said North Chicago Street Railroad Company, as to the part of each of said streets in and upon which its said railways may be laid, shall keep sixteen (16) feet in width in good condition and repair, during

all the time to which the privileges hereby granted shall extend, in accordance with any order or regulation that may be adopted by the city council in relation to such repairs; and when any new improvements shall be ordered in any part of said streets, or either of them, the company shall, in the manner which may be required of the owners of the property fronting on said part of said streets, make such improvements for the width of sixteen (16) feet; and, if said company shall refuse or fail so to do, the same may be done by the city, and the company shall be liable and pay the cost thereof.

¶ 5. **Tracks—limitations—conditions, etc.**] § 5. The tracks authorized to be constructed by this ordinance shall be laid and completed within the period of one year after the passage and acceptance of this ordinance. If said company shall fail to complete said tracks within said time, the rights and privileges hereby granted shall cease and determine; Provided, the sewer and water pipes shall have been laid, and, if not yet laid, then within six months after the ground over said sewers and water pipes are in proper condition to receive said track; and Provided, further, that, if said company shall be restrained or prevented from proceeding with the work upon said railways by the order or writ of any court of competent jurisdiction, the time during which said company may be so delayed shall be added to the time herein prescribed for the completion of said work. The city of Chicago shall, however, have the right to intervene in any suit for an injunction to restrain the said company, as aforesaid, and move for the dissolution of said injunction, in case said suit shall be deemed collusive, for the purpose of delay or extending the time for the completion of said tracks.

The time during which said company may be so delayed as aforesaid shall, however, be reckoned only from the time when the said company shall have given notice to the corporation counsel of the city of Chicago of the institution of such legal proceedings as aforesaid. "Unless said company shall within the time hereinabove provided have ready and in operation the line hereby authorized, the city of Chicago shall have the right to remove all tracks and other obstacles placed in the street by virtue of the authority granted by this ordinance, and the said company shall be liable to the city for the expense of such removal." "When the right of said railroad company to operate its railroad on said street shall cease and determine said company, shall remove the tracks from the said part of said street, and put said part of the street from which said tracks shall be removed in as good condition as the adjacent part of said street."

¶ 6. **Fare, transfer tickets—police, etc., ride free of charge.**] § 6. The rate of fare to be charged upon the lines of railway herein authorized shall be five (5) cents for one continuous ride either way between the northern terminus of Southport avenue and Monroe street and Dearborn street, by transfer tickets in either Lincoln ave-

nue or Clybourn avenue. The city police, firemen and United States letter carriers in uniform shall be carried free of charge.

¶ 7. **Tracks, how laid.**] § 7. The tracks of said railway shall not be elevated above the surface of the street, and shall be laid with modern improved rails, to be approved by the mayor and commissioner of public works, and in such a manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction, and shall be, also, laid as near the center of the street as practicable. Section 1509 (§ 1704-1897) of the Municipal Code of Chicago of 1881 shall not apply to the railroad tracks herein authorized.

¶ 8. **License fee, $50 per car.**] § 8. The said North Chicago Street Railroad Company shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of fifty ($50) dollars, as an annual license fee, for each and every car used by said company on each of said lines herein authorized, in the manner following: In computing the number of cars upon which said license charge may be imposed, thirteen round trips when one car is used in the transportation of passengers shall be taken as equivalent to one day's use of the car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter, such quotient shall be the number of cars subject to such license fee. The president or other chief officer of said company shall, under oath, make report quarter-yearly, to the comptroller of the city of Chicago, of the whole number of cars so run by said company, and, at the same time, pay to the said comptroller twelve dollars and a half ($12.50) for each car, to be ascertained as above prescribed in this section. The first quarter, as to each line of railway, shall begin upon the first day upon which the said company shall run a car or cars for the carriage of passengers.

¶ 9. **Heating apparatus—running time, etc.**] § 9. The cars upon the lines hereby authorized shall be provided during the months of November, December, January, February and March of each year with heating apparatus of a kind and nature which shall be reasonably effective in raising the temperature of said car and heating the same; and said apparatus shall be operated at such times during the months aforesaid as the nature of the weather and the degree of the temperature shall require. And the cars upon said tracks herein authorized to be laid shall be run at such intervals as may be necessary to accommodate the public.

¶ 10. **Indemnity required.**] § 10. The company shall forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs and expenses which it may suffer, or which may be recoverable or obtained against said city, for or by reason of the granting of such privileges, or for or by reason of, or growing out of or resulting from, the ex-

ercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 11. **Bond.**] § 11. The North Chicago Street Railroad Company shall execute to the city of Chicago a good and sufficient bond, in the penal sum of twenty-five thousand ($25,000) dollars, to be approved by the mayor, for the faithful observance and performance of the provisions and conditions of this ordinance on its part to be observed and performed as aforesaid.

¶ 12. **When to take effect.**] § 12. This ordinance shall take effect and be in force as soon as the said North Chicago Street Railroad Company shall file with the city clerk its formal acceptance of the same, and the bond as herein prescribed; Provided, however, that, if said acceptance and bond shall not be filed with the said city clerk as aforesaid within sixty (60) days from the passage of this ordinance, this ordinance shall be void and of no effect.

Note.—See following amendatory ordinance.

§ 654½. North Chicago Street Railroad Company.

¶ 1. Letter carriers not to ride free of charge.
¶ 2. When to take effect.

An ordinance amending section 6 of an ordinance, passed May 7, 1894, granting to the North Chicago Street Railroad company the right to construct and maintain a double track street railroad in Southport avenue, between Clark street and Clybourn avenue. (Passed May 21, 1894.)

¶ 1. **Letter carriers not to ride free of charge.**] Be it ordained by the city council of the city of Chicago: § 1. That section 6 of an ordinance passed by the city council of the city of Chicago on the 7th day of May, A. D. 1894, granting to the North Chicago Street Railroad Company the right to construct and maintain a double track street railroad in Southport avenue, between Clark street and Clybourn avenue, in the city of Chicago, be, and said section 6 of said ordinance is hereby amended by striking out the words, "and United States letter carriers," occurring in the last clause of said section between the word "firemen" and the word "in," and inserting the word "and" between the word "police" and the word "firemen," occurring in said clause, so that said last clause in said section 6, as hereby amended, shall read as follows: "The city police and firemen in uniform shall be carried free of charge."

¶ 2. **When to take effect.**] § 2. This ordinance shall take effect and be in force from and after its passage.

§ 655. North Chicago Street Railroad company.

¶ 1. Fullerton avenue extension.
¶ 2. Tracks requisite.
¶ 3. Motive power—kind optional.
¶ 4. Cable or electricity—conditions—limitations.
¶ 5. Street improvements, repairs, etc.
¶ 6. Restoration of street.
¶ 7. License fee, $50 per car.
¶ 8. Cars to be heated—running time to accommodate, etc.
¶ 9. Indemnity.
¶ 10. Bond.
¶ 11. Fares, transfer tickets—police, etc., ride free of charge.
¶ 12. Limitation as to time.
¶ 13. When to take effect.

An ordinance granting permission to the North Chicago Street Railroad company to construct and operate a railway in Fullerton avenue from Lincoln to Milwaukee avenues. (Passed May 14, 1894. Accepted June 1, 1894.)

¶ 1. **Fullerton avenue extension.**] Be it ordained by the city council of the city of Chicago: § 1. Permission and authority are hereby granted to the North Chicago Street Railroad Company, its successors and assigns, and said company is hereby required, to lay down, construct and operate, for the period of twenty years from the passage hereof, a double track street railway, with all necessary and convenient turnouts and switches, in, upon and along Fullerton avenue, commencing at the intersection of Lincoln avenue with said Fullerton avenue, and thence westerly in and along said Fullerton avenue to Milwaukee avenue, with the right to connect with other street railroads, and to use the same for the transportation of passengers and their ordinary baggage.

¶ 2. **Tracks requisite.**] § 2. The tracks of said railway shall not be elevated above the surface of the street, and shall be laid with modern improved rails and in such a manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction, and shall, also, be laid as near the center of the street as practicable. Section 1509 (§ 1704-1897) of the Municipal Code of Chicago of 1881 shall not apply to the railway tracks herein authorized, but the rails to be used shall be satisfactory to the mayor and commissioner of public works, and shall be laid under their direction.

¶ 3. **Motive power—kind optional.**] § 3. The cars to be used on said railway may be operated by animal power, cable or such other power as said company is by any ordinance of the city of Chicago now authorized to use.

¶ 4. **Cable or electricity—conditions—limitations.**] § 4. In case said company upon the line hereby authorized shall use cable power, the method of laying and constructing such cable and operating the same shall in all respects be the same and be governed by the same conditions and limitations as provided by an ordinance of

the city council of the city of Chicago, passed June 7th, 1886, authorizing said company to use cable power. Sections 3475 to 3477 of the compiled laws and ordinances of the city. And in case said company, upon the line hereby authorized, shall use electric power by means of electric overhead contact wires, the method of construction and operation shall be the same and governed by all the conditions and limitations as provided in an ordinance of the city of Chicago, passed April 30th, 1894, authorizing the operation by electric overhead contact wires of certain lines of the North Chicago Street Railroad Company and the West Chicago Street Railroad Company.

¶ 5. **Street improvements, repairs, etc.**] § 5. The said company, as to the parts of said streets in and upon which its said railway may be laid, shall pave and keep sixteen feet in width in good condition and repair, during all the time to which the privileges hereby granted shall extend, in accordance with whatever order, ordinance or regulation may be passed or adopted by the city council in relation to such repairing; and, when any new improvement shall be ordered by the city council of said part of said street, the said railway company shall, in the manner which may be required of the owners of the property fronting on said part of said street, make such new improvement for the width of sixteen feet; and, if the company shall refuse or fail so to do, the same may be done by the city, and the company shall be liable to the city for the cost thereof.

¶ 6. **Restoration of street.**] § 6. When the right of said railway company to operate its railway on said street shall cease and determine, said company shall remove the tracks from the said part of said street, and put the said part of the street from which said tracks shall be removed in as good condition as the adjacent part of said street.

¶ 7. **License fee, $50 per car.**] § 7. The said North Chicago Street Railroad Company shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of $50, as an annual license fee for each and every car used by said company, in the manner following: In computing the number of cars upon which said license charge may be imposed, thirteen round trips, when the car is used in the transportation of passengers, shall be taken as equivalent to one day's use of the car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter, such quotient shall be the number of cars subject to such license fee; Provided, however, that such cars shall not already be liable for the payment of a license fee on one of the other lines of this company or its connections. The president or any other officer of said company shall, under oath, make report quarter-yearly, to the comptroller of the city of Chicago, of the whole number of cars so run by said company, and, at the same time, pay to said comptroller twelve dollars and a half ($12.50) for each car, to be ascertained as above prescribed

in this section. The first quarter shall begin on the first day upon which said company shall run a car or cars for the carriage of passengers.

¶ 8. **Cars to be heated—running time to accommodate, etc.**] § 8. The cars upon the railway hereby authorized shall be provided during the months of November, December, January, February and March of each year with heating apparatus, of a kind and nature to be selected by said company, which shall be reasonably effective in raising the temperature in said cars and heating the same; and the said apparatus shall be operated at such times during the months aforesaid as the need of the weather and degree of temperature shall require, and on all cars, both day and night. And the cars upon said tracks herein authorized to be laid shall be run at such intervals as may be necessary to accommodate the public.

¶ 9. **Indemnity.**] § 9. The company shall forever indemnify and save harmless the city of Chicago against and from any and all legal damages, judgments, decrees and costs and expenses of the same which it may suffer, or which may be recovered or obtained against said city, for or by reason of the granting of such privileges, or for or by reason of, or growing out of, or resulting from, the exercise by the said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 10. **Bond.**] § 10. The North Chicago Street Railroad Company shall execute to the city of Chicago a good and sufficient bond, in the penal sum of $25,000, to be approved by the mayor, conditioned for the faithful observance and performance of the provisions and conditions of this ordinance on its part to be performed and observed as aforesaid.

¶ 11. **Fares, transfer tickets—police, etc., ride free of charge.**] § 11. The rate of fare shall be five (5) cents for any distance between Monroe street and the terminus of the line hereby authorized; and passengers upon any line belonging to said company which may connect with the line hereby authorized shall, on payment of one cash fare, be entitled to be transferred from one line to the other at the point of such connection without additional fare. The city police and firemen in uniform shall be carried free of charge.

¶ 12. **Limitation as to time.**] § 12. The tracks authorized to be laid and operated under this ordinance shall be laid within one year from and after the passage of this ordinance; Provided, however, that said railroad company shall not be required to lay down said tracks and construct said railroad until all the sewer and water pipes and their connections shall have been laid in said Fullerton avenue; and, in event said sewer and water pipes and their connections shall not be laid until after the expiration of said period fixed herein for

the laying of said tracks, then said tracks shall be laid within six months after the completion of the work of laying said water and sewer pipes and their connections. If said company shall be restrained or prevented from proceeding with the work upon said railway by the order or writ of any court of competent jurisdiction, the time during which said company may be so delayed shall be added to the time herein prescribed for the completion of said work. The city of Chicago shall, however, have the right to intervene in any suit for an injunction to restrain the said company, as aforesaid, and move for a dissolution of said injunction. The time during which said company may be so delayed as aforesaid shall, however, be reckoned only from the time when the said company shall have given notice to the corporation counsel of the city of Chicago of the institution of such legal proceedings as aforesaid. Unless said company shall within the time herein above provided have ready and in operation the line hereby authorized, the city of Chicago shall have the right to remove all tracks and other obstacles placed in the street by virtue of the authority granted by this ordinance, and the said company shall be liable to the city for the expense of such removal.

¶ **13. When to take effect.**] § 13. This ordinance shall take effect and be in force from and after its passage and approval by the mayor and filing of the bond and acceptance as herein prescribed; Provided, however, that, if said acceptance and bond shall not be filed as aforesaid within sixty (60) days of the passage hereof, then all the rights and privileges herein granted to said North Chicago Street Railroad Company shall be void and of no effect.

§ 656. North Chicago Street Railroad company.

¶ 1. Route of pipe line.
¶ 2. Maps or plans showing location to be filed.
¶ 3. Conditions.
¶ 4. When to take effect—filing of acceptance and bond.

An ordinance authorizing the North Chicago Street Railroad company to lay a pipe line from company's gas house to car house. (Passed October 15, 1894. Accepted November 3, 1894.)

¶ **1. Route of pipe line.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted to the North Chicago Street Railroad Company to lay a line of pipe, not exceeding two inches in diameter, in and along the streets and alleys in the city of Chicago designated as follows: Beginning at the gas house of said company on Larrabee street, between Center street and Garfield avenue, such line shall be laid in Larrabee street or in alleys near thereto; thence extending in a northerly direction to Fullerton avenue; thence in a westerly direction on Fullerton avenue or the alleys near thereto to Orchard street; thence in a northerly direction in Orchard street or the alleys near thereto to

Wrightwood avenue; thence in a westerly direction in Wrightwood avenue or the alleys near thereto to said company's Lincoln avenue power house and station, with a branch line extending from a point at or near the intersection of Orchard street with Wrightwood avenue, in a northerly direction in Orchard street or the alley near thereto to Sherman place; thence easterly in Sherman place across the alley in the rear of the company's car house on North Clark street. Whether on any particular part or portion of the said route, the pipes shall be laid in alleys or streets shall be determined by the commissioner of public works whose duty it shall be to require the same to be laid in alleys whenever fairly practicable.

¶ 2. **Maps or plans showing location to be filed.**] § 2. When application is made by said company for a permit for excavating in any street or alley, the commissioner of public works shall require said company to file with him a map or plan showing the precise location in such streets or alleys of all such excavations for his approval. After the approval of such map or plan, and before any permit shall be issued, the said company shall deposit with the commissioner of public works a sum of money equal to the cost of restoring any street or alley in which such excavation is made to its former condition and the cost to the city of the supervision and inspection thereof, according to an estimate thereof to be made by said commissioner, which sum of money shall be returned to said company when such work of restoration is completed to his satisfaction, and the cost of supervision and inspection thereof is paid. But notwithstanding the receipt and return of such deposit the said company shall be liable to remedy any and all defects or omissions in the work of complete restoration of any such street or alley which may be discovered at any time within one year after such work is completed. The work authorized by this ordinance shall be done under the supervision of the commissioner of public works, and subject to the existing ordinances of the city, and the cost to the city of supervising and inspecting the same shall be borne by said company.

¶ 3. **Conditions.**] § 3. The privilege and authority hereby given are upon the following express conditions:

First—That the right to maintain the pipe line herein authorized shall absolutely cease and determine, without any act on the part of the city, upon the expiration of the present franchises of said company to operate a street railroad on the streets herein named.

Second—That the pipes hereby authorized to be laid shall be used for no other purpose than for lighting with gas the street cars of said company. Upon any breach of this condition the rights hereby conferred shall absolutely cease and determine, without any act on the part of the city.

Third—That the work hereby authorized shall be completed within one year from the date of the taking effect of this ordinance, and all

right to do any of the said work shall then cease and determine, without any act on the part of the city.

Provided, that the time, after notice by the company to the corporation counsel of the city of the pendency thereof, during which any legal proceedings shall be pending whereby said company shall be hindered, prevented or delayed from carrying on the same, shall be excluded from the computation of such time.

The city shall have the right to intervene in any such legal proceedings, with all the rights of a party thereto.

Fourth—That within twenty days from the passage of this ordinance the said company shall file a written acceptance thereof with the city clerk, and shall within said time file with said clerk a bond in the penal sum of five thousand dollars, payable to the city of Chicago, with sureties to be approved by the mayor, conditioned that it will observe, perform and carry out all the provisions of this ordinance and such general ordinances as have been heretofore passed, or that may hereafter be passed, and that it will indemnify the city against and from any and all damages, judgments, decrees, costs, expenses which it may suffer or which may be recovered or obtained against said city, for or by reason or growing out of, or resulting from, the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges, or any of them, hereby granted, or from any act or acts of the said company under and by virtue of the provisions hereof.

¶ 4. **When to take effect—filing of acceptance and bond.**] § 4. This ordinance shall take effect and be in force from and after the filing of the acceptance and bond within the time hereinbefore limited, and, if the said acceptance and bond shall not be so filed, then this ordinance shall be void and of no effect.

§ 657. North Chicago Street Railroad company.

¶ 1. Indiana street extension.
¶ 2. Tracks requisite.
¶ 3. Street improvement and repairs.
¶ 4. Time limited.
¶ 5. Motive power optional—conditions, etc.
¶ 6. Metallic return circuits, guard wires, etc.
¶ 7. Cars of best style—heating.
¶ 8. Indemnity bond, etc.
¶ 9. License fees, etc.
¶ 10. Fares, transfers, etc.
¶ 11. Trolley wires and use of cable tracks—restrictions.
¶ 12. Attaching wires to elevated road structures.
¶ 13. Franchise for 20 years.
¶ 14. When to take effect.

An ordinance authorizing the North Chicago Street Railroad company to lay tracks on Indiana street, from State street to the river, and on Grand avenue from the river to Halsted street. (Passed February 4, 1895. Accepted February 28, 1895.)

¶ 1. **Indiana street extension.**] Be it ordained by the city

council of the city of Chicago: § 1. In consideration of the undertaking by the North Chicago Street Railroad Company to comply with the provisions herein contained, permission and authority are hereby granted to said company, its successors and assigns, to lay down, maintain and operate a single or double track street railroad, with all the necessary and convenient turnouts, side tracks and switches, from State street in and along Indiana street, and across Indiana street bridge to the west side of the north branch of the Chicago river; and thence westerly in and along Grand avenue to Halsted street, in the city of Chicago; and to connect, at any and all street intersections, any track or tracks hereby authorized to be laid, with the track or tracks of any railroad owned, leased or operated by said company or any other company; and also permission to connect the tracks located at the intersection of State street with Lake street, and operated by the North Chicago Street Railroad Company, with the tracks at said intersection belonging to the Chicago West Division Railway Company.

¶ 2. **Tracks requisite.**] § 2. The tracks of said railway company shall not be elevated above the surface of the street, and shall be constructed with modern improved rails, and so laid that vehicles may freely and safely cross the said tracks; and when two tracks are laid in the same street, the said tracks shall be laid parallel as near as practicable. Section 1509 (§ 1704-1897) of the Municipal Code of Chicago of 1881 shall not apply to the railroad tracks herein authorized.

¶ 3. **Street improvement and repairs.**] § 3. The said company, as to the part of said street in and upon which its said railway shall be laid, shall keep eight feet in width where a single track shall be laid, and sixteen feet in width where a double track shall be laid, in good condition and repair during all of the time to which the privileges hereby granted shall extend, in accordance with such ordinances or regulations as shall be passed or adopted by the city council in relation to such repairing, and, when any new improvement shall be ordered by the city council of said part of said street, said railway company shall, in the manner which may be required of the owners of property fronting on said part of said street, make such new improvements for the width of eight feet where a single track shall be laid, and of sixteen feet where a double track shall be laid, and, if said company shall refuse or fail so to do, the same may be done by the city, and the company shall be liable to the city for the cost thereof; Provided, however, that said company shall pay to the owner or owners of property abutting on streets where such tracks shall be laid the cost of improvement of eight feet in width where a single track shall be laid, and sixteen feet in width where a double track shall be laid, on all such streets that have been improved within the past year.

¶ 4. **Time limited.**] § 4. The railway hereby authorized shall

be completed within twelve months after the passage of this ordinance, not counting the months of December, January, February and March; Provided, if said company shall be delayed by the order of injunction of any court, the time of such delay shall be deducted from the time above prescribed.

¶ 5. **Motive power optional—conditions, etc.]** § 5. The cars may be operated by electric power, or, in case of emergency, change or improvement in method, by any power said company may have the authority to operate its cars with under any ordinance or ordinances of the said city of Chicago. If electric power shall be used by means of overhead contact wires, such overhead wires, together with the necessary feed wires, may be suspended from poles set within the curb limits of the street on either side thereof, or from bracket poles in the center of the street along said line of route, the placing of said poles to be determined by the mayor and commissioner of public works, and said poles to be of ornamental iron or steel, and of such construction and design as the mayor and commissioner of public works may approve. Said poles and feeder wires shall be suspended not less than eighteen and a half (18½) feet above the rails, and the said poles and supports shall be placed on an average of not less than one hundred and fifteen (115) feet apart. No poles shall be set at the intersection of streets and alleys. Such poles and wires to be erected and maintained for the purpose of supplying electric current which can be used for power, heat and light purposes; and with the right to connect the wires herein authorized with the generator or power station, or any station or car house in connection with said railroad or railroads, or with any power house or station along any line or lines of railroad of said company used by it in connection with its cable, horse or electric system and said company may convey said wires from such power house or station to the line of wires hereby authorized, upon poles placed upon or along the alleys of the city, or, whenever in the judgment of the commissioner of public works it shall be impracticable to place such poles in alleys, he may, for the purpose above mentioned, permit to be placed in streets ornamental iron or steel poles of such design and construction as he may approve; or said company may, if the mayor and commissioner of public works consent thereto, convey said connecting wires in an underground conduit through the streets or alleys of the city of Chicago, which conduit shall be used by the company for the purposes herein set forth only.

Before making any excavation, or in any wise interfering with the surface of any street or alley, said company shall obtain from the commissioner of public works a permit therefor, and shall deposit with the treasurer of the city of Chicago a sum sufficient to cover the cost of restoring such street or alley according to an estimate of the probable cost thereof, to be made by the commissioner of public works in each case.

All wires and conductors for the transmission of electricity in or along any street shall be constructed in a substantial and workmanlike manner, and under the supervision of the commissioner of public works, so as to interfere as little as possible with the public travel.

¶ 6. **Metallic return circuits, guard wires, etc.**] § 6. Said company shall establish and maintain a metallic return circuit conductor, independent of the rails, upon all the lines of street railroad hereby authorized to be operated by electric overhead contact wires.

Wherever other lines of wires cross the wires to be strung by virtue of this ordinance, the latter wires shall be protected by guard wires or other suitable mechanical device, as may be directed by the commissioner of public works.

¶ 7. **Cars of best style—heating.**] § 7. The cars to be used shall be of the best style and class, and shall be used for the transportation of passengers or their ordinary baggage, and shall be provided during the months of November, December, January, February and March, in each year, with heating apparatus of the kind and nature which shall be reasonably effective in raising the temperature of such car and heating the same; which said heating apparatus shall be operated at such times during said months aforesaid as the nature of the weather shall require.

¶ 8. **Indemnity bond, etc.**] § 8. Said company shall forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs and expenses which said city may suffer, or which may be recovered or obtained against ing from the exerecise by said company of the privileges hereby conferred upon it, or for or by reason of or growing out of or resulting from the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance. And said company shall, within the time limited for the acceptance of this ordinance, file with the city clerk a bond to the city of Chicago in the penal sum of fifty thousand dollars ($50,000), with sureties to be approved by the mayor of the city of Chicago, conditioned for the faithful performance and observance by said company of all the conditions and provisions of this ordinance.

¶ 9. **License fees, etc.**] § 9. The said North Chicago Street Railroad Company shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of fifty ($50) dollars, as an annual license fee, for each and every car used by said company, in the manner following: In computing the number of cars upon which said license charge may be imposed, thirteen round trips, when the car is used in the transportation of passengers, shall be taken as equivalent to one day's use of one car; one-thirteenth (1-13) of such round trips during each quarter shall be divided by the number of days in

such quarter; such quotient shall be the number of cars subject to license fee; Provided, however, that such cars shall not already be liable for the payment of a license fee on one of the other lines of this company or its connections. The president or other chief officer of said company shall, under oath, make report quarter-yearly to the comptroller of the city of Chicago of the whole number of cars so run by said company, and at the same time pay to said comptroller twelve dollars and a half ($12.50) for each car, to be ascertained as above prescribed in this section. The first quarter shall begin on the first day upon which said company shall run a car or cars on said railway for the carriage of passengers.

¶ **10. Fares, transfers, etc.**] § 10. The rate of fare for one continuous ride shall be five (5) cents for each passenger on each line of said railway hereby authorized; Provided, that the North Chicago Street Railroad Company shall so arrange with the West Chicago Street Railroad Company that the passengers on the said last named company's line on Grand avenue may ride to the southern terminus of said line for one fare, and passengers going west on said Indiana street line may ride to the western terminus of said West Chicago Street Railroad Company's line on Grand avenue for one fare; and Provided, further, that policemen and firemen in uniform shall be carried free of charge.

¶ **11. Trolley wires and use of cable tracks—restrictions.**] § 11. Permission and authority are also hereby granted to said company to operate its electric cars by overhead contact wires over and along any part or parts of its cable tracks so far as may be necessary in order to connect its electric line in any street with its electric line in any other street. This permission is granted merely and only for the purpose of enabling the said company to use its cable tracks for making a circuit or perfecting a line or route which shall require the cars to use the cable tracks in making a proper and direct connection, and shall not be suffered or permitted to be so construed as to permit the use of cable tracks by electric cars in any way or manner which will tend to supersede the use of cable cars or lines by electricity.

It is also expressly understood and declared that, before any cable track shall be used by said company for the operation thereon of electric cars, it shall file with the commissioner of public works a plan showing specifically the line of cable tracks which it is intended to use by means of electrical appliances, and from and in connection with which it must appear that such use of cable tracks by electrical appliances is not intended to and will not have the effect to supersede or interfere with the full use of such cable tracks by cable cars by the substitution of electric cars therefor and thereon.

It is further understood and declared that no overhead wires shall at any time be erected or run over the cable tracks located in any

streets or parts of streets within the district bounded by the Chicago river on the north and the south branch of the Chicago river on the west.

¶ 12. **Attaching wires to elevated road structures.**] § 12. Permission and authority are also hereby granted to said company to place and attach overhead wires to and beneath any elevated railroad structure in any street where said company shall operate an electric railroad, upon obtaining consent from the elevated railroad company to attach such overhead wires; and to construct and operate over and across any bridge or bridges, and to the end of the farther approach to such bridge or bridges, any electric line of street railroad in any street leading to any such bridge or bridges.

¶ 13. **Franchise for 20 years.**] § 13. All the rights and privileges hereby granted to and conferred upon the said North Chicago Street Railroad Company, its successors and assigns, or intended so to be, shall continue and be in force for the full term and period of twenty (20) years from and after the passage of this ordinance. But it is expressly understood and declared that none of the provisions of this ordinance shall be construed or operate to in any manner extend the life or term of any of the existing ordinances in which the said North Chicago Street Railroad Company is any manner interested.

¶ 14. **When to take effect.**] § 14. This ordinance shall take effect and be in force from and after its passage and acceptance, and the filing of the bond herein above provided for within thirty (30) days after the passage thereof; otherwise this ordinance shall be void and of no effect.

§ 658. North Chicago Street Railroad company.

¶ 1. Southport avenue extension.
¶ 2. Limitation and conditions.
¶ 3. Paving, funds for.
¶ 4. When to take effect.

An ordinance granting authority to the North Chicago Street Railroad company to lay down and operate tracks on Southport avenue between Lincoln avenue and Clybourn place. (Passed March 11, 1895. Accepted March 18, 1895.)

¶ 1. **Southport avenue extension.**] Be it ordained by the city council of the city of Chicago: § 1. Whereas, it is necessary that the street railway in Southport avenue, between Clark street and Lincoln avenue, should be so extended as to provide better accommodations for the residents in that territory: Now, therefore, the North Chicago Street Railroad Company is hereby ordered and directed to extend its railway line in Southport avenue, and to that end, and in consideration of the acceptance hereof, permission and authority are hereby granted to the North Chicago Street Railroad Company, its

successors and assigns, to lay down, construct, maintain and operate for the period of twenty (20) years from and after May twenty-first (21st), 1894, a double track street railroad, with all necessary and convenient turnouts, side tracks and switches, in, upon and along Southport avenue, between Lincoln avenue and Clybourn place, in the city of Chicago, with the right to connect with other street railroad tracks, and also to connect with the tracks now in said Southport avenue, at the intersection of Lincoln avenue, and to operate, upon said railroad hereby authorized, railway cars.

¶ 2. **Limitation and conditions.**] § 2. The street railroad hereby directed and authorized to be constructed, operated and maintained shall be completed within the period of one (1) year after the passage of this ordinance, and all the grants, powers, privileges, rights and immunities conferred upon, and all duties and obligations required of, the North Chicago Street Railroad Company, in and by a certain ordinance passed May 7th, 1894, granting to the North Chicago Street Railroad Company the right to construct and maintain a double track street railroad in said Southport avenue, and the ordinance amendatory thereof, passed May 21st, 1894, are hereby conferred upon, and required of, the said North Chicago Street Railroad Company, in the construction, operation and maintenance of the railroad hereby authorized, as fully and effectually, to all intents and purposes, as if all of the grants, powers, privileges, rights and immunities conferred by the said ordinances of May 7th and May 21st, 1894, and all of the said duties and obligations imposed by the said last named ordinances had been specifically incorporated into this ordinance.

¶ 3. **Paving, funds for.**] § 3. The North Chicago Street Railroad Company shall refund to the petitioning property owners abutting on said street an amount of money equal to the value of the paving of the sixteen feet of street occupied by their tracks, between Lincoln avenue and Fullerton avenue; and between Fullerton avenue and Clybourn place the said North Chicago Street Railroad Company shall pave the street from curb to curb.

¶ 4. **When to take effect.**] § 4. This ordinance shall take effect and be in force from and after its passage, and the filing of the bond and acceptance, as prescribed in the said ordinance of May 7th, 1894.

§ 659. North Chicago Street Railroad company.

¶ 1. Loop extension.
¶ 2. Term of grant—bond, etc.
¶ 3. When to take effect.

An ordinance granting permission to the North Chicago Street Railroad company to construct a loop in alleys between Clark and Orchard streets and Sherman place. (Passed February 24, 1896. Accepted March 5, 1896.)

¶ 1. **Loop extension.**] Be it ordained by the city council of

the city of Chicago: § 1. That permission and authority are hereby granted to the North Chicago Street Railroad Company, its successors and assigns, to construct, maintain and operate a single or double track street railway in, along and upon that part of the first public alley lying west of Clark street and between said Clark street and Orchard street, and which said alley runs thence northerly from Sherman place and intersects at its northern end another alley which runs westerly; the said railway to begin at the north end of the said first mentioned public alley, and from thence run in a southerly direction in and along said first mentioned alley a distance of ninety (90) feet. It being intended hereby to grant unto the said railroad company the right to extend its present railway line from its present terminus at the north end of said first mentioned public alley, in and along the said first mentioned public alley southerly a distance of ninety (90) feet, in order that said railroad company may construct and operate a loop line by means of such extension of its present railway line at that point.

¶ 2. **Term of grant—bond, etc.**] § 2. The permission and authority hereby granted shall be for the term of twenty (20) years from and after the passage and approval of this ordinance; Provided, however, the said railroad company shall within thirty (30) days after the passage and approval of this ordinance file with the city clerk its bond in the sum of five thousand ($5,000) dollars, and shall also at the same time file with the said city clerk an acceptance in writing of this ordinance.

¶ 3. **When to take effect.**] § 3. This ordinance shall take effect and be in force from and after its passage.

§ 660. North Chicago Street Railroad company.

¶ 1. Electricity as motive power—limitation as to district in which to operate.
¶ 2. Construction—wires, poles, etc.
¶ 3. Changes necessary may be made.
¶ 4. Indemnity.
¶ 5. Franchise limited.
¶ 6. Bond.
¶ 7. When to take effect—payment of $75,000.

An ordinance authorizing the North Chicago Street Railroad company and the West Chicago Street Railroad company to substitute electricity as the motive power on all lines operated in the south division. (Passed July 27, 1896. Accepted by each company August 1, 1896.)

¶ 1. **Electricity as motive power—limitation as to district in which to operate.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof and the undertaking by the North Chicago Street Railroad Company and the West Chicago Street Railroad Company, their successors and assigns, respectively, to comply with the provisions herein contained,

permission and authority are hereby granted to the said companies respectively, and their successors and assigns, to use and operate their respective railway lines with electricity as a motive power, in and along each and all of the streets and avenues in the south division of the city of Chicago, that is to say: To the North Chicago Street Railroad Company permission and authority are hereby given to use electricity as a motive power for the operation of its cars in and along each and all of the streets and avenues in and along which the said company last named is now operating a street railroad by horse power, and to the same extent; and to the said West Chicago Street Railroad Company like permission and authority to operate its cars in and along each and all the streets and avenues in and along which the said last named company is now operating a street railway by horse power, and to the same extent. It being intended by this section to grant unto each of said corporations permission and authority to change its motive power from horse power and to substitute therefor electricity in and along each and all streets and avenues in the south division of the city of Chicago south of the main branch of the Chicago river and east of the south branch of said river, in which the said corporations or either of them are now operating a street railway by horse power.

Provided, That the permission and authority hereby granted to the above-named companies shall not be construed as granting permission or authority to the said companies to operate any cars with electric overhead contact wires upon any portion of Washington street east of the south branch of the Chicago river, nor upon any street in the south division of the city of Chicago east of Fifth avenue, south of Lake street and north of Van Buren street, excepting that permission and authority are hereby granted to the North Chicago Street Railroad company to use electric overhead contact wires upon that portion of Clark street lying between the Chicago river and Washington street, and excepting also that permission and authority are granted to the North Chicago Street Railroad Company and the West Chicago Street Railroad Company to use electric overhead contact wires upon that portion of State street lying between Randolph street and Lake street, and upon that portion of Randolph street lying between Dearborn street and State street, and upon that portion of Dearborn street lying between Randolph street and Lake street.

¶ 2. **Construction—wires, poles, etc.**] § 2. The construction of said electric lines shall be the same as those now on Clark street, south of Washington street, or as shall be directed by the mayor and commissioner of public works of the city of Chicago. If the electric power used shall be by means of overhead contact wires suspended from poles, then, and in such case, all such overhead contact wires shall be suspended from poles set within the curb limit of the street on either side thereof; and all poles shall be set and adjusted

as to obstruct the public use of the street and sidewalks as little as possible. The wires shall be suspended not less than eighteen and one-half feet above the rails, and the said poles authorized shall be placed on an average of not less than one hundred and fifteen feet apart, except at the intersection of streets and avenues, when said poles or supports shall be placed at the intersection of streets and avenues.

¶ 3. **Changes necessary may be made.**] § 3. For the purposes aforesaid the said railroad companies respectively are hereby authorized to construct and relay all necessary tracks, and to make all needful and convenient curves, switches and turnouts, and should an underground system be adopted, to make all needful and convenient excavations, trenches and sewer connections, and may place all needful and convenient poles, wires and appliances in the said several streets and avenues, and wherever any railway line is located underneath any elevated railroad structure to attach to the said structure all needful and necessary wires and other appliances for the purpose of operating the said railroad line; Provided, however, that before using the said structure for the purposes aforesaid, the consent in writing of the proper officers of the said elevated railroad company shall be first obtained.

¶ 4. **Indemnity.**] § 4. The said companies shall forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs and expenses which it may suffer, or which may be recoverable or obtained against said city for or by reason of, or growing out of, or resulting from the exercise by said companies, or either of them, of the privileges hereby granted, and from any act or acts of said companies, or either of them, or their servants or agents, under or by virtue of the provisions of this ordinance.

¶ 5. **Franchise limited.**] § 5. The permission and authority hereby granted shall continue during the entire unexpired term of the several ordinances granting to said respective companies the right to operate street railroads in the city of Chicago.

¶ 6. **Bond.**] § 6. The North Chicago Street Railroad Company and the West Chicago Street Railroad Company shall respectively execute to the city of Chicago a good and sufficient bond in the penal sum of twenty-five thousand ($25,000) dollars for the faithful observance and performance of the provisions and conditions of this ordinance, on its part to be observed and performed as aforesaid.

¶ 7. **When to take effect—payment of $75,000.**] § 7. This ordinance shall take effect and be in force as soon as the said North Chicago Street Railroad Company and the said West Chicago Street Railroad Company shall file with the city clerk its formal acceptance of the same, and the bond as hereinabove prescribed; Provided, however, that if said acceptance and bond shall not be filed, as aforesaid,

within sixty days from the passage of this ordinance, this ordinance shall be void and of no effect as to such company which shall be in default.

Provided, that the said companies shall pay to the treasurer of the city of Chicago, for the use of the said city, the sum of seventy-five thousand ($75,000) dollars within sixty days from the passage of this ordinance, and that until the said payment shall be made none of the provisions of this ordinance shall be in force or effect.

NORTHERN ELECTRIC RAILWAY COMPANY.

§ 661. Northern Electric Railway company.

¶ 1. Preamble.
¶ 2. Grant—term twenty years.
¶ 3. Route.
¶ 4. Motive power—overhead wires—city may use poles—return circuit.
¶ 5. Feeder wires—restoration of streets.
¶ 6. Improvement and repair of streets.
¶ 7. Time of completion—liquidated damages.
¶ 8. Rate of fare—free riders.
¶ 9. Elevation of tracks.
¶ 10. License fee—compensation to city.
¶ 11. Heating cars—running time.
¶ 12. Indemnity clause.
¶ 13. Temporary tracks—relay after sewer constructed.
¶ 14. Temporary wooden poles—permanent poles.
¶ 15. Cash deposit—bond.

An ordinance authorizing the Northern Electric railway to construct and operate street railroads in certain streets and avenues in the city of Chicago. (Passed July 23, 1894. Accepted September 18, 1894.)

¶ 1. **Preamble.**] Whereas, at least ten days' public notice of the time and place of presenting the petition of the Northern Electric Railway for the granting of consent by the city of Chicago to said railway to locate and construct its road upon and along the portions of streets hereinafter named has been first duly given as required by law.

¶ 2. **Grant—term twenty years.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof and the undertaking by the Northern Electric Railway to comply with the provisions herein contained, consent, permission and authority are hereby granted to said company, its successors and assigns, and said company is hereby required to lay down, construct, maintain and operate for the period of twenty (20) years from and after the date of the passage of this ordinance, a street railway,

with all necessary and convenient turn-outs, side-tracks and switches, in, along and upon certain streets in the city of Chicago, hereinafter named, with the right to connect with other street railroad tracks; and to operate on said street railroads, hereby authorized, railway cars in the manner and for the time and upon the conditions herein prescribed.

¶ 3. Route.] § 2. The said Northern Electric Railway is hereby authorized and required to lay a street railroad in, upon and along the course of the following streets: On West Forty-seventh street, from Lake street to Thomas street; on Thomas street, from West Forty-seventh street to West Forty-eighth street; on West Forty-eighth street, from Thomas street to North avenue; on Jefferson avenue, from North avenue to Armitage avenue; on North avenue, from West Forty-eighth street to Central avenue; on Central avenue, from North avenue to Grand avenue; on Grand avenue, from Central avenue to Poland avenue; on Leyden avenue, from Grand avenue to Belden avenue; on Belden avenue, from Leyden avenue to Poland avenue, and on Poland avenue, from Grand avenue to Belden avenue, all in the said city of Chicago.

¶ 4. Motive power—overhead wires—city may use poles—return circuit.] § 3. The cars to be used on said lines of railroad, hereby authorized, may be propelled and operated by electric overhead contact wires suspended from cross-arms extending from ornamental iron or steel poles of such construction and design as may be approved by the mayor or commissioner of public works, such poles to be set near the center line of the street so as to cause the least possible obstruction to the use of the streets. The wires shall be suspended not less than eighteen and one-half (18½) feet above the rails; and the said poles authorized shall be placed on an average of not less than one hundred and fifteen (115) feet apart. No poles or supports shall be placed at the intersection of streets and avenues.

Provided, that the city of Chicago shall have the right to use said poles for the purpose of stringing wires, and the right to affix to said poles electric lamps for street lighting purposes; and provided, further, and the privileges and rights granted by this ordinance are granted upon the express condition, that the said Northern Electric Railway, its successors and assigns, shall, upon all lines operated under this ordinance, establish and maintain a metallic return circuit conductor independent of its rails, and wherever other lines of wire cross the wires to be strung by virtue of this ordinance, the latter wires shall be protected by guard wires or other suitable mechanical device as may be directed by the commissioner of public works, and said railway may propel its cars by electric storage batteries, and may, from time to time, change its means of propulsion from one of said methods to the other.

And in the event that some more favorable and practicable method

of furnishing electricity, or other motive power, for the operation of said road be discovered, said Northern Electric Railway, its successors or assigns, shall have the right, or may be required, to adopt the same in the place of, or in connection with the use of said overhead contact wires, when approved or ordered by the mayor and commissioner of public works.

¶ 5. **Feeder wires—restoration of streets.**] § 4. For the purpose of operating said cars, said Northern Electric Railway may make all needful and convenient curves, tracks, turn-outs, excavations and sewer connections, and connect the said wires herein authorized with the generator or power station or stations, or with any station or car house or houses that may be erected along the line of said railway, or either of them.

Said Northern Electric Railway may convey said connecting wires from such power stations to the lines of wires hereby authorized upon poles placed upon or along the alleys of the city, or whenever in the judgment of the commissioner of public works it shall be impracticable to place such poles in alleys he may, for the purpose above mentioned, permit to be placed in streets ornamental iron or steel poles of such design and construction as he may approve.

Before making any excavation or in any wise interfering with the surface of any street or alley, said company shall obtain from the commissioner of public works a permit therefor, and shall also deposit with the treasurer of the city of Chicago a sum sufficient to cover the cost of restoring such street or alley, according to an estimate of the probable cost thereof, to be made by the commissioner of public works in each case.

The cars or carriages to be used on said railway lines hereby authorized shall be for no other purpose than to carry passengers and their ordinary baggage, and they shall be kept clean and well lighted, and shall be heated as hereinafter provided.

¶ 6. **Improvement and repair of streets.**] § 5. The said Northern Electric Railway shall keep sixteen (16) feet in width of the parts of any and all streets occupied by it in pursuance of the terms of this ordinance in good condition and repair during all the time to which the privileges hereby granted shall extend, in accordance with any order or regulation that may be adopted by the city council in relation to such repairs; and when any new improvement shall be ordered in any part of such street or streets, the company shall, in the manner which may be required of the owners of the property fronting on said part of said street, make such improvement for the width of sixteen (16) feet; and if said company shall refuse or fail to do so the same may be done by the city and the company shall repay to the city upon demand the cost thereof.

¶ 7. **Time of completion—liquidated damages.**] § 6. The

tracks authorized to be constructed by this ordinance in said West Forty-seventh street, Thomas street, West Forty-eighth street, Jefferson avenue, North avenue, Central avenue, Grand avenue, Leyden avenue, Belden avenue and Poland avenue shall be laid and completed in each of said streets or avenues within the period of one year after the passage and acceptance of this ordinance. If said company shall fail to complete said tracks within said time, the rights and privileges hereby granted shall cease and determine.

And the city shall have the right to remove all tracks and other obstacles placed in the streets or alleys by virtue of the authority granted by this ordinance, and the said company shall be liable to the city for the expense of such removal. The said Northern Electric Railway shall, at or before the time of its acceptance of this ordinance, deposit with the treasurer of the city of Chicago the sum of twenty-five hundred dollars ($2,500) in cash, or bonds of the city of Chicago of the par value of $2,500, which money or bonds the city of Chicago shall have the right to retain as agreed and liquidated damages in case of the failure of the said Northern Electric Railway to complete said road within the time as above limited, but which shall be returned to it after the completion of said entire railway lines in accordance with the provisions of this ordinance.

The time during which any legal proceeding shall be pending whereby the said company shall be prevented from or delayed in constructing its railroad, or any part thereof, shall be excluded from the time prescribed for the completion thereof; Provided, however, that such exclusion shall date only from the time when the said company shall have given notice to the corporation counsel of the city of Chicago of the institution of such legal proceedings.

The city of Chicago shall have the right to intervene in any suit or proceedings brought by any person or persons seeking to enjoin, restrain or in any manner interfere with the prosecution of said work of construction and move for a dissolution of such injunction or restraining order, and for any other proper order in such suit, in case it shall deem such suit collusive or instituted for the purpose of delay.

¶ 8. **Rate of fare—free riders.**] § 7. The rate of fare to be charged upon the lines of railway herein authorized, or on any extensions thereof hereafter authorized, within the limits of the city of Chicago, shall be five (5) cents for one continuous ride in either direction, but police officers and firemen in uniform shall be carried free of charge.

¶ 9. **Elevation of tracks.**] § 8. The tracks of said railway shall not be elevated above the surface of the street, and shall be laid with modern improved rails, to be approved by the mayor and commissioner of public works, and in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions, without obstruction, and shall be laid as near the center of the street as practicable. Section 1509 of the Municipal Code

of Chicago, of 1881, shall not apply to the railroad tracks hereto authorized.

¶ **10. License fee—compensation to city.**] § 9. The said Northern Electric Railway shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of fifty ($50) dollars, as an annual license fee for each and every car used by said company on each of said lines herein authorized, in the manner following: In computing the number of cars upon which said license charge may be imposed, thirteen round trips, when one car is used in the transportation of passengers, shall be taken as equivalent to one day's use of the car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter; such quotient shall be the number of cars subject to license fee. The president or other chief officer of said company shall, under oath, make report quarter-yearly to the comptroller of the city of Chicago, of the whole number of cars so run by said company, and at the same time pay to the said comptroller twelve dollars and a half ($12.50) for each car, to be ascertained as above prescribed in this section.

The first quarter shall begin upon the first day upon which the said company shall run a car or cars for the carriage of passengers. After the expiration of five years from the date of the passage of this ordinance the said Northern Electric Railway shall annually pay into the treasury of the city of Chicago, in addition to the annual license fee above provided, a percentage of the gross receipts from the operation of the roads hereby authorized, as compensation for the benefits conferred by this ordinance upon said company, as follows: One per cent for five years; two per cent for the following period of five years, and three per cent for the last period of five years.

¶ **11. Heating cars—running time.**] § 10. The cars upon the lines hereby authorized shall be provided during the months of November, December, January, February and March of each year with heating apparatus of a kind and nature which shall be reasonably effective in raising the temperature of said car and heating the same; and the said apparatus shall be operated at such times during the months aforesaid as the nature of the weather and the degree of the temperature shall require. And the cars upon said tracks authorized to be laid shall be run at such intervals as may be necessary to accommodate the public.

¶ **12. Indemnity clause.**] § 11. The company shall forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees, and costs and expenses, which it may suffer or which may be recoverable or obtained against said city, or by reason of the granting of such privileges, or for or by reason of, or growing out of, or resulting from the exercise by said company of the privileges hereby granted, or from any act or acts of said

company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 13. **Temporary tracks—relay after sewers constructed.**] § 12. The streets aforesaid being improved, anything herein contained to the contrary notwithstanding, the laying and use by said Northern Electric Railway of a "T" rail single track in such manner as shall be approved by the mayor and commissioner of public works, shall be considered a compliance with the terms hereof until the laying of main sewers in the said portions of said streets, and upon the laying of such sewers the said Northern Electric Railway, its successors and assigns, shall, within ninety (90) days thereafter, relay its track over such sewers, in conformity with the provisions of the other sections of this ordinance.

¶ 14. **Temporary wooden poles—permanent poles.**] § 13. The streets aforesaid being unimproved, anything herein contained to the contrary notwithstanding, the erection and use of wooden poles set within curb limits of all of said streets and avenues by the said Northern Electric Railway and the paving with wooden planks between the rails and one foot on each side of said rails shall be considered a compliance with the terms hereof until the laying of main sewers in the said portions of said streets, and upon the laying of said sewers the said Northern Electric Railway, its successors and assigns, shall within ninety (90) days thereafter erect iron or steel center poles along such portions of said streets in conformity with the provisions of the other sections of this ordinance.

¶ 15. **Cash deposit—bond.**] § 14. This ordinance shall take effect and be in force as soon as the said Northern Electric Railway shall have made the deposit of cash or bonds as required in section six of this ordinance and shall file with the city clerk its formal acceptance of the same and a bond in the penal sum of twenty thousand ($20,000) dollars, conditioned for the faithful performance of the terms hereof; Provided, however, that if said deposit be not made, and said acceptance and bond shall not be filed with the city clerk as aforesaid within sixty (60) days from the passage of this ordinance, this ordinance shall be void and of no effect.

NORTH SIDE ELECTRIC STREET RAILWAY COMPANY.

§ 662. North Side Electric Street Railway company.

¶ 1. Grant—term.
¶ 2. Routes specified.
¶ 3. Motive power optional.
¶ 4. Curves, tracks, poles, power stations, etc.
¶ 5. Street improvement and repairs.

¶ 6. Time limited for completion.
¶ 7. Rate of fare.
¶ 8. Tracks, how laid.
¶ 9. License fee—compensation to city.
¶ 10. Heating apparatus.
¶ 11. Indemnity clause—bond.
¶ 12. When in force.

An ordinance granting permission to the North Side Electric Street Railway company to operate and maintain a street railroad on certain streets therein named. (Passed July 16, 1894. Accepted September 12, 1894.)

¶ 1. Grant—term.] Be it ordained by the city council of the city of Chicago: § 1. In consideration of the acceptance hereof, and the undertaking by the said North Side Electric Street Railway Company to comply with the provisions herein contained, consent, permission and authority are hereby granted to said company, its successors and assigns, and said company is hereby required to lay down, construct, maintain and operate, for the period of twenty (20) years from and after the date of the passage of this ordinance, a single or double track street railroad, with all such necessary and convenient turnouts, side tracks and switches, as the commissioner of public works may approve and permit, in, along and upon certain streets in the city of Chicago hereinafter named, with the right to connect with other street railroad tracks, and to operate upon said street railroad hereby authorized, railway cars, in the manner and for the time and upon the conditions herein prescribed.

¶ 2. Routes specified.] § 2. That said The North Side Electric Street Railway Company, its successors or assigns, is hereby authorized to lay the tracks,with all necessary turn-tables, turn-outs, side-tracks and switches, as provided in the first section of this ordinance, along and upon the following streets and alleys in the city of Chicago.

Beginning at the south line of Kinzie street at the intersection of Franklin street and Kinzie street, thence north along Franklin street to the north line of Division street.

Also, commencing at the intersection of Erie street and Franklin street, thence westerly along Erie street to the west line of the North branch of the Chicago river.

Also, commencing at the intersection of Elm street and Franklin street, thence westerly along Elm street to the west line of Crosby street.

Also, commencing at the intersection of Kingsbury street and Erie street, thence northerly along Kingsbury street to the intersection of Chicago avenue and Wesson street.

Also, commencing at the intersection of Wesson street and Chicago avenue, thence northerly along Wesson street to a point 200 feet south of the south line of Oak street.

Also, commencing on Wesson street at a point not less than 200 feet south of the south line of Oak street, thence westerly and across the north and south alley lying between Wesson street and Larrabee

street to the east line of Larrabee street; thence northwesterly across Larrabee street to the west line of Larrabee street; thence southwesterly along Crosby street from the west line of Larrabee street to the intersection of Grace street with Division street.

Also, commencing at the south line of Division street at the intersection of Grace street and Division street, thence northerly along Grace street to the north line of Vedder street; thence northerly across Gardner street and the east and west alleys lying between Vedder street and Gardner street, and between Gardner street and Rees street, to the north line of Rees street, to a point about three hundred feet east of Halsted street.

Also, commencing at a point upon Rees street three hundred feet east of Halsted street, thence westerly along Rees street to the intersection of Rees street and Dayton street.

Also, commencing at the intersection of Dayton street and Rees street, thence northerly along Dayton street to the intersection of Weed street and Dayton street.

Also, commencing at the intersection of Weed street and Dayton street, thence westerly along Weed street to the intersection of Weed street and Sheffield avenue.

Also, commencing at the intersection of Weed street and Sheffield avenue, thence northerly along Sheffield avenue to the intersection of Sheffield avenue and Marcy street.

Also, commencing at the intersection of Marcy street and Sheffield avenue, thence northwesterly along Marcy street to the intersection of Marcy street and Clybourn place.

Also, commencing at the intersection of Clybourn place and Marcy street, thence westerly along Clybourn place to the west line of Elston avenue.

¶ 3. **Motive power, optional.**] § 3. The cars of said railway company may be operated by animal or electric power, provided that if the said company shall elect to propel and operate its cars by electric power, the same may be operated and propelled by electric overhead contact trolley wires and necessary feeder wires for said line, suspended from poles set within the curb line limit of the street on either side thereof, or from bracket poles placed in the center of the streets, the placing of said poles to be determined by the mayor and commissioner of public works; said poles to be of ornamental iron or steel, and of such construction and design as the mayor and commissioner of public works may approve, and so adjusted as to obstruct the public use of the streets or sidewalks as little as possible.

The said trolley and feeder wires shall be suspended not less than eighteen and a half (18½) feet above the rails, and the said poles and supports shall be placed on an average of not less than one hundred and fifteen (115) feet apart. No poles shall be set at the intersection of streets and avenues.

¶ 4. **Curves, tracks, poles, power stations, etc.**] § 4. For the purpose of operating said cars, said North Side Electric Street Railway Company may make all such needful and convenient curves, tracks, turnouts, excavations and sewer connections as the commissioner of public works may approve, and connect the said wires herein authorized with the generator or power station or stations; or with any station or car house or houses that may be erected along the lines of said railway or either of them, and said company may convey said connecting wires from such power house or station to the lines of wires hereby authorized upon poles placed upon or along the alleys of the city, or, whenever in the judgment of the commissioner of public works it shall be impracticable to place such poles in alleys, he may, for the purpose above mentioned, permit to be placed in streets ornamental iron or steel poles of such design and construction as he may approve; or said company may, if the mayor and commissioner of public works consent thereto, convey said connecting wires in an underground conduit through the streets and alleys of the city of Chicago, which conduit shall be used by said company for the purpose herein set forth only. Before making any excavation or in any wise interfering with the surface of any street or alley, said company shall obtain from the commissioner of public works a permit therefor, and shall also deposit with the treasurer of the city of Chicago a sum sufficient to cover the cost of restoring such street or alley according to an estimate of the probable cost thereof to be made by the commissioner of public works in each case. The cars or carriages to be used on said railway lines hereby authorized shall be used for no other purpose than to carry passengers and their ordinary baggage, and mail, and they shall be kept clean and well lighted, and shall be heated as hereinafter provided. At least one car shall be run every half hour each way during the hours between six o'clock a. m. and twelve o'clock p. m., and at least one car, which, however, may be drawn by horses, shall be run every hour each way during the hours between twelve o'clock p. m. and six o'clock a. m.

¶ 5. **Street improvement and repairs.**] § 5. The said The North Side Electric Street Railway Company, its successors or assigns, as respects the grading, paving, macadamizing, planking or repairing or using of the aforesaid streets and avenues, shall at its own cost and expense keep, if single track, eight feet, or if double track, sixteen feet, in good repair and condition, during all the time to which the privileges hereby granted shall extend, in accordance with the orders and regulations of the commissioner of public works of the said city of Chicago.

And when any new improvement of any character shall be ordered by the city council of the said city, said The North Side Electric Street Railway Company, its successors or assigns, at its own cost and expense shall, in the manner required by the city authorities, make

such improvements, for the width above specified, said sixteen feet to include the side tracks as laid in said streets and avenues.

And if the said The North Side Electric Street Railway Company shall neglect or fail to make any repairs or improvements as aforesaid, for the space of twenty (20) days after notice so to do from the superintendent of public works or any other proper officer of said city, to any officer of said The North Side Electric Street Railway Company, or its successors or assigns, then and in such case the city may at its option do the same and the company shall repay to the city upon demand, the cost thereof.

Provided, further, that when ordered by the city council of the city of Chicago, the said The North Side Electric Street Railway Company, its successors or assigns, at its own cost and expense shall, in the manner required by the city authorities, pave with cedar block pavement and keep in repair such portions of the following streets and alleys as shall be used by said The North Side Electric Street Railway Company by its lines when completed in accordance with this ordinance, viz.:

Franklin street, from Kinzie street to Division street.

Erie street, from Franklin street to Kingsbury street.

Kingsbury street, from Erie street to Chicago avenue.

Wesson street, from Chicago avenue to a point two hundred feet south of the south line of Oak street.

Sheffield avenue, from Weed street to Marcy street.

Weed street, from Sheffield avenue to Dayton street.

Dayton street, from Weed street to Rees street.

Rees street, from Dayton street to a point three hundred feet east of Larrabee street.

Grace street, from Division street to Vedder street.

And, provided, further, that the said North Side Electric Street Railway Company, its successors or assigns, shall not occupy any portion of Marcy street until the same shall have been widened from Sheffield avenue to East Wabansia avenue to the uniform width of sixty (60) feet. All the expense of such widening, including the damages for the taking or damaging of land occasioned by such extension, shall be paid by said company.

¶ **6. Time limited for completion.**] § 6. At least one-half of the tracks authorized to be constructed by this ordinance shall be laid and completed within the period of eighteen (18) months after the passage and acceptance of this ordinance. The balance of the tracks authorized to be laid by this ordinance shall be laid and completed, and said entire railway shall be fully equipped and in operation within three years after the passage of this ordinance. If said company shall fail to complete said tracks within the times above specified respectively, the rights and privileges hereby granted shall cease and determine; and the city of Chicago shall have the right to remove all tracks, or any part thereof, laid by virtue of the authority

granted by this ordinance. And said company shall, in case of default in either of the above mentioned conditions as to time limit, be liable to the city of Chicago for the sum of ten thousand dollars ($10,000) as agreed and liquidated damages for such default; and for the purpose of enforcing said liability said company shall before or at the time of its acceptance of this ordinance deposit with the treasurer of the city of Chicago the sum of ten thousand dollars ($10,000) in cash or bonds of the city of Chicago of the par value of $10,000, which shall be retained by said city absolutely in case of such default as above mentioned, but shall be returned to said company upon the completion of said entire street railway lines herein authorized, provided the same are completed within the times above limited. The time during which any legal proceeding may be pending whereby the said company shall be prevented from or delayed in constructing its railroad, or any part thereof, shall be excluded from the time herein prescribed for the completion of said railroad and shall be allowed to said company in addition to the time prescribed for the completion thereof; Provided, however, that such exclusion shall date only from the time when said company shall have given notice to the corporation counsel of the city of Chicago of the institution of such legal proceedings.

The city of Chicago shall have the right to intervene in any suit or proceeding brought by any person or persons seeking to enjoin, restrain or in any manner interfere with the prosecution of said work of construction and move for a dissolution of such injunction or restraining order, and for any other proper order in such suit, in case it shall deem such suit collusive or instituted for the purpose of delay.

¶ 7. **Rate of fare.**] § 7. The rate of fare to be charged upon the line of railway hereby authorized, shall be five cents for one continuous ride in one direction to any point within the present city limits reached by said railway or its omnibus or carette lines running in connection therewith; Provided, that a reasonable extra charge may be made for the exclusive use of special cars or trains. The city police and firemen in uniform shall be carried free of charge.

¶ 8. **Tracks, how laid.**] § 8. The tracks of said railway shall not be elevated above the surface of said street, and shall be laid with modern improved rails, and in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions, without obstruction, and shall also be laid as near to the center of the said street as practicable. Section 1509 of the Municipal Code of Chicago, of 1881, shall not apply to the railroad tracks herein authorized, but the rails to be used shall be satisfactory to the mayor and commissioner of public works, and shall be laid under their direction.

¶ 9. **License fee—compensation to city.**] § 9. The said North Side Electric Street Railway Company shall pay into the city

treasury of the city of Chicago, for the use of said city, the sum of fifty ($50) dollars, as an annual license fee for each and every car used by said company on each of said lines herein authorized, in the manner following: In computing the number of cars upon which said license charge may be imposed, thirteen round trips, when one car is used in the transportation of passengers, shall be taken as equivalent to one day's use of the car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter, such quotient shall be the number of cars subject to such license fee. The president or other chief officer of said company shall, under oath, report quarter-yearly to the comptroller of the city of Chicago, of the whole number of cars so run by said company, and at the same time pay to the said comptroller twelve dollars and a half ($12.50) for each car, to be ascertained as above prescribed in this section.

The first quarter, as to each line of railway, shall begin upon the first day on which the said company shall run a car or cars for the carriage of passengers. After the expiration of five years from the date of passage of this ordinance, the said North Side Electric Street Railway Company shall annually pay into the treasury of the city of Chicago, a percentage of its gross receipts from the operation of the roads hereby authorized, as additional compensation for the benefits conferred by this ordinance upon said company, as follows: One per centum per annum for a period of five years; two per centum per annum for the following period of five years, and three per centum per annum for the remaining five years of the term for which this franchise is granted.

¶ **10. Heating apparatus.**] § 10. The cars upon the lines hereby authorized shall be provided during the months of November, December, January, February and March of each year with heating apparatus of a kind and nature which shall be reasonably effective in raising the temperature of said car and heating the same; and the said apparatus shall be operated at such times during the months aforesaid as the nature of the weather and the degree of the temperature shall require.

¶ **11. Indemnity clause—bond.**] § 11. This company shall forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees, and costs and expenses which it may suffer or which may be recoverable or obtained against said city, for or by reason of the granting of such privileges or for or by reason of, or growing out of, or resulting from the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

The North Side Electric Street Railway Company shall execute to the city of Chicago a good and sufficient bond in the penal sum of twenty-five thousand ($25,000) dollars, to be approved by the mayor,

for the faithful observance and performance of the provisions and conditions of this ordinance on its part, to be observed and performed as aforesaid.

¶ 12. **When in force.**] § 12. This ordinance shall take effect and be in force as soon as the said North Side Electric Street Railway Company shall file with the city clerk its formal acceptance of the same, the bond as herein prescribed; Provided, however, that if said acceptance and bond shall be not filed with said city clerk as aforesaid within sixty (60) days from the passage of this ordinance, this ordinance shall be void and of no effect.

Note.—See following ordinance relinquishing certain rights.

§ 663. North Side Electric Street Railway company.

¶ 1. Grant—Clybourn place extension.
¶ 2. Relinquishment of certain rights in foregoing ordinance.
¶ 3. Agreement to be filed.
¶ 4. Motive power.
¶ 5. When in force—acceptance.
¶ 6. Rate of fare.

An ordinance granting permission to the North Side Electric Street Railway company to construct and maintain a street railway on certain streets. (Passed October 21, 1895. Accepted October 26, 1895.)

¶ 1. **Grant—Clybourn place extension.**] Be it ordained by the city council of the city of Chicago: § 1. In consideration of the acceptance hereof, and the undertaking by the North Side Electric Street Railway Company to comply with the provisions herein contained, consent, permission and authority are hereby granted to said company, its successors and assigns, to lay down, construct, maintain and operate, for the period of twenty (20) years from and after the date of the passage of this ordinance, a single or double track street railroad, with all necessary and convenient turnouts, side tracks and switches, in, along and upon Clybourn place, in the city of Chicago, from the west line of Marcy street to the east line of Clybourn avenue, with the right to connect with other street railroad tracks, and to operate, upon said street railroad hereby authorized, railway cars, in the manner and for the time and upon the conditions herein prescribed.

¶ 2. **Relinquishment of certain rights in foregoing ordinance.**] § 2. The permission and authority hereby granted to the said railway company are upon the express condition that said railway company shall forever relinquish all the right and authority given and granted to it, in and by a certain ordinance passed July 16, 1894, to construct and operate a street railroad in and along the following streets: On Wesson street, from the intersection of Chicago avenue to a point two hundred feet south of the south line of Oak street; also on Wesson street, from a point south of Oak street not less than two hundred feet south of the south line of Oak street, thence westerly across the north and south alley between Wesson and Larrabee streets, thence across Larrabee street; on Grace street from the in-

tersection of Division street to Vedder street, and across Gardner street and the east and west alleys between Vedder street and Gardner street, and between Gardenr street and Rees street to the north line of Rees street, to a point about three hundred feet east of Halsted street; on Rees street, from a point three hundred feet east of Halsted street to the intersection of Dayton street; on Dayton street, from the intersection of Rees street to the intersection of Weed street; on Weed street, from Dayton street to the intersection of Sheffield avenue; on Sheffield avenue, from Weed street to the intersection of Marcy street; and in and along Marcy street, from Sheffield avenue to the intersection of Clybourn place; and to that end the permission and authority granted to the said railway company in and by the said ordinance of July 16th, 1894, to construct, maintain and operate a street railway in and along the several streets and parts of streets herein specifically mentioned are hereby repealed.

¶ 3. **Agreement to be filed.**] § 3. The said street railway company shall, within thirty days after the passage of this ordinance, and before entering upon or enjoying any rights herein granted, file with the city clerk an agreement in writing, whereby it, said railway company, shall formally surrender and relinquish all and singular the right and authority to construct, maintain and operate a street railway under said ordinance of July 16, 1894, in and along the streets named in section 2 of this ordinance; and in event said railway company shall fail to file the said agreement as hereinabove required, or shall construct or operate any street railway under said ordinance of July 16, 1894, in and along any of the streets or parts of streets mentioned in section 2 of this ordinance, and therein required to be relinquished and abandoned, this ordinance shall thereupon become absolutely null and void.

¶ 4. **Motive power.**] § 4. The cars of said railway company may be operated by animal or electric power; Provided, that, if said company shall elect to operate its cars by electric power, the same may be operated and propelled by overhead contact trolley wires and the necessary feeder wires suspended from poles, said poles to be of iron or steel, and of such construction and design as the mayor or commissioner of public works may approve, and so adjusted as to obstruct the public use of the streets as little as possible.

¶ 5. **When in force—acceptance.**] § 5. This ordinance shall take effect and be in force from and after its passage, as soon as said the North Side Electric Street Railway Company shall file its formal acceptance of the same, with a bond in the sum of five thousand ($5,000) dollars, and the said agreement aforesaid; Provided, however, that, if said acceptance and bond and agreement shall not be filed with the city clerk within thirty days from the passage hereof, this grant shall be void and of no effect.

¶ 6. **Rate of fare.**] § 6. No additional fare shall be charged

over the route hereby authorized, but the said route shall be, and is hereby declared to be, an extension of and a part and parcel of the railroad authorized to be constructed, maintained and operated under and by the said ordinance of July 16, 1894, in Clybourn place, between Elston avenue and Marcy street.

664. Ogden Street Railway company.
665. George M. Pullman.
666. South Chicago City Railway company.
667. Ewing Avenue Horse Railway company.
668. Ewing Avenue Horse Railway company.
669. South Chicago City Railway company.
670. Grand Crossing & Windsor Park Railway company.
671. Calumet Street Railway Company and South Chicago City Railway company.
672. South Chicago City Railway company.
673. South Chicago City Railway company.
674. South Chicago City Railway company.
675. South End Electric company.
676. Southwest Chicago Rapid Transit company.
677. Southwest Chicago Rapid Transit company.
678. Southwest Chicago Rapid Transit company.
679. West Chicago Street Railroad company.
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OGDEN STREET RAILWAY COMPANY.

§ 664. Ogden Street Railway company.

¶ 1. Preamble.
¶ 2. Grant—term—route.
¶ 2½. Grant to connect tracks already laid.
¶ 3. Construction of tracks—rails.
¶ 4. Motive power—passenger traffic—restoration of streets.
¶ 5. Rate of fare—transfers—free riders.
¶ 6. Time of completion—repair of streets.
¶ 7. License—compensation to city.
¶ 8. Heating cars.
¶ 9. Damages to abutting owners—indemnity.
¶ 10. Term of grant—acceptance.
¶ 11. Bond.
¶ 12. When in force.

An ordinance granting certain rights and privileges to the Ogden Street Railway company in the city of Chicago, county of Cook and state of Illinois. (Passed February 18, 1895. Accepted March 11, 1895.)

¶ 1. **Preamble.**] Whereas, The Ogden Street Railway Company caused a notice to be published in the Chicago Times, a daily newspaper of general circulation, published in the city of Chicago, county of Cook and state of Illinois, on March 1st, 1893, and for each day thereafter until March 10, 1893, inclusive, that it would, on Monday, the 13th day of March, 1893, at the hour of 7:30 o'clock, p. m., or as soon thereafter as may be at the Council Chamber, in the city hall, of the city of Chicago, present to the city council of the city of Chicago, its petition asking for an ordinance from said council, giving and granting to said railway company, its successors and assigns, authority and consent to construct, lay down, locate and operate, with cable, electric or horse power, a single or double track street railway, with all necessary side tracks, turnouts, turn-tables and switches, and all necessary poles, wires and electrical conductors for furnishing electrical power, for the term of twenty (20) years from the passage of said ordinance:

On West Forty-eighth street, or Hyman avenue, from West Madison street to West Twelfth street.

On West Forty-fourth street, or Richmond avenue, from West Madison street to West Twelfth street.

On West Harrison street, from West Forty-fourth street, or Richmond avenue, to West Forty-eighth street, or Hyman avenue.

On West Twelfth street, from West Fortieth street, or Crawford avenue, to West Forty-eighth street, or Hyman avenue.

On West Fortieth street, or Crawford avenue, from West Madison street to West Thirty-third street.

On West Twenty-sixth street, from West Forty-fourth street, or Richmond avenue, to West Forty-sixth street, or city limits of the city of Chicago.

On West Forty-fourth street, or Richmond avenue, from West Twenty-fifth street to West Twenty-sixth street.

On West Twenty-fifth street, or Coulter street, from Oakley avenue to West Forty-fourth street, or Richmond avenue.

On West Sixteenth street, from Albany avenue to West Forty-sixth street, or city limits of the city of Chicago.

And that accordingly, at the time and place mentioned in said notice, said company presented to said city council of the city of Chicago, its petition for an ordinance, substantially as proposed in said notice, which said petition and ordinance was received by said council, ordered published, and referred to the committee on streets and alleys for the west division of said city.

That on March 13th and 24th, 1893, petitions of property owners representing a majority of the frontage on the streets named in said publication notice, were presented to said city council, asking for the passage of an ordinance authorizing said Ogden Street Railway Company to construct a street railway on the streets named in said publication notice, which said petitions were referred by the city council to the department of public works for verification.

And that on March 20th, 1893, the committee on streets and alleys for the west division of the city of Chicago, submitted a report to the city council of the city of Chicago, recommending the passage of the ordinance aforesaid, which report was deferred, ordered published, and said ordinance was duly published in the publication known as "Proceedings of the City Council of the City of Chicago," on said date.

That on April 5th, 1893, the commissioner of public works of the city of Chicago, submitted a report showing the property frontage, together with the frontage as signed for the passage of said ordinance, as shown by the petitions hereinbefore mentioned and referred to said department, which report shows that said petitions were signed by the owners of land representing more than one-half of the frontage of each mile and of each fractional mile of so much of the streets mentioned in said ordinance as was sought to be used for railway purposes.

That on July 24th, 1893, the committee on streets and alleys for the west division of the city of Chicago recommended to the city council of the city of Chicago, that said ordinance be placed on file, and said recommendation was concurred in by the city council at that time.

That on the 10th day of December, A. D. 1894, an order was passed by the city council of the city of Chicago, taking said ordinance from the files and committing it to the committee on streets and alleys for the west division of the city of Chicago; and

Whereas, Said Ogden Street Railway Company caused a notice to be published in the "Chicago Evening Post," a daily newspaper of general circulation published in the city of Chicago, county of Cook, and state of Illinois, on the 26th day of December, A. D. 1894, that the Ogden Street Railway Company would on the 7th day of January, A. D. 1895, at the hour of 7:30 p. m., or as soon thereafter as

may be, at the place of meeting of the city council of the city of Chicago, county of Cook, and State of Illinois, in the City Hall, in said city of Chicago, present to said city council its petition, asking said city council to grant its consent to said Ogden Street Railway Company, its successors and assigns, to locate, construct, lay down, maintain and operate, with horse, electric cable or other motive power a single or double track street railway, with all necessary side-tracks, turn-outs, turn-tables and switches, and all necessary poles, wires and electrical conductors for furnishing electrical power, for the term of twenty (20) years from the granting of said consent, upon, in and along:

Ogden avenue, from the center line of West Fortieth street, or Crawford avenue, to the center line of West Forty-sixth street, or west city limits of the city of Chicago.

On West Twenty-sixth street, from the center line of West Fortieth street, or Crawford avenue, to the center line of West Forty-fourth street, or Richmond avenue.

On Thirty-first street, from the center line of West Fortieth street, or Crawford avenue, to the center line of West Forty-fourth street, or Richmond avenue.

With the right to connect said tracks with any of the railroad tracks of said company, or with other railroad tracks, upon a curve or otherwise.

That accordingly, at the time and place mentioned in said notice said company presented to said city council of the city of Chicago, its petition for an ordinance substantially as proposed in said notice, which said petition and ordinance was received by said council, ordered published and referred to its committee on streets and alleys for the west division of the city of Chicago.

That said ordinance was duly published in the publication known as "Council Proceedings of the City of Chicago," for January 7th, 1895.

That on January 7th, 1895, said company presented a petition of owners of property fronting on said streets, mentioned in said publication notice, asking the city council to grant its consent to said Ogden Street Railway Company to construct and operate a street railroad on the streets named in said publication notice, which said petition of property owners was duly referred to the department of public works for verification, with the direction, after said verification, to send the same to the committee on streets and alleys for the west division of said city.

That on the eleventh day of January, A. D. 1895, the commissioner of public works made his report to said committee, showing that said petition of property owners was signed by the owners of land representing more than one-half of the frontage of each mile and of each fractional mile of so much of the streets named in said publication notice as was sought to be used for railway purposes.

That on the fourteenth day of January, A. D. 1895, said committee on streets and alleys for the west division of the city of Chicago held a formal and open public hearing on the matter of said petitions presented to the city council of the city of Chicago on March 13th, 1893, and January 7th, 1895, and the proposed ordinances thereunder, at which full opportunity was given to all and every person who might be concerned therein to attend and make any objections that they might see fit to present, and no objection being made by or on behalf of any one to the proposed ordinances, or to the petitions of owners therein mentioned, and it appearing to said committee that the owners of land representing more than one-half of the frontage of each mile and of each fractional mile of so much of said streets as are described in this ordinance, said committee decided to place on file said two ordinances for the construction of said street railway, and to adopt and recommend to the city council for passage a substitute therefor, in conformity to said report of the commissioner of public works; therefore

¶ 2. **Grant—term—route.**] Be it ordained by the city council of the city of Chicago: § 1. Upon the petitions of the Ogden Street Railway Company, and upon due notice by publication in a newspaper published in the city of Chicago, of the time and place of presenting said petitions to said city council of the city of Chicago, more than ten days prior to the presenting of said petitions, and upon the petition of the owners of land representing more than one-half of the frontage of each mile and of each fractional mile of so much of the streets herein named as is sought to be used for railway purposes, and in consideration of the acceptance hereof, and the undertaking of the Ogden Street Railway Company to comply with the provisions herein contained, consent, permission and authority are hereby granted to said Ogden Street Railway Company, its successors and assigns, and the said company is hereby required to lay down, construct, maintain and operate for the period of twenty (20) years from the passage hereof, a single or double track street railroad, with all necessary and convenient turn-outs, side-tracks and switches, in, upon, over and along the following streets and parts of streets in the city of Chicago, viz.:

On West Forty-eighth street, or Hyman avenue, from the north line of West Madison street to the center line of West Twelfth street.

On West Twelfth street, from the center line of West Fortieth street, or Crawford avenue, to the center line of West Forty-eighth street, or Hyman avenue.

On West Fortieth street, or Crawford avenue, from the north line of West Madison street to the center line of West Thirty-first street.

On Ogden avenue, from the center line of West Fortieth street, or Crawford avenue, to the center line of West Forty-sixth street, or west city limits of the city of Chicago.

On West Twenty-sixth street, from the center line of West For-

tieth street, or Crawford avenue, to the center line of West Forty-sixth street, or west city limits of the city of Chicago.

On Thirty-first street, from the center line of West Fortieth street, or Crawford avenue, to the center line of West Forty-fourth street or Richmond avenue.

Said company shall have the right to connect said tracks by curves in said streets at any and all junctions thereof, and to connect any of the railroad tracks of said company with other railroad tracks upon a curve or otherwise, and across the intersecting tracks of steam railroad companies, either at grade or by viaducts or subways; if by viaducts or subways, such viaducts or subways may be constructed either on the streets herein named, at their intersection with said steam railroads, or on or through private property; if said viaducts or subways are constructed upon private property, the hight is hereby given to cross intervening streets and alleys where necessary, but all such crossings and such viaducts and subways must be approved by and constructed under the supervision of the mayor and the commissioner of public works.

¶ 2½. **Grant to connect tracks already laid.**] §1½. That the consent, permission and authority hereby granted are upon the express condition that the West Chicago Street Railway Company shall have the right and privilege to run its cars on so much of the tracks hereby authorized to be laid in West Twelfth street and Ogden avenue as lie between West Fortieth street and West Forty-sixth street, and to connect the same with its tracks already laid on said West Twelfth street and Ogden avenue.

¶ 3. **Construction of tracks—rails.**] § 2. The tracks of said street railroad shall not be elevated above the surface of the street, except for the purpose of crossing steam railroads, and shall be laid with modern improved rails, to be approved by the mayor and commissioner of public works, and in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction, and shall also be laid as near to the center of each street as practicable.

¶ 4. **Motive power—passenger traffic—restoration of streets.**] § 3. The cars to be used on said lines of street railroad may be operated by animal, electric or cable power, and shall be used for no other purpose than to carry passengers and their ordinary baggage.

In case the said company shall use cable power, the method of laying and constructing such cable and operating the same shall in all respects be the same, and be governed by the same conditions and limitations as provided by an ordinance of the city council of the city of Chicago, passed June 7th, 1886, authorizing the North Chicago City Railway Company to use cable power, Sections 3475 and 3477 of the compiled laws and ordinances of the city of Chicago, edition of 1890.

And in case said company shall use electric power, it may be done by means of electric overhead contact wires. Such overhead wires, together with the necessary span wires, feeder wires and such other wires as may be required by said company for electrical purposes, shall be suspended from poles set within the curb line limits of each street, and adjoining thereto on either side thereof, the placing of such poles to be determined by the mayor and commissioner of public works; but after the streets upon which said lines of railroad hereby authorized shall have been wholly paved, only poles of ornamental iron or steel shall be permitted.

Said contact wires, span wires and feeder wires shall be suspended not less than eighteen and one-half (18½) feet above the grade of each street respectively. Said poles and supports shall be placed on an average of not less than one hundred and fifteen (115) feet apart. No poles shall be set at the intersection of streets and alleys.

Before making any excavation or in any wise interfering with the surface of any street or alley, said company shall obtain from the commissioner of public works a permit therefor, and shall deposit with the treasurer of the city of Chicago a sum sufficient to cover the cost of restoring such street or alley, according to an estimate of the probable cost thereof, to be made by the commissioner of public works.

Said company shall establish and maintain a metallic return circuit conductor, independent of its rails, upon all the lines of street railroad hereby authorized.

Wherever other lines of wire cross the wires to be strung by virtue of this ordinance, the latter wires shall be protected by guard wires or other suitable mechanical device, as may be directed by the commissioner of public works.

¶ **5. Rate of fare—transfers—free riders.**] § 4. The rate of fare shall be five (5) cents for a continuous trip, between the terminal points on the lines of said Ogden Street Railway Company, and including the lines of the Cicero and Proviso Street Railway Company, from either one to the other, which shall include the right to free transfer at any and all junctions of the lines of the Ogden Street Railway Company with each other, or with the lines of the Cicero and Proviso Street Railway Company, transfers as above to be issued and accepted interchangeably by both said railway companies from either one to the other to complete such continuous trip, and children under the age of five (5) years, when accompanied by an adult person, and the city police and firemen in uniform shall ride free, and the rate of fare for children under the age of twelve (12) years shall be three (3) cents.

¶ **6. Time of completion—repair of streets.**] § 5. At least five (5) miles of single track, herein authorized, shall be built and in operation within two (2) years after the passage of this ordinance, and unless the same shall be built and in operation within said time, the city of Chicago shall have the right to remove all tracks and other

obstacles placed in the streets by virtue of this ordinance, and the said company agrees to pay to the city for the cost of such removal.

But should the construction of said tracks, or any part thereof, be delayed by injunction of any court, or by the action of the city of Chicago, then, as to the portion so delayed, the time of such delay shall not be counted as any part of the time herein limited. But the time during which said company may be so delayed, as aforesaid, shall be reckoned only from the time when the said company shall have given notice to the corporation counsel of the city of Chicago of the institution of such legal proceedings, as aforesaid.

The city shall have the right to intervene in any suit for an injunction to restrain the said company, as aforesaid, and move for the dissolution of the injunction or for any other proper order in such suit. And immediately upon the laying of said railroad tracks, said Ogden Street Railway Company shall pave, with wooden blocks, the center sixteen (16) feet of said streets between the outside rails of said tracks, where double tracks are laid, and eight (8) feet in width of said streets where a single track is laid, including the space between the rails of such single track, and shall pave between the rails of all turn-outs and side-tracks; all such pavement to be maintained by said company during the life of this ordinance, and if the said company shall refuse so to do, the same may be done by the city, and the company shall be liable to pay the city for the cost thereof.

¶ 7. **License—compensation to city.**] § 6. The said Ogden Street Railway Company shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of fifty dollars ($50) as an annual license fee for each and every car used by said company, on each of said lines herein authorized, in the manner following: In computing the number of cars upon which said license charge may be imposed, thirteen (13) round trips, when one car is used in the transportation of passengers, shall be taken as equivalent to one day's use of the car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter, such quotient shall be the number of cars subject to license fee. The president or other chief officer of said company shall, under oath, make report quarterly to the comptroller of the city of Chicago of the whole number of cars so run by said company, and at the same time pay to said comptroller twelve and 50-100 dollars ($12.50) for each car, to be ascertained as above prescribed in this section. The first quarter shall begin on the first day upon which said company shall run a car or cars for the carriage of passengers.

After the expiration of five (5) years from the date of the passage this ordinance the said company shall annually pay into the treasury of the city of Chicago, in addition to the annual license fee above provided, a percentage of the gross receipts to be derived by said company from the operation of the road hereby authorized, and of the extension of the same on Ogden avenue, Thirty-first, Twenty-fifth,

Twenty-sixth and Twelfth streets, in the town of Cicero, to Harlem avenue, as compensation for the benefits conferred by this ordinance upon said company, as follows:

One-fourth per cent for five years.

One-half per cent for the following period of five years.

Three-fourths of one per cent for the last period of five years.

¶ 8. **Heating cars.**] § 7. The cars upon the lines hereby authorized shall be provided during the months of November, December, January, February and March of each year with heating apparatus of a kind and nature which shall be reasonably effective in raising the temperature of said cars and heating the same; and said apparatus shall be operated at such times during the months aforesaid as the nature of the weather and degree of temperature shall require.

¶ 9. **Damages to abutting owners—indemnity.**] § 8. The consent hereby granted is granted upon the condition that said Ogden Street Railway Company shall pay all damages to owners of property abutting upon said streets or parts of streets upon or over which its said road may be constructed, which said owners may sustain by reason of the location or construction of said street railroad, and shall hold and save harmless the city of Chicago from any and all costs, charges, expenses and damages resulting from its negligence, or the negligence of its servants, in exercising or attempting to exercise any rights under this ordinance given, and any and all damages that shall arise to owners of property by reason of the passage of this ordinance, holding and keeping the said city of Chicago as good financially as if this ordinance had never been passed.

¶ 10. **Term of grant—acceptance.**] § 9. The grant hereby given shall extend to the period of twenty (20) years from the passage hereof, provided the same shall be accepted by said Ogden Street Railway Company within thirty (30) days after its passage.

¶ 11. **Bond.**] § 10. Said Ogden Street Railway Company, its successors and assigns, shall, within thirty (30) days from the passage of this ordinance, execute a bond to said city of Chicago in the penal sum of fifteen thousand ($15,000) dollars, conditioned to indemnify and save harmless the said city of Chicago from any and all damages which may accrue or arise or grow out of the exercise by said Ogden Street Railway Company, its successors or assigns, of the privileges hereby granted, and also conditioned for the faithful observance and performance of all the conditions and provisions of this ordinance to be observed and performed on the part of said company.

¶ 12. **When in force.**] § 11. This ordinance shall take effect from and after its passage; Provided, that if said Ogden Street Railway Company shall not file with the city clerk of the city of Chicago, within thirty (30) days from the passage of this ordinance, its written acceptance of this ordinance, together with the bond herein required, then this ordinance shall be void and of no effect, and all rights herein granted shall absolutely cease and determine.

GEORGE M. PULLMAN.

§ 665. George M. Pullman.

¶ 1. Grant—route.
¶ 2. Passenger traffic—tracks, how constructed.
¶ 3. Improvement and repair of streets.
¶ 4. Rate of fare.
¶ 5. Motive power.
¶ 6. Reservation of rights.
¶ 7. Term of grant—subject to ordinances.
¶ 8. Indemnity bond.

An ordinance granting permission to George M. Pullman to lay track for a street railroad in Pullman. (Passed, approved and filed July 1, 1889. Accepted July 2, 1889. Bond filed July 2, 1889.)

¶ 1. Grant—route.] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission and authority is hereby granted to George M. Pullman, his assigns and successors, to construct, maintain and operate a single or double track street railway, with all necessary side tracks, switches and turntables, in streets and parts of streets as follows, to wit: Commencing at 114th street and Watt avenue, thence south to 115th street, thence west on 115th street to the corner of Morse avenue, thence north in Morse avenue to the corner of 114th street, thence east on 114th street to Watt avenue, thence north on Watt avenue to Park avenue, thence west on Park avenue to Arcade building, thence north crossing 111th street and continuing north to 108th street, thence east to Stephenson street, thence north on Stephenson street and Pullman avenue to 105th street, thence east on 105th street to Ericsson avenue, thence north on Ericsson avenue to 104th street, thence west on 104th street to Cottage Grove avenue, thence south on Cottage Grove avenue to 105th street; and with permission to extend the same upon, along and across such other streets, avenues and alleys within the town of Pullman and upon the property owned by Pullman's Palace Car Company, or the Pullman Land Association, as may be necessary or convenient in the operation of said road, with the right to occupy and cross all streets and alleys which are necessary to be occupied or crossed in the construction, operation and maintenance of said road; with the privilege of erecting and maintaining such necessary poles and wires upon the route of said track or tracks as may be necessary in making an overhead circuit for the electrical operation of cars. The said single or double tracks to be placed upon the center sixteen (16) feet of streets occupied.

¶ 2. Passenger traffic—tracks, how constructed.] § 2. The cars to be used upon said tracks shall be used only to transfer passengers and their ordinary baggage, and the cars and carriages shall be of the best style and class in use in street railways. The tracks of said railway shall not be elevated above the surface of the streets, and shall be laid with modern improved rails, and shall be so laid that

carriages and other vehicles can easily and freely cross said tracks at any point, and in any and all directions without obstruction; and the damage, if any, done to private property by the construction of said tracks shall be paid for by the said George M. Pullman.

¶ 3. **Improvement and repair of streets.**] § 3. The said George M. Pullman, his assigns and successors, shall keep sixteen (16) feet in width, being the sixteen feet occupied by said tracks, of said streets and parts of streets, so occupied by tracks, in good order and condition during the whole time that said streets, or parts of streets, shall be occupied by said tracks.

¶ 4. **Rate of fare.**] § 4. The rate of fare for any distance on said tracks shall not exceed five (5) cents, except where cars or carriages shall be chartered for a specific purpose.

¶ 5. **Motive power.**] § 5. The cars to be used on said tracks shall be operated by electricity or steam, and if by the latter, by the means of a cable or cables, as in other cable railways.

¶ 6. **Reservation of rights.**] § 6. The village of Hyde Park, for itself and its successors, reserves the right to put in sewerage, gas, water or any other improvements, which may be required at any place in said avenues or streets, using due care and diligence, without any liability for damages to said George M. Pullman, his assigns and successors, for so doing.

¶ 7. **Term of grant—subject to ordinances.**] § 7. The rights and privileges hereby granted shall continue for the time and space of twenty (20) years from the passage and approval of this ordinance, and shall be subject to all the ordinances of the village of Hyde Park, and its successors, now existing or which may hereafter be passed by said village and its successors.

¶ 8. **Indemnity bond.**] § 8. This ordinance shall not take effect until after said George M. Pullman shall have entered into a bond with or to said village of Hyde Park, and its successors, in the penal sum of twenty-five thousand dollars ($25,000), conditioned for the payment of all damages for which said village shall become liable to any person or persons by reason of the granting of the privileges hereby given for a street railroad running through a portion of said village, and by reason of the construction, laying down and operating of such street railroad, and by using and occupying said avenues, streets and alleys as herein provided, by said George M. Pullman, his assigns and successors.

SOUTH CHICAGO CITY RAILWAY COMPANY.

Successor to Ewing Avenue Horse Railway company and Grand Crossing & Windsor Park Railway company.

§ 666. South Chicago City Railway company.

¶ 1. Grant—route.
¶ 2. Tracks, how constructed.
¶ 3. Position of tracks.
¶ 4. Motive power.
¶ 5. Passenger traffic—running time.
¶ 6. Improvement and repair of streets.
¶ 7. Rate of fare.
¶ 8. Time of completion.
¶ 9. Indemnity clause.
¶ 10. Removal of tracks—power of council.
¶ 11. Restoration of rights.
¶ 12. Grant twenty years—subject to ordinances.

An ordinance granting permission to the Ewing Avenue Horse Railway company to construct, maintain and operate a street railway. (Passed and approved September 27, 1883.)

¶ 1. **Grant—route.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That in consideration of the acceptance hereof, and the undertaking of the Ewing Avenue Horse Railway Company to comply with the provisions herein contained, authority, permission and consent are hereby given, granted and duly vested in said company to lay down, operate and maintain a single or double track railway, with necessary turn-outs, side-tracks and switches, in, upon and along Ewing avenue and Ewing avenue bridge from Harbor avenue to 106th street, and in, upon and along 106th street and 106th street bridge, from Ewing avenue west to Torrence avenue; Provided, that no side-track, turn-out or switch shall be laid in, upon or along said bridges; and, provided further, that said company shall not use or occupy, or have the right to use or occupy with its said tracks, side-tracks, turn-outs or switches, at any point on said street or avenue more than fourteen feet thereof in width.

¶ 2. **Tracks, how constructed.**] § 2. The tracks of said railway shall be laid as near the center of the street as practicable, with modern improved rails; shall not be elevated above the surface of the street, and shall be so laid that carriages and other vehicles can easily and freely cross said tracks at any and all points, and in any and all directions without obstruction.

¶ 3. **Position of tracks.**] § 3. No track, turn-out, side-track or switch shall be laid within twenty-eight feet of the lot line, except in turning corners, and then no nearer than may be required to make the necessary curves.

¶ 4. **Motive power.**] § 4. The cars to be used on said tracks shall be operated with animal power only, and shall not connect with any other railroad on which other power is used; and no railway car

or carriage used upon any other railroad shall be used upon said tracks.

¶ 5. **Passenger traffic—running time.**] § 5. The said track or tracks and the cars operated thereon shall be used for no other purpose than to transport passengers, except that the company may use its tracks for the transportation of material to be used in the construction of its roadbed and railway; and the said cars shall be of the best style and class. The board of trustees shall have power to regulate the running time and number of cars to be run from time to time upon the line of said railway, as the public convenience may require.

¶ 6. **Improvement and repair of streets.**] § 6. The said company, as respects the grading, paving, macadamizing, filling, planking, repairing or using of said avenue, bridges and street, upon which it is hereby authorized to construct said railway, shall keep sixteen feet in width where two tracks are laid, and eight feet in width where one track is laid, in good repair and condition during all the time to which the privileges hereby granted shall extend, in accordance with whatever order or regulation respecting the ordinary repair thereof may be passed or adopted by the board of trustees; and when any new improvement, paving, repairing, planking, filling or other improvement of like character, shall be ordered by the board of trustees, said company shall, in the manner required by the village authorities, make such improvement for the width of sixteen feet where two tracks are laid and eight feet where one track is laid; and if the company fails to do so, it may be done by the village and the cost and expense thereof collected of said company; and if the said company shall neglect to make any necessary repairs for twenty days after notice, the work may be done by the village, and the cost and expense thereof collected from said company.

¶ 7. **Rate of fare.**] § 7. The rate of fare for each passenger over the whole route or any portion thereof, shall not exceed five cents.

¶ 8. **Time of completion.**] § 8. The rights and privileges hereby granted to said company shall be forfeited to the village of Hyde Park, unless said railway shall be fully completed and in operation within one year from and after the passage of this ordinance.

¶ 9. **Indemnity clause.**] § 9. The rights and privileges hereby granted are granted upon the further condition, that said company shall keep and save the village harmless from all damages, costs and expenses whatever arising out of the use and occupation of said avenue, bridges and street by said company.

¶ 10. **Removal of tracks — power of council.**] § 10. Should the said company at any time fail to comply with the conditions and provisions of this ordinance, or any of them, or the general ordinances of said village, the board of trustees may order said tracks, switches and turn-outs to be taken up and removed by said company,

and on its failure to do so within ten days after notice of such order, may direct the same to be taken up at the expense and cost of said company.

¶ 11. **Restoration of rights.**] § 11. Nothing herein contained shall impair or abridge the right of the village to dig up or open said street and avenue, or any portion thereof, and to temporarily remove said tracks and roadbed for the purpose of laying sewers or water-pipes, or making any similar improvements, or of repairing the same.

¶ 12. **Grant twenty years—subject to ordinances.**] § 12. The said company shall have the right to operate the said railway for and during the term of twenty years from the date of the passage of this ordinance, subject to the terms and restrictions herein provided and to the general ordinances now in force, or that may hereafter be passed.

Note.—See following amendatory ordinance. Also section 10½ of ordinance passed November 2, 1891, extending term of grant.

EWING AVENUE HORSE RAILWAY COMPANY.

§ 667. Ewing Avenue Horse Railway company.
¶ 1. Time for completion extended.
¶ 2. Section 8 amended.
¶ 3. Section 8 as amended.

An ordinance amending an ordinance granting certain rights to the Ewing Avenue Horse Railway company passed September 27, 1883. (Passed and approved September 13, 1884.)

¶ 1. **Time for completion extended.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That the time within which the railway authorized to be laid and operated by the Ewing Avenue Horse Railway, by the ordinance passed September 27, 1883, shall be completed and in operation, is hereby extended one year.

¶ 2. **Section 8 amended.**] § 2. That section eight of the said ordinance entitled "An ordinance for the construction and operation of a horse railway on Ewing avenue and 106th streets," is hereby amended so as to read as follows:

¶ 3. **Section 8 as amended.**] § 3. The rights and privileges hereby granted to said company shall be forfeited to the village of Hyde Park, unless said railway shall be fully completed and in operation within two years after the passage of the ordinance.

§ 668. Ewing Avenue Horse Railway company.

¶ 1. Grant—route.
¶ 2. Tracks, how constructed—rails.
¶ 3. Motive power.
¶ 4. Passenger traffic.
¶ 5. Improvement and repair of streets.
¶ 6. Rate of fare.
¶ 7. Time of completion.
¶ 8. Power of council to remove tracks.
¶ 9. Reservation of rights.
¶ 10. Frontage consent—indemnity clause.

An ordinance granting permission to the Ewing Avenue Horse Railway company to lay down, operate and maintain a street railway. (Passed and approved June 1, 1885. Accepted June 13, 1885.)

¶ 1. Grant—route.] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That in consideration of the acceptance hereof, and a compliance by the Ewing Avenue Horse Railway Company with all the provisions herein contained, authority, permission and consent are hereby given, and granted to said company to lay down, operate and maintain, for the period of twenty years from the time of the passage of this ordinance, a single or double track horse railway,with necessary turn-outs, side-tracks and switches, in, upon and along Ninety-second street from the intersection of Harbor avenue and to Commercial avenue, and in, upon and along Commercial avenue from Ninety-second street to Notre Dame avenue, and in, upon and along Notre Dame avenue from Commercial avenue to One Hundred and Fourth street, and in, upon and along one Hundred and Fourth street from Notre Dame avenue to Torrence avenue, and in, upon and along Torrence avenue from One Hundred and Fourth street to One Hundred and Sixth street; Provided, however, that said company shall not use, or occupy, or have the right to use or occupy, with its said tracks, side-tracks, turn-outs or switches at any point on said streets or avenues, more than fourteen feet thereof in width.

¶ 2. Tracks, how constructed—rails.] § 2. The tracks of said railway shall be laid as near the center of the said streets and avenues as practicable, with modern improved tramway rails, and shall not be elevated above the surface of the street, and shall be so laid and constantly maintained that carriages and other vehicles can easily and freely cross said tracks at any and all points, and in any and all directions without obstruction.

¶ 3. Motive power.] § 3. The cars to be used on said tracks shall be street cars of the best style and class, and operated with animal power only.

¶ 4. Passenger traffic.] § 4. The said track or tracks and the cars operated thereon, shall be used for no other purpose than the transportation of passengers, except that the company may use its

said tracks for the transportation of material to be used in the construction and maintenance of its aforesaid line.

¶ 5. **Improvement and repair of streets.**] § 5. The said company, as respects the grading, paving, macadamizing, planking and repairing, or using of the aforesaid streets and avenues, shall at its own cost and expense keep sixteen feet in width where two tracks are laid, and eight feet in width where one track is laid, in good repair and condition during all the time to which the privilege hereby granted shall extend, in accordance with the orders or regulations of the board of trustees of said village. And when any new improvement of any character shall be ordered by the board of trustees, said company, at its own cost and expense, shall, in the manner required by the village authorities, make such improvement for the width of sixteen feet where two tracks are laid, and eight feet where one track is laid. Said width of sixteen feet and eight feet respectively to include the said tracks, as laid in said streets and avenues. And if the said company shall neglect or fail to make any repairs or improvements as aforesaid, for the space of twenty days after notice so to do from the superintendent of public works, or other proper officer of said village, to any officer, agent or employe of said company, then and in such case the village may at its option do the same at the cost and expense of said company.

¶ 6. **Rate of fare.**] § 6. The rate of fare for each passenger over the entire line aforesaid, or any portion thereof, shall not exceed five cents.

¶ 7. **Time of completion.**] § 7. The rights and privileges hereby granted to said company shall be forfeited to the village of Hyde Park, unless said railway shall be fully completed and in operation upon and along Ninety-second street, with a single track within sixty days, and with double tracks within six months, and the entire line completed and in operation, with single or double tracks as herein provided, within one year from and after the passage of this ordinance.

¶ 8. **Power of council to remove tracks.**] § 8. Should the said company at any time fail or neglect to comply with the conditions and provisions of this ordinance, or any of them, or the general ordinances of said village, the board of trustees may order said tracks, switches and turn-outs to be taken up and removed by said company, and at said company's own cost and expense; and if said company should fail so to remove said tracks within ten days after such order being given, then the village may at its option remove the same, or cause the same to be removed, at the cost and expense of said company, and thereafter to prevent such tracks from being laid, or operated upon, or along any part of the line aforesaid.

¶ 9. **Reservation of rights.**] § 9. Nothing herein contained, shall impair or abridge the right of the village to make any and all

excavations necessary for the purpose of building sewers, or laying water or gas pipes in said streets or avenues, or otherwise improving or repairing the same, and in so doing to temporarily remove said tracks and roadbed at the cost and expense of said company.

¶ 10. **Frontage consent—indemnity clause.**] § 10. The authority hereby granted is granted upon the further express condition, that the said company has obtained from the owners of property abutting upon said streets and avenues the necessary and requisite consent; that said company has duly published the requisite notice of the time and place of its application for the granting of the authority herein conferred, and that said company will pay all damages to owners of property abutting upon the streets and avenues aforesaid, consequent upon the laying and operation of said tracks, and will save and keep harmless the village from all costs, expenses and damages, by reason of the passage of this ordinance, and the construction, operation and maintenance of said street railway tracks.

Note.—See section 10½ of ordinance passed November 2, 1891, extending term of grant.

SOUTH CHICAGO CITY RAILWAY COMPANY.

§ 669. South Chicago City Railway company.

¶ 1. Extension of route, etc.—grant twenty years.
¶ 2. Construction of tracks—rails.
¶ 3. Motive power—passenger traffic.
¶ 4. Underground system—overhead wires—feeder wires.
¶ 5. Improvement and repair of streets.
¶ 6. Removal of tracks and restoration of streets.
¶ 7. Damages to abutting owners.
¶ 8. Heating cars.
¶ 9. Grant to change power on Ewing Avenue Horse Railway company's lines.
¶ 10. License fee.
¶ 10½. Grant to Ewing Avenue Horse Railway company
¶ 11. Indemnity clause.
¶ 12. Bond.
¶ 13. Subject to general ordinances.
¶ 14. Rate of fare—police, etc., to ride free.
¶ 15. Consent of council required to lease, etc.
¶ 16. Time of completion.
¶ 17. When in force—acceptance.

An ordinance authorizing the South Chicago City Railway company to construct a street railway on Commercial avenue, Seventy-ninth street, Cheltenham place, Buffalo avenue, Eighty-seventh street, Superior avenue, Eighty-third street, Ontario avenue, Coles avenue, Seventy-first street, Yates avenue and One Hundred and Sixth street; and to operate its cars on its present tracks by other than animal power. (Passed November 2, 1891. Accepted November 12, 1891.)

¶ 1. **Extension of route, etc.—grant twenty years.**] Be it ordained by the city council of the city of Chicago: § 1. That, in consideration of the acceptance hereof and the undertaking of the South Chicago City Railway Company to comply with the provisions herein contained, consent, permission and authority are hereby granted to said company, its successors and assigns, to lay down, construct, maintain and operate, for the period of twenty years from the passage hereof, a single or double track street railway, with all necessary and convenient turn-outs, side-tracks and switches, and with the right to connect with other street railway tracks owned or operated by said company, in, upon, over and along the following streets: Commencing at the intersection of Commercial avenue and Ninety-second street and connecting there with the present tracks of the said company, thence north along said Commercial avenue to Seventy-ninth street, thence east along said Seventy-ninth street to the center of Coles avenue; also, commencing at the intersection of said Seventy-ninth street and Cheltenham place, thence northeasterly along said Cheltenham place to the center of said Coles avenue; also, commencing at the intersection of said Ninety-second street and Buffalo avenue and connecting there with the present tracks of the said company, thence north along said Buffalo avenue to Eighty-seventh street, thence west along said Eighty-seventh street to Superior avenue, thence north along said Superior avenue to Eighty-third street, thence west along said Eighty-third street to Ontario avenue, thence north along said Ontario avenue to Seventy-ninth street aforesaid, thence west along said Seventy-ninth street to the center of Coles avenue aforesaid, thence northwesterly along said Coles avenue to Seventy-first street, thence west along said Seventy-first street to Yates avenue, thence north along said Yates avenue to a point two hundred and thirty-four (234) feet north of the north line of Sixty-eighth street; also, commencing at the intersection of Ewing avenue and One Hundred and Sixth street and connecting there with the present tracks of the said company, thence east along said One Hundred and Sixth street to its intersection with Indiana boulevard.

¶ 2. **Construction of tracks—rails.**] § 2. The tracks of said railway shall not be elevated above the surface of the streets and shall be laid with modern improved rails in such a manner that carriages and other vehicles can easily and freely cross the same, at all points and in all directions, without obstruction, and shall, also, be laid as near to the center of said street as practicable. Section 1509 of the Municipal Code of Chicago of 1881 shall not apply to the railway tracks herein authorized, but the rails to be used shall be satisfactory to the mayor and commissioner of public works and shall be laid under their direction; but a permit shall be first obtained from the commissioner of public works before commencing work under this ordinance.

¶ 3. **Motive power—passenger traffic.**] § 3. The cars to be used upon said railway may be operated by electric power and by either the overhead, underground, primary battery or storage battery system. In the event that some more favorable, convenient and unobjectionable method of furnishing power for the operation of said railway shall be discovered, said company, its successors or assigns, shall, with the approval of the mayor and commissioner of public works, have the right to adopt the same in place of or in connection with the power above permitted to be used; and said cars shall be used for no other purpose than to carry passengers and their ordinary packages.

¶ 4. **Underground system—overhead wires—feeder wires.**] § 4. For the purpose of operating said cars by electric power or by such other power as may be approved by the mayor and commissioner of public works as above provided, the said company may make all needful and convenient curves, trenches, excavations and sewer connections, and may place all needful poles, wires and machinery in said streets and may connect the same with stationary engine or engines necessary to properly operate the same, which stationary engine or engines shall not be located upon any street or public place of the city. Such appliances and machinery shall, with the exception of the poles and overhead feed and contact wires and their supports, in case the overhead system is used, be under ground, and all shall be constructed in a substantial and workmanlike manner of most approved method and convenience, and the method and manner of construction shall be satisfactory to the commissioner of public works, so as not to interfere with public travel. In case the said cars shall be operated by the said overhead system of electric traction, the contact and feed wires shall be securely insulated from their supports and shall be securely suspended on or from substantial poles of wood or iron set within the curb line limits of the said streets, on either side thereof, and so arranged as not to interfere with the public use of the streets and sidewalks. The said wires shall be suspended not less than eighteen and one-half feet above the rails of said railway and at steam railroad crossings shall be suspended at a height of not less than twenty (20) feet above the rails; Provided, however, that if, in the construction of said trenches and excavations and sewer connections or in the planting of poles or running of wires or placing of machinery, any damage or injury shall result to any of the sewers, water pipes or private drains, then said company shall be held liable and shall pay therefor. If at any time by reason of the permission hereby granted and the making of such excavations, trenches and sewer connections or the construction or operation of said road, under any system of motive power, any injury or damage shall result to any person or property, then said company shall be held liable therefor. All needful and convenient connections with the motive power or engines shall be subject to the same restrictions. The aperture opening into trenches herein authorized shall not exceed five-eighths of an inch in width. In case said road

shall be operated by electric power, or other power herein authorized, said company may operate not to exceed two cars and one motor or grip car attached together, with a grip man or motor man in charge of the grip or motor car and one conductor in charge of each additional car.

¶ 5. **Improvement and repair of streets.**] § 5. The said company, as to the streets and parts of streets in and upon which its said railway tracks may be laid, shall pave and keep in good condition and repair eight feet in width where a single track shall be laid, and sixteen feet in width where a double track shall be laid, during all the time to which the privileges hereby granted shall extend, in accordance with whatever order, ordinance or regulation may be passed or adopted by the city council in relation to such repairing, and when any new improvements shall be ordered by the city council of said streets, or parts of streets, or any of them, the said company shall, in the manner which may be required of owners of property fronting on said streets and parts of streets, make such new improvements for the width of eight feet where a single track shall be laid, and for the width of sixteen feet where a double track shall be laid; and, if the said company shall refuse or fail to do so, the same may be done by the city and the said company shall be liable for the cost thereof; Provided, that with the consent and approval of the department of public works, the said company may pave with stone or vitrified brick that part of the street between its tracks and outside the same that the said company is hereby required to pave and to keep in repair.

¶ 6. **Removal of tracks and restoration of streets.**] § 6. When the right of said company to operate its said railway on said streets and parts of streets shall cease and determine said company shall remove the tracks from said streets and parts of streets and put the said streets and parts of streets from which said tracks shall be removed in as good condition as the adjacent parts of said streets.

¶ 7. **Damages to abutting owners.**] § 7. The said company shall pay all damages to the owners of property abutting on the said streets or parts of streets upon or over which its road may be constructed which said owners may sustain by reason of the location or construction of said road.

¶ 8. **Heating cars.**] § 8. The cars upon the railway, hereby authorized, shall be provided during the months of November, December, January, February and March of each year with heating apparatus, of a kind and nature to be selected by said company, which shall be reasonably effective in raising the temperature in said cars and heating the same; and, the said apparatus shall be operated at such times, during the aforesaid months, as the need of the weather and the degree of the temperature shall require and on all cars, both day and night.

¶ 9. **Grant to change power on Ewing Avenue Horse Rail-**

way Co.'s lines.] § 9. In consideration of the acceptance hereof and the undertaking of the said company to comply with the provisions herein contained, permission and authority are hereby granted to said company to replace the animal power now used on its present railway under its ordinances passed by the trustees of the village of Hyde Park described as follows: "An ordinance for the construction and operation of a horse railway on Ewing avenue and 106th street," passed September 27th, 1883; "an ordinance concerning the Ewing avenue horse railway," passed September 13th, 1884, and "an ordinance for the construction and operation of a horse railway on 92nd street, Commercial avenue, Notre Dame avenue, 104th street and Torrence avenue," passed June 1st, 1885, with such power as is authorized by section 3 of this ordinance; and, upon the approval of the department of public works, to pave that portion of the said streets, which by said ordinance the said company is required to pave and to keep in repair, with stone or vitrified brick, as provided in section 5 of this ordinance.

¶ **10. License fee.**] § 10. The said South Chicago City Railway Company shall pay in to the city treasury of the city of Chicago, for the use of said city, the sum of fifty ($50) dollars as an annual license fee for each and every car used by said company in the manner following: In computing the number of cars upon which said license charge may be imposed, thirteen round trips, when the cars are used in the transportation of passengers, shall be taken as equivalent to one day's use of one car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in each quarter, such quotient shall be the number of such cars subject to such license fee; provided, however, that such cars shall not already be liable for the payment of a license fee on one of the other lines of said company or its connections. The president or other chief officer of said company shall, under oath, make report quarter yearly, to the comptroller of the city of Chicago, of the whole number of cars so run by said company and, at the same time, pay to the said comptroller twelve dollars and a half ($12.50) for each car, to be ascertained as above prescribed in this section. The first quarter shall begin on the first day upon which said company shall run a car or cars for the carriage of passengers.

¶ **10½. Grant to Ewing Avenue Horse Ry. Co. extended 20 years.**] § 10½. In consideration of the acceptance by the said company of this ordinance and its undertaking to comply with the provisions herein contained, the times named for the operation of the railway authorized by the ordinances above described in section 9 hereof are, hereby, extended twenty years from the passage hereof.

¶ **11. Indemnity clause.**] § 11. The said company shall, forever, indemnify and save harmless the city of Chicago against and from any and all legal damages, judgments, decrees and costs and

expenses of the same which it may suffer, or which may be recovered or obtained against said city for or by reason of the granting of such privileges, or for or by reason of, or growing out of, or resulting from the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 12. **Bond.**] § 12. The South Chicago City Railway Company shall execute to the city of Chicago a good and sufficient bond in the penal sum of $10,000, to be approved of by the mayor, conditioned for the faithful observance and performance of the provisions and conditions of this ordinance on its part to be performed and observed, as aforesaid.

¶ 13. **Subject to general ordinances.**] § 13. The franchises granted by this ordinance are so granted subject to all general ordinances of the city of Chicago concerning horse railroads now in force or which may hereafter be passed by said city under its police power.

¶ 14. **Rate of fare—police, etc., to ride free.**] § 14. The rate of fare to be charged upon the line hereby authorized shall not exceed five cents for one continuous ride of one trip for any distance within the present or future city limits; Provided, that said company shall provide and furnish, free of charge, to passengers who have paid fare upon said line transfer tickets to a point or points, with all their intersecting lines, which may be agreed upon by the mayor, the commissioner of public works and said company, permitting such passengers to ride upon the street railway line or lines owned, leased, controlled or operated by said company which intersect the lines hereby authorized at the points so designated; and provided, further, that no fare shall be charged policemen, firemen, and United States mail carriers when in uniform.

¶ 15. **Consent of council required to lease, etc.**] § 15. The rights, privileges and franchises herein granted are upon the further express stipulation and condition that the South Chicago City Railway Company shall not lease, rent or grant to any other street railway company or corporation the right to use or occupy any portion of the tracks laid down under the provisions of this ordinance without first obtaining the consent of the city council.

¶ 16. **Time of completion.**] § 16. One of the tracks authorized to be constructed by this ordinance shall be laid and completed on all the above mentioned streets and said railway shall be in full operation upon said streets within the period of two years after the passage of this ordinance. And, all the rights and privileges herein granted shall at the expiration of said period revert to the said city of Chicago as to all streets and parts of streets which, at the expiration of said period, shall not be occupied by said railway tracks with the said railway thereon in full operation; Provided, that if the said company shall be restrained or prevented from proceeding with the

work upon said railway tracks or railway by the order or writ of any court of competent jurisdiction, the time during which said company shall be so delayed shall be added to the time herein prescribed for the completion of said railway tracks and the operation of said railway. The city shall have, however, the right to intervene in any suit for an injunction to restrain the said company, as aforesaid, and move for the dissolution of the injunction in case such suit shall be deemed collusive or for the purpose of delay or for extending the time for completion of said railway tracks and operation of said railway. The said company, its successors and assigns, shall have the right and privilege of laying and operating the second track authorized in section one of this ordinance whenever it, its successors or assigns, shall deem it expedient and public travel shall demand it. The single track to be completed and operated as aforesaid shall be placed to the right or left of the center of said streets so as to permit of the laying of the second track in such manner as to make the two tracks taken as a unit occupy as near the middle of said streets as practicable.

¶ 17. **When in force—acceptance.**] § 17. This ordinance shall take effect and be in force from and after its passage and approval by the mayor and the filing of the bond and acceptance as herein prescribed; Provided, however, that if such bond and acceptance shall not be filed as aforesaid within thirty (30) days of the passage hereof, then, all the rights and privileges herein granted said South Chicago City Railway Company shall be void and of no effect.

GRAND CROSSING AND WINDSOR PARK RAILWAY COMPANY.

§ 670. Grand Crossing and Windsor Park Railway company.

¶ 1. Grant—route.
¶ 2. Construction of tracks—rails.
¶ 3. Motive power—overhead wires—feeder wires.
¶ 4. Improvement and repair of streets.
¶ 5. Rate of fare.
¶ 6. License fee.
¶ 7. Time of completion.
¶ 8. Grant 20 years.
¶ 9. Sub ject to general ordinances.
¶ 10. When in force—acceptance.

An ordinance authorizing the Grand Crossing and Windsor Park Railway company to lay down, maintain and operate a double track street railway in Seventy-fifth street. (Passed July 14, 1892. Accepted August 5, 1892.)

¶ 1. **Grant—route.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the accept-

ance hereof, and the undertaking of the Grand Crossing and Windsor Park Railway Company to comply with the provisions herein contained, consent, permission and authority are hereby granted to said company, its successors and asigns, to lay down, construct, maintain and operate, for the period of twenty (20) years from the passage hereof, a double track street railway, with all necessary and convenient turn-outs and switches, in, upon, over and along Seventy-fifth street, from the main line of the Illinois Central railroad to Railroad avenue.

¶ 2. **Construction of tracks—rails.**] § 2. The tracks of said railway shall not be elevated above the surface of the street, and shall be laid with modern improved rails, and in such a manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction, and shall also be laid as near to the center of the street as practicable. Section 1509 of the Municipal Code of Chicago of 1881 shall not apply to the railway tracks herein authorized, but the rails to be used shall be satisfactory to the mayor and commissioner of public works, and shall be laid under their direction, but a permit shall be first obtained from the commissioner of public works before comencing work under this ordinance.

¶ .3 **Motive power--overhead wires—feeder wires.**] § 3. The cars to be used on said railway may be operated by animal, electric or cable power; provided, that, if the said company shall adopt the so-called "cable system," the same shall be constructed and operated as provided by and subject to the conditions of the ordinance of January 17, A. D. 1881, authorizing the Chicago City Railway Company to operate its cars by other than animal power; and, further, provided, that if said company shall elect to propel and operate its cars by electric power the same shall be operated and propelled by electric overhead contact wires, suspended from poles set within the curb line limit of the street on either side thereof. Said poles and cross arms to be used shall be of such style and appearance as shall be approved by the commissioner of public works and so adjusted as to obstruct the public use of the streets or sidewalks as little as possible, such poles and wires to be erected and maintained for the purpose of supplying electric current which can be used for power, heat and light purposes, for the exclusive use of the Grand Crossing and Windsor Park Railway Company. The said wires shall be suspended not less than eighteen and one-half feet above the rails, and the said poles and supports shall be placed on an average of not less than one hundred and fifteen feet apart, except at the intersection of streets and avenues when the said distance will place the poles or supports on intersecting streets and avenues; Provided, that no overhead trolley wire shall be used, except upon the consent and approval of and conditions imposed by the mayor and commissioner of public works. And, in the event that some more favorable and practicable method of

furnishing electricity or other motive power for the operation of said road be discovered, said Grand Crossing and Windsor Park Railway Company, its successors or assigns, shall have the right to adopt the same in the place of or in connection with the use of said electrical overhead contact wires, subject to the approval of the mayor and commissioner of public works; and, to enable the said road to be so operated by electricity, the said Grand Crossing and Windsor Park Railway Company, its successors and assigns, shall have the right to connect the wires herein authorized with the generator or power station or any station or car houses that may be erected in connection with said railroad, or with any power house or station along any of the lines of road of said company used by it in connection with its cable, horse or electric system, and may convey said wires from such power houses or stations to said Seventy-fifth street in an underground conduit, which said conduit shall be used for the purpose herein set forth only. And it is further provided, that other motive power may be used upon the approval and consent of the mayor and the commissioner of the department of public works.

¶ 4. **Improvement and repair of streets.**] § 4. The permission and authority hereby given are on the further express condition that the said company shall, and, by the acceptance hereof by said company, agrees that it will, fill, grade, pave and keep in repair eight (8) feet in width where a single track is used and sixteen (16) feet in width where a double track is used, in the center of said street, in the manner provided by and under section two (2) of the ordinance of July 30, 1883, relating to street railways.

¶ 5. **Rate of fare.**] § 5. The rate of fare for any continuous and regular trip from one point to another on the line of said railway shall not exceed five (5) cents.

¶ 6. **License fee.**] § 6. The said Grand Crossing and Windsor Park Railway Company shall pay in to the city treasury of the city of Chicago, for the use of said city, the sum of fifty ($50) dollars, as an annual license fee, for each and every car used by said company in the manner following: In computing the number of cars upon which said license charge may be imposed, thirteen round trips, when the car is used in the transportation of passengers, shall be taken as equivalent to one day's use of one car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter, such quotient shall be the number of cars subject to license fee; Provided, however, that such cars shall not already be liable for the payment of a license fee on one of the other lines of this company or its connections. The president or other chief officer of said company shall, under oath, make report quarter-yearly to the comptroller of the city of Chicago of the whole number of cars so run by said company, and, at the same time, pay to

said comptroller twelve dollars and a half ($12.50) for each car, to be ascertained as above prescribed in this section; Provided, further, that the amount so paid shall not exceed the rate of fifty ($50) dollars per annum for each car used by said company for the time the car is in actual use. The first quarter shall begin on the first day upon which said company shall run a car or cars on said railway for the carriage of passengers.

¶ 7. **Time of completion.**] § 7. The tracks herein authorized shall be built and the road in operation within eighteen months after the passage of this ordinance; but, should the construction of said tracks or any part thereof be delayed by injunction of any court, or by the action of the city of Chicago, then, as to the portion so delayed, the time of such delay shall not be any part of the time herein limited. The city of Chicago shall have, and it hereby expressly reserves, the right to intervene in any suit or proceeding brought seeking to enjoin, restrain, or in any manner seeking to interfere with, such construction, and to move for the dissolution of such injunction or restraining order, and for any other proper order in such suit.

¶ 8. **Grant 20 years.**] § 8. The grant herein given shall extend for the term of twenty (20) years from the passage hereof; provided the same shall be accepted by said company within ninety days after its passage.

¶ 9. **Subject to general ordinances.**] § 9. The privileges hereby granted are subject to all the general ordinances of the city of Chicago, now in force or hereafter to be passed, in reference to street railways, and to all ordinances affecting the lines of railways of which the lines hereby authorized are extensions.

¶ 10. **When in force—acceptance.**] § 10. This ordinance shall be in force and take effect from and after its passage and acceptance by said company, provided said acceptance shall be within ninety (90) days from the passage hereof.

CALUMET ELECTRIC STREET RAILWAY COMPANY AND SOUTH CHICAGO CITY RAILWAY COMPANY.

§ 671. Calumet Electric Street Railway Company and South Chicago City Railway company.

An ordinance authorizing the Calumet Electric City Railway company and the South Chicago City Railway company to construct and operate jointly a street railway on Stony Island avenue, Sixty-seventh street and Seventy-ninth street. (Passed October 10, 1892. Accepted by each road October 17, 1892).

Note.—For above ordinance see section 422.

SOUTH CHICAGO CITY RAILWAY COMPANY.

§ 672. South Chicago City Railway company.

¶ 1. Grant—route.
¶ 2. Time of completion—forfeiture.
¶ 3. Construction of tracks—rails.
¶ 4. Motive power—overhead wires—construction—feeder wires.
¶ 5. Improvement and repair of streets.
¶ 6. Reservation of rights—restoration of streets—deposit.
¶ 7. Rate of fare—transfers.
¶ 8. Heating cars.
¶ 9. Right to lease.
¶ 10. License.
¶ 11. Subject to ordinances.
¶ 12. Grant 20 years—compensation to city.
¶ 13. Indemnity clause—bond and acceptance.
¶ 14. When in force.

An ordinance authorizing the South Chicago City Railway company to construct and operate a street railway on Seventieth street, Addison avenue, Seventy-first street, Seventy-fifth street, Ninety-fifth street, Indiana boulevard, Avenue K, Torrence avenue, One Hundred and Fourteenth street, Sheridan avenue, Chittenden road, South Chicago avenue and Howard avenue. (Passed March 4, 1895. Accepted March 16, 1895.)

¶ 1. Grant—route.] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof, and of the undertaking of the South Chicago City Railway Company to comply with the conditions herein contained, consent, permission and authority are hereby granted to the said company, its successors and assigns, to lay down, construct, maintain and operate a single or double track street railway with all necessary and convenient turn-outs, side-tracks and switches, and with the right to connect with other street railway tracks now or hereafter owned or operated by said company, in, upon, over and along Seventieth street, from Yates avenue west to Addison avenue; Addison avenue, from Seventieth street south to Seventy-first street; Seventy-first street, from Addison avenue west to Cottage Grove avenue; Seventy-fifth street, from the west line of Railroad avenue easterly to the Lake Michigan; Ninety-fifth street, from Ewing avenue west to Avenue K; Indiana boulevard, from Ewing avenue southwesterly to One Hundred and Sixth street; Avenue K, from Ninety-fifth street south to One Hundred and Eighteenth street; Torrence avenue, from One Hundred and Sixth street south to One Hundred and Fourteenth street; One Hundred and Fourteenth street, from Torrence avenue east to Sheridan avenue; Sheridan avenue, from One Hundred and Twelfth street south to the south line of One Hundred and Twentieth street; Chittenden road, from a point two hundred and ninety (290) feet north of the south line of lot four in the county clerk's division of the northwest quarter of section thirty, township thirty-seven north, range fifteen east of the third principal meridian, situated in the county of Cook and state of Illinois, south to the south line of said north-

west quarter; South Chicago avenue, from the north line of One Hundred and Thirtieth street south to Howard avenue; thence southeasterly along said Howard avenue to the south line of One Hundred and Thirty-eighth street, and also to cross the necessary public streets and Chittenden bridge where the line of railway of said company shall be built over private lands to connect in a conveniently and practically direct manner the lines herein authorized on Sheridan avenue, Chittenden road and South Chicago avenue.

The names of the streets, avenues and boulevards designated in this ordinance are the names as they existed immediately prior to the passage of the ordinance renaming streets, passed January 14th, 1895, and published on page 2222 et. sequitur of council proceedings, and are subject to all the provisions of said ordinance as to change of names.

¶ 2. **Time of completion—forfeiture.**] § 2. The permission and authority hereby granted are upon the following express conditions: That upon those portions of the route herein described as follows. "Torrence avenue, from One Hundred and Sixth street to "One Hundred and Fourteenth street; One Hundred and Fourteenth "street, from Torrence avenue to Sheridan avenue; Sheridan avenue, "from One Hundred and Twelfth street to the south line of One "Hundred and Twentieth street; Chittenden road, from a point 290 "feet north of the south line of lot four in county clerk's division of "the northwest quarter of section thirty, township thirty-seven, north, "range fifteen, east of the third principal meridian, south to the south "line of said northwest quarter; South Chicago avenue from the north "line of One Hundred and Thirtieth street south to Howard avenue, "thence southeasterly along Howard avenue to the south line of One "Hundred and Thirty-eighth streets, and also across the necessary "public streets and Chittenden bridge where the line of railway of "said company shall be built over private lands to connect in a con-"veniently and practically direct manner the lines herein authorized on "Sheridan avenue, Chittenden road and South Chicago avenue," the said railway company shall within two years from and after the passage of this ordinance lay down, complete and have in operation a single track railway, and that on the said portions of the route last described, said company shall, within five years from and after the passage of this ordinance, lay down, complete and have in operation a double track railway. That on all and singular, the other portions of the route in this ordinance described, the said railway company, shall, within two years from and after the passage of this ordinance, lay down, complete and have in operation a double track street railway.

Provided, that all the privileges granted by this ordinance shall absolutely cease and determine as to any portion of the lines hereby authorized, on which said single track and said double track shall

not be completed and in operation within the times hereinabove limited.

Provided, however, that should the construction of said railways or any part thereof be delayed by the injunction of any court of competent jurisdiction, the time of such delay, after notice to the corporation counsel of the pendency of proceedings for injunction, shall not be reckoned as a part of the time herein limited; and the city of Chicago may intervene in such proceedings with all the rights of a party thereto.

¶ 3. **Construction of tracks—rails.**] § 3. The first track to be completed and operated as aforesaid shall be placed to the right or left of the center of said streets so as to permit the laying of the second track in such manner as to make the two tracks, taken as a unit, occupy as near the middle of said streets as practicable. The said tracks shall not be elevated above the surface of the streets, and they shall be laid with modern improved rails satisfactory to the mayor and commissioner of public works, in such manner that vehicles can easily and freely cross the same at all points and in all directions without obstruction, and a permit shall first be obtained from the commissioner of public works before beginning work under this ordinance.

¶ 4. **Motive power—overhead wires—construction—feeder wires.**] § 4. The cars to be used on said tracks may be operated by electric power and by either the overhead, underground, primary or storage battery systems. In the event that some more favorable, convenient and unobjectionable method of furnishing power for the operation of street railways shall be discovered, the said company, its successors and assigns, shall, with the approval of the mayor and the commissioner of public works, have the right to use the same upon its various lines in place of or in connection with the power before permitted to be used by it. If electric power shall be used by means of overhead contact wires, such overhead wires, together with the necessary feed wires, may be suspended from substantial poles of wood or iron, set within the curb limits of the street on either side thereof. Said trolley and feed wires shall be suspended not less than eighteen and one-half (18½) feet above the rails, and the said poles and supports shall be placed on an average not less than one hundred and fifteen (115) feet apart, but no poles shall be placed at the intersection of streets and alleys. The poles and wires on the lines now or hereafter owned or operated by said company may be used for the transmission of electricity for power, heat and light purposes, for the use of said railway company only, and for the purpose of electric communication between the various points of said lines. And permission is hereby given the said company to connect said wires with any power house or station or electric wires which may be used for generating or conveying the

electric power for or to the lines of street railway now or hereafter owned or operated by said company. Whenever the lines of wire hereby authorized, shall cross other lines of wire, the former wires shall be protected by guard-wires, or other suitable device as may be directed by the commissioner of public works. Said company is hereby authorized to place all its feed wires, on all its lines, underground, in the streets now or hereafter occupied by it.

¶ 5. **Improvement and repair of streets.**] § 5. Said company, as to the streets and parts of streets upon which its railway tracks are laid by virtue of this ordinance, shall at all times keep in good passable condition for public travel by vehicles, sixteen feet in the center thereof, in such manner as may be prescribed by the commissioner of public works, and when any such street or part of street is ordered paved by the city, the said railway company shall pave said width of sixteen feet with such pavement as is required for the remainder of the street, and afterwards at all times keep the same in repair: provided, however the said company may, with the consent of the commissioner of public works, pave with stone or vitrified brick that part of the street which it is herein required to pave and keep in repair.

¶ 6. **Reservation of rights—restoration of streets—deposit.**] § 6. Nothing herein contained shall be taken or held to in any manner abridge or impair the right of the city to dig up any part or portion of any street, for the purpose of laying sewers or making any underground improvement therein.

And for that purpose, the city may temporarily remove the tracks and roadbed of the company and relay them at the charge and expense of the company, and without any cost to the city. Or, at its election, the said railway company may remove and relay said tracks at its own expense.

Before entering upon or breaking the surface of any street, the company shall procure a permit therefor from the commissioner of public works, and deposit with such commissioner such a sum of money as shall be estimated by him to be sufficient to defray the cost of restoring such street to its original condition.

¶ 7. **Rate of fare—transfers.**] § 7. The rate of fare shall not exceed five cents for one continuous ride of one trip over the lines of said company; provided, that said company shall provide and furnish free of charge to passengers who have paid fare upon said lines transfer tickets at and to such points upon all their intersecting lines, as may be fixed by the mayor, the commissioner of public works and said company, or in case of their disagreement, by an order of the city council; and provided further, that no fare shall be charged policemen in uniform or firemen in uniform, but that said company shall not be required to carry free of charge United States mail carriers upon the lines owned or operated by it.

¶ 8. **Heating cars.**] § 8. The cars upon the railway hereby authorized shall be provided during the months of November, December, January, February and March of each year with a heating apparatus of a kind and nature to be selected by said company, which shall be reasonably effective in raising the temperature in said cars and heating the same, and the said apparatus shall be operated at such times during the said months as the need of the weather and degree of temperature shall require, and on all cars both day and night.

¶ 9. **Right to lease.**] § 9. The said South Chicago City Railway Company is hereby authorized to lease other lines of street railway or any portion thereof, and to lease its lines or any portion thereof to other street railways.

¶ 10. **License.**] § 10. The license fee to be paid upon the cars operated on the lines hereby authorized shall be the same as provided in section 10 of an ordinance entitled: "An ordinance authorizing the South Chicago City Railway Company to construct a street railway on Commercial avenue, and other streets," passed by the city council of the city of Chicago November 2nd, 1891.

¶ 11. **Subject to ordinances.**] § 11. The privileges granted by this ordinance are granted subject to the general ordinances of the city of Chicago concerning street railways, now in force or which may hereafter be passed by said city under its police powers.

¶ 12. **Grant 20 years—compensation to city.**] § 12. The grant herein given shall extend for the period of twenty years from the passage hereof, but is made by the city of Chicago and accepted by the said railway company upon the express condition and agreement that the said railway company, after the expiration of five years from the date hereof, shall, for and during the period of five years then next following, on the first day of July in each year, pay into the city treasury the sum of one thousand dollars; and shall in like manner, during the next succeeding period of ten years pay into the city treasury, annually, the sum of two thousand dollars.

¶ 13. **Indemnity clause—bond and acceptance.**] § 13. Said company shall forever indemnify and save harmless the city of Chicago from any and all damages, judgments, decrees, costs and expenses which said city may suffer, or which may be recoverable or obtained against said city for or by reason of the granting of the privileges hereby conferred upon, or for, or by reason of, or growing out of, or resulting from the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the privileges of this ordinance, and said company shall within the time limited for the acceptance of this ordinance, file with the city clerk a bond to said city of Chicago in the penal sum of one hundred thousand dollars, with sureties to be approved by the mayor of said city of Chicago, conditioned for the

faithful performance and observance by said company of all the provisions and conditions of this ordinance.

¶ 14. When in force.] § 14. This ordinance shall be in force and take effect from and after its passage and acceptance by said company; provided, that the bond hereinabove mentioned shall be filed, and this ordinance accepted within sixty days after the passage of the same, otherwise this ordinance to be void.

§ 673. South Chicago City Railway company.

¶ 1. Grant—Madison avenue loop—dedicate additional roadway.
¶ 2. Time of completion.
¶ 3. Rails.
¶ 4. Motive power—overhead wires—moving and resetting poles.
¶ 5. Improvement and repair of streets.
¶ 6. Restoration of streets—deposit—free riders.
¶ 7. Rate of fare.
¶ 8. Cars to be heated.
¶ 9. License.
¶ 10. Subject to ordinances.
¶ 11. Grant 20 years.
¶ 12. Indemnity clause—bond.
¶ 13. Bond—acceptance

An ordinance authorizing the South Chicago City Railway company to construct and operate a street railway on Sixty-fourth street and Madison avenue. (Passed June 8, 1896. Accepted July 3, 1896.)

¶ 1. Grant—Madison avenue loop—dedicate additional roadway.] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof and the undertaking of the South Chicago City Railway Company to comply with the conditions herein contained, consent, permission and authority are hereby granted said company, its successors and assigns, to lay down, construct, maintain and operate a single or double track street railway, with all necessary and convenient turn-outs, loops, side-tracks and switches in, upon, over and along Sixty-fourth street from Stony Island avenue, connecting at that point with the present tracks of said company and the Calumet Electric Street Railway Company, west to Madison avenue, and thence north on said Madison avenue to Sixty-third street, with the right to connect with other street railway tracks and loops now or hereafter owned or operated by said company; which track or tracks hereby authorized on said Sixty-fourth street shall, between said Stony Island avenue and Grace avenue, be laid to the south of the single track of the Chicago City Railway Company in said Sixty-fourth street between said points. And said railway company is further authorized to connect by curves said track or tracks hereby authorized on said Madison avenue south of said Sixty-third street, with other tracks to be laid on private property now or hereafter owned, acquired or leased by said company, its successors or assigns, either on the east or the west side of said Madison avenue, so as to form a continuous loop for the passage of cars

from and to the main track and tracks on said Madison avenue; provided, that if the said loop shall run over such private property on the east side of said Madison avenue, said loop shall not approach nearer than nine feet to the curb line on the west side of said Madison avenue, as said curb line is now or shall hereafter be located, and if said loop shall run over such private property on the west side of said Madison avenue, said loop shall not approach nearer than 9 feet to the curb line on the east side of said Madison avenue as said curb line is now or shall be hereafter located.

The consent, permission and authority herein granted to said South Chicago City Railway Company to construct, maintain and operate that part of said railway on Sixty-fourth street, between said Stony Island avenue and Grace avenue, is upon the express condition that the said company shall acquire and dedicate at its own cost and expense for the perpetual use of the public, as an additional roadway and sidewalk, a strip of land not less than 11½ feet in width upon and along the south side of said Sixty-fourth street, between said Stony Island avenue and said Grace avenue, and shall, at its own cost and expense, under the direction of the commissioner of public works, pave with macadam pavement a roadway for the use of the public, twelve feet in width south of and adjoining its south track in said Sixty-fourth street, between said Stony Island avenue and said Grace avenue; and construct a sidewalk of cement for the use of the public south of and adjoining said roadway, which sidewalk shall be not less than eight feet in width; and in order to provide room for the tracks herein authorized in said Sixty-fourth street, between said Stony Island avenue and said Grace avenue, and for said roadway and sidewalk, said company may, at its own cost and expense, remove the present sidewalk on the south side of said Sixty-fourth street, between the avenues last named.

¶ 2. **Time of completion.**] § 2. The permission and authority hereby granted are upon the express condition that a double track shall be laid and completed within one year after the passage and acceptance of this ordinance, with the railway in full operation thereon on said Sixty-fourth street and said Madison avenue; provided, that all the privileges hereby granted shall absolutely determine, unless said single or double track shall have been laid and completed and said railway be in full operation thereon within the time above limited; provided, however, that should the construction or operation of said railway, or any part thereof, be delayed by the injunction of any court of competent jurisdiction, the time of such delay shall not be reckoned as a part of the time herein limited, and the city of Chicago may intervene in such proceedings with all the rights of a party thereto.

¶ 3. **Rails.**] § 3. The tracks hereby authorized shall not be elevated above the surface of the streets, and they shall be laid with

modern improved rails satisfactory to the commissioner of public works, in such manner that vehicles can easily and freely cross the same at all points in all directions without obstruction; and a permit shall first be obtained from the commissioner of public works before beginning work under this ordinance.

¶ 4. Motive power—overhead wires—moving and resetting poles.] § 4. The cars to be used on said tracks may be operated by electric power, and by either the overhead, underground, primary or storage battery systems. In the event that some more favorable, convenient and unobjectionable method of furnishing power for the operation of street railways shall be discovered, the said company, its successors and assigns, shall, with the approval of the mayor and the commissioner of public works, have the right, or may be compelled by the mayor or commissioner of public works to use the same upon its various lines in place of or in connection with the power before permitted to be used by it. If electric power shall be used by means of overhead contact wires, such overhead wires, together with the necessary feed wires, may be suspended from substantial poles of iron set within the curb limits of streets on either side thereof, or on said Sixty-fourth street, between said Stony Island avenue and Grace avenue, center poles may be used. Said trolley and feed wires shall be suspended not less than eighteen and one-half feet above the rails, and the said poles and supports shall be placed on an average not less than one hundred and fifteen feet apart, but no poles shall be placed at the intersections of streets and alleys. And permission is hereby given said company to connect said wires with any power-house or station or electric wires which may be used for generating or conveying the electric power for or to the lines of street railway now or hereafter owned or operated by said company. Whenever the lines of wire hereby authorized shall cross other lines of wire, the former wires shall be protected by guard-wires or other suitable device as may be directed by the commissioner of public works, and the poles and wires hereby authorized may further be used for conveying electricity for light, heat and signals for the purposes only of the operation of said company's street railway. And the said South Chicago City Railway Company is hereby authorized, under and subject to the supervision of the commissioner of public works, or many be compelled by the mayor or commissioner of public works to remove any telegraph, telephone, electric railway or other poles, with the wires thereto attached, now set within or near the present curb line on the south side of said Sixty-fourth street, between said Stony Island avenue and said Grace avenue, and to place and set the same within or near to the curb line between the roadway and the sidewalk provided for in this ordinance on the south side of said Sixty-fourth street, between said Stony Island avenue and said Grace avenue, and the cost and expense of removing and resetting said poles,

and of removing and replacing all electric, guard, span and other wires and their supports, and of any necessary readjustment of said wires and supports, and of the work and material necessitated by the change in the position of said poles, wires and supports in order that their use and efficiency may not be injured or impaired, shall be borne by the said South Chicago City Railway Company, and all of said work shall be done under the direction and supervision of the commissioner of public works.

¶ 5. **Improvement and repair of streets.**] § 5. The said company as to the streets and parts of streets on which its said tracks may be laid, shall keep in good repair and condition sixteen feet in width, where its tracks shall be laid, in accordance with whatever order, ordinance or regulation may be passed or adopted by the city of Chicago in relation to such repairing, and when any such street is by the city ordered to be paved, said company shall pave said width of sixteen feet where its tracks shall be laid, with such pavement as is required for the remainder of the street, and afterward at all times keep the same in repair while said tracks shall occupy said street; provided, however, that with the consent of the commissioner of public works, said company may pave with stone or vitrified brick that part of the street which it is hereby required to pave.

¶ 6. **Restoration of streets—deposit—free riders.**] § 6. Before entering upon or breaking the surface of any street said company shall procure a permit therefor from the commissioner of public works, and deposit with such commissioner such a sum of money as shall be estimated by him to be sufficient to defray the cost of restoring such street to its original condition.

¶ 7. **Rate of fare.**] § 7. The rate of fare shall not exceed five cents for one continuous ride of one trip over the lines of said company; provided, that said company shall provide and furnish free of charge to passengers who have paid fare upon said lines, transfer tickets at and to such points upon all their intersecting or connecting lines as may be fixed by the mayor, the commissioner of public works and said company; and provided that no fare shall be charged policemen in uniform and in citizen clothes, or firemen in uniform, or United States mail carriers in uniform; and, provided further, that nothing in this section contained shall be construed as limiting the power of the city to provide a lower rate of fare.

¶ 8. **Cars to be heated.**] § 8. The cars upon the railway hereby authorized shall be provided during the months of November to March inclusive, of each year, with a heating apparatus to be selected by said company, which shall be reasonably effective in heating said cars, and said apparatus shall be operated at such times during said months as the weather shall require, and on all cars, both day and night.

¶ 9. **License.**] § 9. The license fee to be paid upon the cars operated on the lines hereby authorized shall be the same as provided in Section 10 of an ordinance entitled "An ordinance authorizing the South Chicago City Railway Company to construct a street railway on Commercial avenue" and other streets, passed by the city council of the city of Chicago, November 2nd, 1891.

¶ 10. **Subject to ordinances.**] § 10. The privileges granted by this ordinance are granted subject to the general ordinances of the city of Chicago concerning street railways now in force or which may hereafter be passed by said city under its police powers.

¶ 11. **Grant 20 years.**] § 11. The grant herein given shall extend and be in force for and during the period that shall expire twenty years from the tenth day of October, 1892; provided that a bond shall be filed, and this ordinance be accepted as hereinafter provided.

¶ 12. **Indemnity clause—bond.**] § 12. Said company shall indemnify and forever save harmless the city of Chicago from any and all damages, judgments, decrees, costs and expenses which said city may suffer or which may be recoverable or obtained against said city for or by reason of the granting of the privileges hereby conferred upon, or for or by reason of, or growing out of or resulting from the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the privileges of this ordinance, and said company shall, within the time limited for the acceptance of this ordinance, file with the city clerk a bond to said city of Chicago in the penal sum of five thousand dollars, with sureties to be approved by the mayor of said city of Chicago, conditioned for the faithful performance and observance by said company of the provisions and conditions of this ordinance.

¶ 13. **Bond—acceptance.**] § 13. This ordinance shall be in force, and take effect from and after its passage, and acceptance by said company, provided that the bond aforesaid shall be filed and this ordinance accepted within sixty days after the passage of the same, otherwise this ordinance to be void.

Note: See following amendatory ordinance and also agreements made a part of above ordinance.

§ 674. South Chicago City Railway company.

¶ 1. Amending section 7 of foregoing ordinance.
¶ 2. Section 7 as amended.
¶ 3. When in force.

An ordinance amending an ordinance granting certain privileges to the South Chicago City Railway company, passed June 8, 1896. (Passed June 29, 1896. Accepted July 3, 1896.)

¶ 1. **Amending section 7 of foregoing ordinance.**] Be it or-

dained by the city council of the city of Chicago: § 1. That section seven of an ordinance entitled "An ordinance authorizing the South Chicago City Railway Company to construct and operate a street railway on Sixty-fourth street and Madison avenue," passed by the city council of said city on June 8th, A. D. 1896, be and the same is hereby amended so that same shall read as follows:

¶ 2. **Section 7 as amended.**] § 2. The rate of fare shall not exceed five cents one continuous ride of one trip over the lines of said company; provided, that said company shall provide and furnish free of charge to passengers who have paid fare upon said lines, transfer tickets at and to such points upon all their intersecting or connecting lines as may be fixed by the mayor, the commissioner of public works and said company; and provided that no fare shall be charged policemen in uniform or firemen in uniform.

¶ 3. **When in force.**] § 3. This ordinance shall be in force and effect when said original ordinance shall have been accepted and bond filed as therein provided, and this amendatory ordinance also accepted in writing by said company.

AGREEMENT DATED JUNE 22, 1896, ATTACHED TO ORDINANCE BY THE MAYOR BEFORE SIGNING THE ORDINANCE AND MADE A PART THEREOF.

Whereas, Heretofore on, to-wit, the 8th day of June, 1896, a certain ordinance authorizing the South Chicago City Railway Company to construct and operate a street railway on 64th street and Madison avenue was duly passed by the city council of the city of Chicago; and,

Whereas, Said ordinance is now before the mayor of the city of Chicago awaiting his action and subject to be vetoed by him; and,

Whereas, Said mayor has consented to approve said ordinance upon condition that said South Chicago City Railway Company shall at once pay to the city of Chicago the sum of $1,070.80, being its proportional share of the cost and expense of improving with macadamized pavement one-half of the middle 18 feet of Stony Island avenue between 64th street and 67th street, said work having been done by the city of Chicago in the year 1892 or 1893, and shall also undertake and agree to immediately finish in accordance with the terms of its ordinance, the improvement of one-half of the middle 18 feet of the roadway in Stony Island avenue from 71st street to 79th street.

Now, therefore, In consideration of the approval of said ordinance of June 8th, 1896, by the said mayor, the said railway company does hereby undertake and agree to immediately make payment of the said sum of $1,070.80 as above set forth, and agrees to immediately proceed to improve in the manner specified in its ordinance of October 10th, 1892, one-half of the middle 18 feet of the roadway in Stony Island avenue from 71st street to 79th street.

In witness whereof, The said railway company has caused these presents to be signed by its president, attested under its corporate seal by authority of its board of directors this 22nd day of June, A. D. 1896.

(Seal) SOUTH CHICAGO CITY RAILWAY COMPANY,

By D. F. CAMERON, President.

Attest: O. L. GAITHER, Secretary.

AGREEMENT DATED JUNE 22, 1896, ATTACHED TO ORDINANCE BY THE MAYOR BEFORE SIGNING THE ORDINANCE AND MADE A PART THEREOF.

Whereas, Heretofore, on to-wit, the 8th day of June, 1896, a certain ordinance authorizing the South Chicago City Railway Company to construct and operate a street railway on 64th street and Madison avenue was duly passed by the city council of the city of Chicago; and,

Whereas, It is in and by said ordinance provided that said company shall acquire and dedicate for the perpetual use of the public as an additional roadway and sidewalk a strip of land of not less than 11½ feet in width, and whereas such dedication has not at this date been made, and whereas the mayor of the city of Chicago is desirous of securing the rights of the public by vetoing such ordinance, unless he shall be well assured that such dedication will be made as in said ordinance provided; and,

In consideration of the premises it is hereby agreed by said South Chicago City Railway Company that if the mayor shall not require such dedication to be made before said ordinance is approved, or before the same otherwise goes into effect then, and in that case, said company agrees to make such dedication as provided in said ordinance, and more particularly agrees that it shall not make any application for, nor receive, nor have any right to receive from the city of Chicago any permit to build the railway, or any part thereof mentioned in said ordinance, and said company shall have no right to enjoy any of the privileges or rights by said ordinance conferred until it shall have first acquired the title to said piece of real estate and made a dedication thereof as is in said ordinance provided.

In witness whereof, said company has caused the due execution of this written agreement by authority of its board of directors this 22nd day of June, A. D. 1896.

(Seal) SOUTH CHICAGO CITY RAILWAY,
By D. F. CAMERON, President.

Attest: O. L. GAITHER, Secretary.

SOUTH END ELECTRIC COMPANY.

§ 675. South End Electric company.

¶ 1. Grant—location and construction of tracks.
¶ 2. Route.
¶ 3. Time of completion.
¶ 4. Conform to grades.
¶ 5. Style of rails—planked at intersections.
¶ 6. Overhead contact wires.
¶ 7. Feeder wires.
¶ 8. Passenger traffic—obstruction by vehicles.
¶ 9. Rate of fare.
¶ 10. Term of grant.
¶ 11. Restoration of streets.
¶ 12. Reservation of rights.
¶ 13. Running time—speed.
¶ 14. Indemnity clause.
¶ 15. Acceptance.

An ordinance granting permission to the South End Electric company to construct, maintain and operate an electric street railway on One Hundred and Third street in the village of West Roseland. (Passed October 29, 1890. Accepted November 3, 1890.)

¶ 1. **Grant—location and construction of tracks.**] Be it ordained by the president and board of trustees of the village of West Roseland: § 1. That permission and authority be, and the same is hereby granted to the South End Electric Company, its successors and assigns, to construct, maintain and operate a railroad with one or more tracks, not exceeding two, to be operated by electric, or other satisfactory power, except horse power and steam, with such tracks for turn-tables, turn-outs, side-tracks and switches, as said company may deem necessary, along or upon certain streets or parts of streets in the corporate limits of the village of West Roseland, hereinafter particularly mentioned, and to operate said railway in the manner, for the time and upon the conditions hereinafter described. Where any of said streets is wholly in said village, then not more than sixteen feet as near the center as may be of any street shall be so occupied without the consent of said village or its successors, but where the boundary line of said village falls in any of said streets, then only one track shall be laid or operated in such part of said street so traversed by said boundary line, and not more than eight feet of such part of said street shall be so occupied without the consent of said village or its successors, which eight feet of said street shalll be within said village and adjoining such boundary line, provided that where the street is wholly within the limits of said village, then each of the tracks or any track laid shall be within the eight feet on each side of and adjoining the center line of such street.

¶ 2. **Route.**] § 2. That the said The South End Electric Railway Company or its successors or assigns, is hereby authorized to lay the tracks with all necessary turn-tables, turn-outs, side-tracks and switches as provided in the first section of this ordinance, along and upon the following streets in said village of West Roseland:

Commencing at the corner of State street at One Hundred and Third street, in the village of West Roseland; thence west on said One Hundred and Third street to east line of the right of way of the Chicago and Western Indiana Railroad; thence on the south half of One Hundred and Third street west to the westermost line of said village.

¶ 3. **Time of completion.**] § 3. One of the tracks authorized to be constructed by this ordinance shall be completed upon all of the above streets and such railroad and such track shall be in operation upon all of said street within twenty-four months from the date of the passage of this ordinance; provided, that all the rights and privileges herein granted shall, at the expiration of twenty-four months after the passage of this ordinance, revert to and vest absolutely in the

village of West Roseland or its successors, as to all streets and parts of streets hereinbefore mentioned, unless all of them at the said time shall be occupied by said railway tract in full operation. The said The South End Electric Railway Company, its successors or assigns, shall have the right and privilege of laying and operating the second track authorized in the first section hereof, whenever it or its successors shall deem it expedient, or public travel requires it. Provided further, that if the said The South End Electric Railway Company, its successors or assigns, shall be restrained or prevented from proceeding with the work upon said railway track by order or authority of any court of competent judisdiction, the time during which it or they may be so delayed, shall be added to the time herein prescribed for the completion of said railway track. The village of West Roseland, or its successors, shall, however, have the right to intervene in any suit for an injunction to restrain said party or parties as aforesaid, and move for the dissolution of the injunction, in case such suit shall be deemed collusive, or for the purpose of delay, or of extending the time for the completion of said track.

¶ 4. **Conform to grades.**] § 4. The said South End Electric Railway Company, its successors or assigns, in the construction of said railway, shall conform to all grades in the streets so traversed by said railway as they now exist or which may hereafter be adopted by the village of West Roseland.

¶ 5. **Style of rails—planked at intersections.**] § 5. The tracks of said railway shall be constructed of side bearing, or what may be termed flat rails, not to be elevated above the surface of the streets, and shall be of the standard gauge of four feet, eight and one-half inches, and said railway tracks, turn-outs, side-tracks, switches and turntables shall be so laid that carriages and other vehicles can easily and freely cross said track or tracks at any and all points. The said track or tracks shall be laid under the supervision of the village of West Roseland.

It is further provided that said track or tracks at all intersections of streets, shall be planked between the rails.

¶ 6. **Overhead contact wires.**] § 6. The cars upon said railway shall be propelled by electric overhead wires suspended from poles, set within the curb line limit of the street, and on either side thereof, where both sides are in said village, and when only one side thereof is in said village, then on that side only, and so adjusted as not to obstruct the public use of the streets and sidewalks. The said wires shall be suspended not less than eighteen and one-half feet above the rails, and said poles or supports shall be placed on an average of not less than one hundred and fifteen feet apart, except at the intersection of streets and avenues, when the said distance will place the poles or supports on intersecting streets and avenues. And in

the event that some more favorable and unobjectionable method for furnishing electricity or other satisfactory or motor power for the operation of said road be discovered, said The South End Electric Railway Company, its successors or assigns, shall have the right to adopt the same in place of or in connection with the use of said electrical overhead contact wires.

¶ 7. **Feeder wires.**] § 7. Said the South End Electric Railway Company, its successors or assigns, shall operate said railway by electric motor power or other satisfactory power, except horse power, or steam, except in case of accident to machinery, making it necessary that said cars may be propelled by animal power for a period not exceeding thirty days for any one accident, and to enable the said road to be operated, the said The South End Electric Railway Company, its successors or assigns, shall have the right to connect the wires of other motor power herein authorized with the generator or power station, or any station or car house that may be erected along the line of said railway.

¶ 8. **Passenger traffic—obstruction by vehicles.**] § 8. The cars or carriages to be used on said railway shall be used for no other purpose than to carry passengers and their ordinary baggage and the public mails. And the said cars shall be entitled to the track, and in all cases when any train or vehicle shall meet or be overtaken by a car upon said railway track, such team or vehicle shall give way to said car.

¶ 9. **Rate of fare.**] § 9. The rates of fare for any continuous trip from one point to another on the line of said railway or any of its lines now or hereafter established by it, or its successors or assigns, or over the streets heretofore named, shall not exceed five cents.

¶ 10. **Term of grant.**] § 10. The rights and privileges hereby granted to the said The South End Electric Railway Company, its successors and assigns, shall continue for a period of twenty years from and after the time this ordinance shall take effect.

¶ 11. **Restoration of streets.**] § 11. The said The South End Electric Railway Company, its successors or assigns, shall do no permanent injury to any street, sidewalk, alley or avenue, nor interfere with any water pipe, sewer or gas pipe now or hereafter laid by said village of West Roseland, but in the construction of said railway shall restore the streets, pavement, sidewalk or ground, or water pipe, sewer or gas pipe, to a condition equally as good as before the laying of said railway at the expense of said The South End Electric Railway Company, its successors and assigns, and if it, or its successors or assigns, as the case may be, shall fail or refuse so to do, the same may be done by the village of West Roseland, and said company, or its successors or assigns, as the case may be, shall be liable for the cost thereof.

¶ **12. Reservation of rights.**] § 12. Nothing herein contained shall impair or abridge the right of the village to dig up or open said street or avenue or any portion thereof, and to temporarily remove said tracks and roadbeds for the purpose of laying sewers or water pipes, or gaspipes, or wires for any purpose, or making any similar improvements or of repairing the same.

¶ **13. Running time—speed.**] § 13. This ordinance is granted upon the express condition that trains shall be run upon each track constructed by the said The South End Electric Railway Company, its successors or assigns, at least once per hour between the hours of six a. m. and 12 p. m., except when delay is caused through unavoidable accident, breakage of machinery or other cause beyond the control of said The South End Electric Railway Company, its successors or assigns, and the speed of all trains to be operated by virtue of this ordinance shall be subject to control by ordinance of the village of West Roseland, and its successors, regulating the speed of electric or cable railways.

¶ **14. Indemnity clause.**] § 14. The said The South End Electric Railway Company, its successors or assigns, shall defend and save harmless the village of West Roseland, its successors or assigns, of and from any and all damage, judgments, decrees and costs connected therewith which may be rendered against said village, its successors or assigns, by reason of the granting of the rights and privileges herein contained, or which may, in any way accrue, or arise, or grow out of the exercise by the said The South End Electric Railway Company, or its successors or assigns, of the rights and privileges hereby granted.

¶ **15. Acceptance.**] § 15. This ordinance shall take effect when the said The South End Electric Railway Company, its successors or assigns, shall accept in writing the terms and conditions of this ordinance; Provided, that if the said The South End Electric Railway Company, its successors or assigns, shall not file an acceptance in writing of this ordinance within thirty days from the passage thereof, then this ordinance shall be of no force and effect and all the rights herein granted shall absolutely cease and determine.

SOUTHWEST CHICAGO RAPID TRANSIT COMPANY.

§ 676. Southwest Chicago Rapid Transit company.

¶ 1. Grant—route.
¶ 2. Rate of fare—police, etc., to ride free.
¶ 3. Construction of tracks—rails.
¶ 4. Motive power—storage batteries—passenger service.
¶ 5. Improvement and repair of streets—consent of council transfer.
¶ 6. Time of completion—forfeiture.
¶ 7. Removal of tracks—street restoration.
¶ 8. Damages.
¶ 9. Heating cars.
¶ 10. Indemnity clause.
¶ 11. Bond.
¶ 12. When in force—acceptance—bond.

An ordinance granting permission to the Southwest Chicago Rapid Transit company to lay tracks along Sixty-third street from Ashland avenue to Central Park avenue. (Passed March 20, 1893.)

¶ 1. **Grant—route.**] Be it ordained by the city council of the city of Chicago: § 1. That, in consideration of the acceptance hereof and the undertaking of the Southwest Chicago Rapid Transit Company to comply with the provisions herein contained, consent, permission and authority are hereby granted to said company, its successors and assigns, to lay down, construct, maintain and operate for the period of twenty years from the passage hereof, a single or double track street railway, with all necessary and convenient turn-outs and switches in, upon, over and along Sixty-third street, between Ashland avenue and Central Park avenue.

¶ 2. **Rate of fare—police, etc., to ride free.**] § 2. The rate of fare to be charged upon the line, hereby authorized, shall not exceed five (5) cents for one continuous ride of one trip on said line and its extensions for any distance within the present or future city limits; Provided, however, that no fare shall be collected from any policeman, fireman or United States letter carrier when in uniform.

¶ 3. **Construction of tracks—rails.**] § 3. The tracks of said railway shall not be elevated above the surface of the street and shall be laid with modern improved rails and in such a manner that carriages and other vehicles can easily and freely cross the same, at all points and in all directions, without obstruction and shall, also, be laid as near to the center of the street as practicable. Section 1509 of the Municipal Code of Chicago of 1881 shall not apply to the railroad tracks herein authorized, but the rails to be used shall be satisfactory to the mayor and commissioner of public works and shall be laid under their direction.

¶ 4. **Motive power—storage batteries—passenger service.**] § 4. The cars to be used on said railway may be operated by animal, electric power or by noiseless steam motors, and shall be used for no other purpose than to carry passengers and their ordinary packages.

In the event of electric power being used, the same shall be primary or storage batteries. Nothing herein contained shall authorize such company to use overhead wires for transmission of electricity if that shall be the motive power used.

¶ 5. Improvement and repair of streets—consent of council to transfer.] § 5. The said company, as to the part of said street in and upon which its said railway may be laid, shall keep sixteen feet in width in good condition and repair, during all the time to which the privileges hereby granted shall extend, in accordance with whatever order, ordinance or regulation may be passed or adopted by the city council in relation to such repairing and, when any new improvement shall be ordered, the said railway company shall, in the manner which may be required of the owners of property fronting on said part of said street, make such new improvement and, if the company shall refuse or fail so to do, the same may be done by the city and the company shall be liable to the city for the cost thereof; and, further, that it shall be conditional that if the said Southwest Chicago Rapid Transit Company shall sell, transfer or lease any of the rights and privileges conferred on it by this ordinance to any other company or persons, unless upon consent of the city council, during the period of said ordinance, it shall immediately, upon the establishment of said fact, be declared null and void and its rights cease under this ordinance.

¶ 6. Time of completion—forfeiture.] § 6. The tracks herein authorized shall be laid within one year from the passage and acceptance of this ordinance and, if the said company shall fail to complete said tracks within said time the rights and privileges herein granted shall cease and determine; Provided, that, if said company shall be restrained or prevented from proceeding with the work upon said railroad tracks by the order or writ of any court of competent jurisdiction the time during which said company may be so delayed shall be added to the time herein prescribed for the completion of said railway tracks. The city shall, however, have the right to intervene in any suit for an injunction, to restrain the said company, as aforesaid, and move for the dissolution of the injunction in case such suit shall be deemed collusive, or for the purpose of delay, or of extending the time for the completion of said tracks.

¶ 7. Removal of tracks—street restoration.] § 7. When the right of said railway company to operate its railways on said part of said street shall cease and determine, said company shall remove the tracks from the said part of said street and put the said street from which said tracks shall be removed in as good condition as the adjacent parts of said street. The said company shall pay in to the city treasury of the city of Chicago, for the use of said city, the sum of fifty ($50) dollars as an annual license fee for each and every car used by said company.

¶ 8. **Damages.**] § 8. The said Southwest Chicago Rapid Transit Company shall pay all damages to the owners of property abutting on the said part of said street upon or over which its road may be constructed which said owners may sustain by reason of the location or construction of said road.

¶ 9. **Heating cars.**] § 9. The cars upon the railway hereby authorized shall be provided, during the months of November, December, January, February and March of each year, with heating apparatus, of a kind and nature to be selected by said company, which shall be reasonably effective in raising the temperature in said cars and heating the same, and said apparatus shall be operated at such times during the months aforesaid as the need of the weather and degree of temperature shall require.

¶ 10. **Indemnity clause.**] § 10. The company shall forever indemnify and save harmless the city of Chicago against and from any and all legal damages, judgments, decrees and costs and expenses of the same which it may suffer, or which may be recovered or obtained against said city for or by reason of the granting of such privileges or for or by reason of or growing out of or resulting from the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 11. **Bond.**] § 11. The Southwest Chicago Rapid Transit Company shall execute to the city of Chicago a good and sufficient bond in the penal sum of $10,000, to be approved by the mayor, conditioned for the faithful observance and performance of the provisions and conditions of this ordinance, on its part to be observed and performed as aforesaid.

¶ 12. **When in force—acceptance—bond.**] § 12. This ordinance shall take effect and be in force as soon as the company shall file with the city clerk its formal acceptance of the same and the bond as herein prescribed; Provided, however, that if said acceptance and bond shall not be filed, as aforesaid, within sixty days from the passage hereof, this ordinance shall be void and of no effect.

Note.—See following ordinances re-enacting and amending the above ordinance.

§ 677. Southwest Chicago Rapid Transit company.

¶ 1. Re-enactment of foregoing ordinance.

An ordinance to re-enact an ordinance entitled "An ordinance granting permission to the Southwest Chicago Rapid Transit company to lay tracks along Sixty-third street from Ashland avenue to Central Park avenue," passed March 20, 1893. (Passed June 19, 1893. Accepted June 20, 1893.)

¶ 1. **Re-enactment of foregoing ordinance.**] Be it ordained by the city council of the city of Chicago: § 1. That an ordinance entitled "An ordinance granting permission to the Southwest Chicago

Rapid Transit Company to lay tracks along Sixty-third street, from Ashland avenue to Central Park avenue," passed March 20th, 1893, as printed and set forth at length in the printed council proceedings published by authority of the city council for the year 1893, on pages 2657 and 2658 thereof, be and the same is hereby re-enacted, passed and adopted, as fully and completely as if the same were herein set forth at length.

Note.—See following amendatory ordinance.

§ 678. Southwest Chicago Rapid Transit company.

¶ 1. Amending section 2 of foregoing ordinance.
¶ 2. Section 2 as amended.
¶ 3. Amending section 4.
¶ 4. Section 4 as amended.
¶ 5. Amending section 5.
¶ 6. Acceptance—new bond.

An ordinance to amend an ordinance granting permission to the Southwest Chicago Rapid Transit company to lay tracks on Sixty-third street, passed March 23 (20th), 1893, and re-enacted and passed June 19, 1893. (Passed February 24, 1896. Accepted March 3, 1896.)

¶ 1. Amending section 2 of foregoing ordinance.] Be it ordained by the city council of the city of Chicago: § 1. That the ordinance passed by the city council of the city of Chicago March 23rd (20th), 1893, and re-enacted and passed June 19th, 1893, granting permission to the Southwest Chicago Rapid Transit Company to lay tracks on Sixty-third street between Ashland avenue and Central Park avenue be, and the same is hereby, amended by eliminating section two (2) from the said ordinance and substituting in lieu thereof the following section, to be known hereafter as section two (2) of said ordinance:

¶ 2. Section 2 as amended.] § 2. The rate of fare to be charged upon the line hereby authorized shall not exceed five cents for one continuous ride on said line and its extensions, and any other company operating the same as the successor, assignee or lessee thereof shall carry and convey passengers by transfer tickets to and from and over the same upon payment of one cash fare of five cents in the same way and manner that it would do if such successor, assignee or lessee actually owned the said line or right of way and operated the same in connection with and as a part of its own lines; Provided, however, that no fare shall be collected from any policeman or fireman when in full uniform.

¶ 3. Amending section 4.] § 3. That the above described ordinance be and the same is hereby amended by eliminating section four (4) from the said ordinance and substituting in lieu thereof the following section, to be known hereafter as section four (4) of said ordinance.

¶ 4. Section 4 as amended.] § 4. The cars to be used on

said railway may be operated by animal or electric power, and shall be used for no other purpose than to carry passengers and their ordinary packages. If electric power shall be used by means of overhead contact wires, such overhead wires, together with the necessary feed wires, may be suspended from poles set within the curb limits of the street on either side thereof, or from bracket poles placed in the center of the street along such line or route, the placing of said poles to be determined by the mayor and commissioner of public works, and said poles to be of ornamental iron or steel and of such construction and design as the mayor and commissioner of public works may approve. Said poles and feeder wires shall be suspended not less than eighteen and a half (18½) feet above the rails, and the said poles and supports shall be placed on an average of not less than one hundred and fifteen (115) feet apart. No poles shall be set at the intersection of streets and alleys. Such poles and wires to be erected and maintained for the purpose of supplying electric current which can be used for power, heat and light purposes for the said company. Before making any excavation or in any wise interfering with the surface of any street or alley, said company shall obtain from the commissioner of public works a permit therefor, and shall also deposit with the treasurer of the city of Chicago a sum sufficient to cover the cost of restoring such street or alley, according to an estimate of the probable cost thereof, to be made by the commissioner of public works in each case. Said company shall establish and maintain a metallic return circuit conductor, independent of the rails, upon all the lines of street railroad hereby authorized to be operated by electric overhead contact wires. Whenever other lines of wire cross the lines of wires to be strung by virtue of this ordinance, the latter wires shall be protected by guard wires or other suitable mechanical device, as may be directed by the commissioner of public works.

¶ 5. **Amending section 5.**] § 5. That section five (5) of the above described ordinance be, and the same is hereby, amended by eliminating therefrom the following words:

"And further, it shall be conditional that if the said Southwest Chicago Rapid Transit Company shall sell, transfer or lease any of the rights and privileges conferred on it by this ordinance to any company or person unless upon consent of the city council during the period of said ordinance, it shall, immediately upon the establishing of such fact, be declared null and void and its rights cease under this ordinance."

¶ 6. **Acceptance—new bond.**] § 6. This ordinance shall take effect and be in force from and after the said company shall file with the city clerk its formal acceptance of the same, together with a new bond, in lieu of the original bond, in the sum of ten thousand ($10,000) dollars, to be approved by the mayor of said city, and conditioned to indemnify the city from all damages which said city may suffer from

the passage of the original ordinance, as well as from the passage of this amendatory ordinance. Said bond and acceptance to be filed within thirty (30) days from the passage hereof, otherwise this ordinance shall be void and of no effect.

WEST CHICAGO STREET RAILROAD COMPANY.

§ 679. West Chicago Street Railroad company.

¶ 1. Grant—term—route.
¶ 2. Motive power—cable authorized.
¶ 3. Tracks, how laid.
¶ 4. Rate of fare.
¶ 5. Time of completion.
¶ 6. Remove tracks.
¶ 7. Street improvement and repair.
¶ 8. Speed may be regulated.
¶ 9. License fee.
¶ 10. Indemnity clause.
¶ 11. Bond.
¶ 12. When in force.

An ordinance granting permission and authority to the West Chicago Street Railroad company to operate and maintain a street railway on South Jefferson street. (Passed March 30, 1888. Accepted April 2, 1888.)

¶ 1. Grant—term—route.] Be it ordained by the city council of the city of Chicago: § 1. In consideration of the acceptance hereof, and the undertaking by the West Chicago Street Railroad Company to comply with the provisions and conditions herein contained, permission and authority are hereby given to said company, its successors and assigns, to construct, maintain and operate, for the period of twenty years from and after the passage of this ordinance, a single or double track street railway upon, over and along South Jefferson street, in the city of Chicago, between West Washington street and West Madison street, with the right to connect with other street railroad tracks on said West Washington and West Madison streets.

¶ 2. Motive power—cable authorized.] § 2. Animal power may be used upon the tracks hereby authorized to be laid, or the same may be operated by stationary engines not located upon any street or public place in the city, and subject to the restrictions and upon the terms and conditions mentioned in this ordinance. For the purpose of operating said cars by said stationary engines said company may make all necessary trenches, excavations, sewer connections and place all needful and convenient endless cables and machinery in said street, so that such cables and machinery shall be underground and shall not interfere with public travel; Provided, that if in constructing said

trenches and excavations, or using the same, any damage or injury shall result to any of the sewers, water pipes or private drains, then the said company shall pay and be liable therefor; and said company shall pay all damages to owners of property abutting upon the said part of Jefferson street which they may sustain by reason of the location or construction of said railroad, the same to be ascertained and paid in the manner provided by law for the exercise of the right of eminent domain.

¶ 3. **Tracks, how laid.**] § 3. The tracks of said railway shall not be elevated in said street above the level of the roadway thereof, and they shall be laid with modern improved rails, in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction; Provided, section 1509 of the Municipal Code of the city of Chicago shall not apply to the rails to be laid upon the track herein authorized, but such rails shall be of a kind satisfactory to the mayor and commissioner of public works. The aperture opening into the trenches hereby authorized shall not exceed five-eighths of an inch in width. Each of the tracks hereby authorized shall be laid as near the center of the street as practicable.

¶ 4. **Rate of fare.**] § 4. Said company shall operate, when cable cars are run, not to exceed two cars and one grip-car attached together, with a driver in charge of the grip-car and one conductor in charge of each additional car. The cars to be used upon said railway shall be constructed with all the latest improvements for the comfort and convenience of the passengers, and shall be used for no other purpose than for the transportation of passengers. The rate of fare shall not exceed five cents for each passenger for any continuous travel at one ride over the tracks of said company, and the tracks of the Chicago West Division Railway Company or the Chicago Passenger Railway Company.

¶ 5. **Time of completion.**] § 5. The tracks hereby authorized shall be completed before the first day of December, A. D. 1888. If the said company shall fail to complete such track within the time mentioned herein, the rights and privileges hereby granted shall cease and determine; Provided, that if said company shall be delayed by the writ of injunction of any court from proceeding with the work upon such track, the time of such delay shall be excluded from the time provided herein for the completion of said track; Provided, however, that the city law department may intervene in any such suit and move for the dissolution of such injunction, in case the suit may be deemed by such law department to be collusive or for the purpose of delay.

¶ 6. **Remove tracks.**] § 6. When the right of said company to operate its railway upon said street shall cease, said company shall remove its tracks from the same and place the same in as good condition as when tracks were laid.

¶ 7. **Street improvements and repairs.**] § 7. Said company, as to the part of Jefferson street in and upon which its said railway may be laid, shall keep eight feet in width where a single track shall be laid and sixteen feet in width where a double track shall be laid, in good condition and repair during all the time to which the privileges hereby granted shall extend, in accordance with whatever ordinance or regulation may be passed or adopted by the city council in relation to such repairing; and when any new improvement shall be ordered by the city council for the said part of Jefferson street said company shall, in the manner which may be required by owners of property fronting on said street, make such new improvement for the width of eight feet where a single track shall be laid and for a width of sixteen feet where a double track shall be laid; and if said company shall refuse or fail so to do, the same may be done by the city and the company shall be liable to the city for the cost thereof.

¶ 8. **Speed may be regulated.**] § 8. The city council shall have power at all times to make such regulations as to the rate of speed of said cars as the public interest or convenience may require.

¶ 9. **License fee.**] § 9. The provisions of section one of the ordinance concerning street railways in the city of Chicago, passed July 30th, 1883, and the license fee of fifty ($50) dollars per car, as therein imposed, shall extend to the cars to be run on the railway hereby authorized; Provided, that but one license fee shall be charged for cars running over the lines of said company in connection with the lines of the Chicago West Division Railway Company, or the Chicago Passenger Railway Company.

¶ 10. **Indemnity clause.**] § 10. Said company shall forever indemnify and save harmless the city of Chicago against and from any and all legal damages, judgments, decrees and costs and expenses of the same which it may suffer, or which may be recovered or obtained against said city for, or by reason of, or growing out of, or resulting from the passage of this ordinance, or any matter or thing connected herewith, or with the exercise by said company of the privileges hereby granted, or from any act or acts by said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 11. **Bond.**] § 11. The said company shall enter into a good and sufficient bond with the city of Chicago, in the penal sum of ten thousand dollars ($10,000), for the faithful performance of all the terms and conditions contained in this ordinance and conditioned to indemnify and save harmless the city of Chicago of and from all damages which may be occasioned or which in any way may accrue or arise, or grow out of, the exercise by said company of the privileges hereby granted.

¶ 12. **When in force.**] § 12. This ordinance shall take effect and be in force as soon as the same shall be duly accepted by said company and the said company shall have executed and filed with the city clerk the bond provided for herein, in the manner and form as herein-

before required; Provided, however, that unless this ordinance shall be duly accepted and the said bond executed and filed within sixty (60) days of the passage hereof, this ordinance shall be null and void.

§ 680. West Chicago Street Railroad company.
¶ 1. Preamble.
¶ 2. Tunnel under river.

An ordinance and resolution concerning an agreement between the West Chicago Street Railroad and the city of Chicago concerning an agreement for a tunnel under the river. (Passed April 2, 1888.)

¶ 1. **Preamble.**] Whereas, The board of directors of the West Chicago Street Railroad Company on the 2nd day of April, 1888, by and at the request of the mayor of the city of Chicago, adopted the following resolution:

¶ 2. **Tunnel under river.**] Resolved, That the West Chicago Street Railroad Company, in consideration of the passage and approval by the mayor of the three ordinances passed by the city council of Chicago on the 30th day of March, 1888; one granting to the West Division Railway Company the right to change its motive power from horse to cable or electric power; one granting to the Chicago Passenger Railway Company the right to make the same change, and one granting to the West Chicago Street Railroad Company the right to construct its tracks on Jefferson street, between Madison and Washington streets, and to use horse, cable or electric power thereon, hereby agrees by and with the city of Chicago at its own expense to construct a tunnel under the Chicago river and acquire the necessary right of way therefor on a route to be located by said company between Madison and Twelfth streets, with the east terminus at Fifth avenue, or west thereof, and the western terminus at Halsted street, or east thereof; Provided, however, that this company shall have the right from said city to construct said tunnel under any intervening street or streets and said river within said limits, but such location and construction shall be such as not to interfere with the capacity, usefulness or grade of said streets. Said tunnel to be used by this company for street railroad tracks, and the construction thereof shall be commenced within three years and be completed within four years after the said city council shall grant permission to said railroad company to make said improvements, unless prevented by injunctions or strikes, and the time said construction is so interfered with shall be added to said four years, all work to be done in a manner satisfactory to the commissioner of public works, and the tracks through the tunnel shall be connected with the street railroad tracks controlled by this company.

Now, therefore, be it ordained by the city council, that the agreement in said resolution contained be and the same is hereby accepted by and on behalf of the city of Chicago as a consideration from said company for the passage and approval by the mayor of the ordinances in said resolution specified, and authority is hereby granted said company to make the improvements therein mentioned.

§ 681. West Chicago Street Railroad company.

¶ 1. Grant for extension.
¶ 2. Subject to ordinances—rate of fare.
¶ 3. Indemnity clause.

An ordinance authorizing the West Chicago Street Railroad company to extend the street railway on West Twelfth street. (Passed May 27, 1889. Accepted June 17, 1889.)

¶ 1. Grant for extension.] Be it ordained by the city council of the city of Chicago: § 1. Permission and authority is hereby granted to the West Chicago Street Railway Company, its successors and assigns, to extend from Ogden avenue to Western avenue the street railroad leased by said company on West Twelfth street, between Canal street and Ogden avenue, with the right to connect with other street railroads operated by said company.

¶ 2. Subject to ordinances—rate of fare.] § 2. The permission hereby given is subject to all the terms and conditions which apply to said street railroad now located and operated on said West Twelfth street, between Canal street and Ogden avenue, and to all ordinances of the city of Chicago applicable thereto. The line hereby authorized shall be regarded and considered as a connection between the street railroad on said West Twelfth street running from Canal street to Ogden avenue, and the street railroad on said West Twelfth street, running west from Western avenue, and but one fare shall be charged for any distance. The connection hereby authorized shall be completed on or before December 1st, 1889.

¶ 3. Indemnity clause.] § 3. The West Chicago Street Railroad Company shall pay all damages to the owners of property abutting on the street upon which the road hereby authorized shall be constructed, which said owners may sustain by reason of the location or construction of said road.

¶ 4. When in force.] § 4. This ordinance shall take effect and be in force upon its acceptance by said company; Provided, that said acceptance shall be filed with the city clerk within thirty days from the passage of this ordinance, otherwise this ordinance shall be void and of no effect.

§ 682. West Chicago Street Railroad company.

¶ 1. Grant.
¶ 2. Subject to ordinances—indemnity clause.
¶ 3. When in force.

An ordinance granting permission to the West Chicago Street Railroad company to construct and operate a street railway to connect with the Chicago West Division Railway company. (Passed June 11, 1888. Accepted June 15, 1888.)

¶ 1. Grant.] Be it ordained by the city council of the city of Chicago: § 1. In consideration of the acceptance hereof, and the undertaking by the West Chicago Street Railroad Company to comply with the provisions and conditions herein contained, consent, per-

mission and authority are hereby given to said company, its successors and assigns, to construct, maintain and operate a single or double track street railroad, with the right to connect with other street railroad tracks, as follows:

From the terminus of the street railroad of the Chicago West Division Railway Company, on Fifth avenue, at Polk street, to the Twelfth street viaduct, running upon Fifth avenue and upon the proposed approach to said viaduct from Taylor street; also to connect with the tracks which the Chicago West Division Railway Company is authorized to lay on Polk street, between Fifth avenue and Canal street, said connection to be made by constructing tracks upon the approach to the proposed Polk street viaduct; also from the terminus at State street of the tracks which the Chicago West Division Railway Company is authorized to lay on Twelfth street, between Blue Island avenue and State street, easterly to the end of the proposed approach to the Twelfth street viaduct, and to such a point beyond the end of such approach, not exceeding two hundred feet, as will enable said West Chicago Street Railway Company to switch its cars upon a level.

¶ 2. **Subject to ordinances—indemnity clause.**] § 2. The privileges hereby granted shall be subject to all the provisions and conditions of the ordinances governing the street railways of which the lines hereby authorized are extensions, so far as the same are applicable hereto, and to all the general ordinances which govern the lines of the Chicago West Division Railway Company, and said West Chicago Street Railroad Company shall pay all damages to owners of property abutting upon said parts of streets upon or over which said road may be constructed, which they may sustain by reason of the location or construction of said road.

¶ 3. **When in force.**] § 3. This ordinance shall take effect upon the mayor of the city of Chicago notifying the city council that he has made a satisfactory arrangement in regard to the Polk street viaduct, and in regard to the approach to the Twelfth street viaduct from Fifth avenue.

§ 683. West Chicago Street Railroad company.

¶ 1. Grant—term—route.
¶ 2. Tracks, how laid.
¶ 3. Motive power—passenger traffic.
¶ 4. Street improvements and repairs.
¶ 5. Running time and speed regulated.
¶ 6. Time of completion.
¶ 7. Removal of tracks.
¶ 8. Damage to abutting property.
¶ 9. License fee.
¶ 10. Indemnity clause.
¶ 11. Subject to ordinances.
¶ 12. Cable authorized.
¶ 13. Grip and trailers.
¶ 14. Electric motors may be used.
¶ 15. Rate of fare.

¶ 16. Heating apparatus.
¶ 17. Bond.
¶ 18. When in force.

An ordinance granting permission to the West Chicago Street Railroad company to construct and operate a street railway on certain streets therein named. (Passed July 2, 1888.)

¶ 1. Grant—term—route.] Be it ordained by the city cuncil of the city of Chicago: § 1. In consideration of the acceptance hereof and the undertaking by the West Chicago Street Railroad Company to comply with the provisions herein contained, permission and authority are hereby given to said company, its successors and assigns, to construct, maintain and operate, for the period of fifteen (15) years from and after the passage of this ordinance, a double track street railway upon, over and along West North avenue, between California avenue and Kedzie avenue, in the city of Chicago, with an extension of said street railway in West North avenue, from Kedzie avenue to the right of way of the Chicago, Milwaukee and St. Paul Railway Company, one track of said extension to be laid on that portion of West North avenue, within the limits of the city of Chicago, and the other track of said extension upon that portion of West North avenue, within the limits of the village of Jefferson. Said tracks may be connected with other street railroad tracks operated by said West Chicago Street Railroad Company, as owner or lessee.

¶ 2. Tracks, how laid.] § 2. The tracks herein authorized of said railway, shall not be elevated above the surface of the street and shall be laid with modern improved rails, and in such manner that carriages and other vehicles can easily and freely cross the same at all points, and in all directions, without obstruction. Section 1509, of the Municipal Code of 1881, shall not apply to the railway tracks herein authorized, but the rails to be used shall be satisfactory to the mayor and commissioner of public works, and shall be laid under the direction of said commissioner of public works of the city. The said tracks to be placed on the center sixteen feet of said streets.

¶ 3. Motive power—passenger traffic.] § 3. The cars to be used upon said tracks shall be operated with animal power only, except as hereinafter provided, and shall not connect with any other railway not owned or leased by said company, and shall be used for no other purpose than to carry passengers and their ordinary baggage, and no car shall be run upon said tracks except under the charge of a competent driver and conductor, who shall be two separate persons, and said cars shall be constructed with all the latest improvements for the comfort and convenience of the passengers.

¶ 4. Street improvements and repairs.] § 4. The said company, as to the part of streets in and upon which its said railway may be laid, shall keep eight feet in width where a single track shall be laid, and sixteen feet in width where a double track shall be laid, in good condition and repair during all of the time to which the privileges

hereby granted shall extend, in accordance with whatever order, ordinance or regulation may be passed or adopted by the city council in relation to such repairing; and when any new improvements shall be ordered by the city council of the said parts of streets, or either of them, the said company shall in the manner which may be required of the owners of property fronting on said parts of streets, or either of them, make such new improvements for the width of eight feet where a single track shall be laid, and for the width of sixteen feet where a double track shall be laid; and if the said company shall fail or refuse so to do, the same may be done by the city and the company shall be liable to the city for the cost thereof.

¶ 5. **Running time and speed regulated.**] § 5. The city council shall have the power at all times to make such regulations as to the time of running and rate of speed of said cars as the public interests may require.

¶ 6. **Time of completion.**] § 6. Said tracks shall be laid during the year 1888. If the said company shall fail to complete such track within the time mentioned herein, the rights and privileges hereby granted shall cease and determine; Provided, that if said company shall be delayed by the writ of injunction of any court from proceeding with the work upon such tracks, the time of such delay shall be excluded from the time provided herein for the completion of said track; Provided, however, that the city law department may intervene in any such suit and move for the dissolution of such injunction, in case the suit may be deemed by such law department to be collusive or for the purpose of delay.

¶ 7. **Removal of tracks.**] § 7. When the right of said company to operate its railways upon such parts of streets shall cease and determine, said company shall remove its tracks from said parts of streets, and put the said parts of streets from which said track shall be removed in as good condition as the adjacent parts of the streets.

¶ 8. **Damages to abutting property.**] § 8. The said West Chicago Railroad Company shall pay all damages to the owners of property abutting on the said parts of streets upon or over which its road may be constructed, which said owners may sustain by reason of the location or construction of said road.

¶ 9. **License fee.**] § 9. The said West Chicago Street Railroad Company shall pay into the city treasury of the city of Chicago for the use of said city the sum of fifty ($50) dollars, as an annual license fee for each and every car used by said company which has not been included for use on other lines, in the manner following: In computing the number of cars upon which such license charge shall be imposed, thirteen round trips, when the car is used in the transportation of passengers, shall be taken as equivalent to one day's use of one car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter, such quotient shall

be the number of cars subject to such license fee, and the president, or other chief officer, of said company shall, under oath, make report quarter-yearly to the comptroller of the city of Chicago of the whole number of cars so run by said company, and at the same time pay to said comptroller $12.50 for each car, to be ascertained as above prescribed in this section. The first quarter shall begin on the first day upon which said company shall run a car or cars for the carriage of passengers.

¶ **10. Indemnity clause.**] § 10. The said company shall forever indemnify and save harmless the city of Chicago against and from any and all legal damages, judgments, decrees and costs and expenses of the same which it may suffer, or which may be recovered or obtained against said city, for or by reason of the granting of such privileges, or for, or by reason of, or growing out of, or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ **11. Subject to ordinances.**] § 11. This permission and authority hereby granted is subject to all general ordinances now in force, or that may be hereafter passed concerning street or horse railroads so far as applicable thereto.

¶ **12. Cable authorized.**] § 12. That the said West Chicago Street Railroad Company may hereafter operate the line of railway hereby authorized on West North avenue by stationary engine or engines not located upon the streets or public places of the city, and propelled by other than animal power. Said company may for said purpose make all needful and convenient trenches, excavations and sewer connections and may place all needful and convenient endless cables and machinery on said West North avenue; Provided, that said cables and machinery shall be underground and shall not interfere with public travel, and shall be constructed in a substantial and workmanlike manner of most approved method and convenience; Provided, that if in the construction of said trenches and excavations any damage or injury shall result to any of the sewers, water pipes or private drains, the said company shall pay and be held liable therefor, and if at any time, by reason of the permission hereby granted and the making of said trenches and running of said cables any injuries or damages shall result to any person or property then said company shall be held liable therefor, and also that all needful and convenient connections with the motive power or engines shall be subject to the same restrictions, and that the aperture opening into said trenches shall not exceed five-eights of an inch in width.

¶ **13. Grip and trailers.**] § 13. As respects conductors and managers of its cars on said line when operated as provided in section 10, said West Chicago Street Railroad Company may operate not

exceeding two cars and the grappling car, with one driver in charge of the grip car and one conductor of each additional car.

¶ **14. Electric motors may be used.**] § 14. Said company may operate its said cars over said line in lieu of the cable system or animal power, by electric motors; Provided, the electric motors or power to be used shall be approved by the commissioner of public works and no wires shall be strung overhead for the purpose of propelling such cars by electric power; and, provided, no more cars shall be run by electric motors or power than is herein authorized to be run by cable system.

¶ **15. Rate of fare.**] § 15. The rate of fare shall not exceed five (5) cents for each passenger for any continuous travel, of one ride upon said line, and over said tracks, and all other lines and tracks, of said company, connected therewith, which it may operate, as owner or lessee. The line hereby authorized to be laid shall be considered as an extension of the line now on West North avenue, and no additional fare shall be charged over the line so extended by virtue of this ordinance.

¶ **16. Heating apparatus.**] § 16. Every car operated on said line hereby authorized shall be provided during the months of November, December, January, February and March, of each year, with a heating apparatus of a kind and nature to be selected by the person or corporation engaged in operation and running such car, which shall be reasonably effective in raising the temperature in said car and heating the same; and the said apparatus shall be operated at such times, during the months aforesaid, as the nature of the weather and the degree of the temperature shall require.

¶ **17. Bond.**] § 17. The West Chicago Street Railroad Company shall execute to the city of Chicago a good and sufficient bond in the penal sum of ten thousand dollars ($10,000) to be approved by the commissioner of public works, conditioned for the faithful observance and performance of the provisions and conditions of this ordinance, on its part to be observed and performed, as aforesaid.

¶ **18. When in force.**] § 18. This ordinance shall take effect and be in force as soon as the said company shall file with the city clerk its formal acceptance of the same, and its bond as hereinbefore prescribed; Provided, however, that if said acceptance and bond shall not be filed, as aforesaid, within thirty days from the passage hereof this ordinance shall be void and of no effect.

§ 684. West Chicago Street Railroad company.

¶ 1. Grant—term—route.
¶ 2. Tracks, how laid.
¶ 3. Motive power—passenger traffic.
¶ 4. Street improvements, repairs, etc.
¶ 5. Speed and running time—regulated.
¶ 6. Time of completion.

¶ 7. Streets to be restored, when.
¶ 8. Damages.
¶ 9. License fee.
¶ 10. Indemnity clause.
¶ 11. Subject to general ordinances.
¶ 12. Rate of fare.
¶ 13. Bond.
¶ 14. Cars to be warmed.
¶ 15. When in force.

An ordinance granting permission to the West Chicago Street Railroad company to construct and operate a street railway on West Chicago and California avenues. (Passed July 2, 1888.)

¶ 1. **Grant—term—route.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof and the undertaking by the West Chicago Street Railroad Company to comply with the provisions herein contained, permission and authority are hereby given to said company, its successors and assigns, to construct, maintain and operate, for the period of fifteen (15) years from and after the passage of this ordinance, a double track street railroad upon West Chicago avenue, between Leavitt street and California avenue, and upon California avenue between West Chicago avenue and West Division street, with the right to connect with other street railroads operated by said company.

¶ 2. **Tracks, how laid.**] § 2. The tracks herein authorized of said railway, shall not be elevated above the surface of the street and shall be laid with modern improved rails, and in such manner that carriages and other vehicles can easily and freely cross the same at all points, and in all directions without obstruction. Section 1509 of the Municipal Code of 1881 shall not apply to the railway tracks herein authorized, but the rails to be used shall be satisfactory to the mayor and commissioner of public works, and shall be laid under the direction of said commissioner of public works of the city The said tracks to be placed on the center sixteen feet of said streets.

¶ 3. **Motive power—passenger traffic.**] § 3. The cars to be used upon said tracks shall be operated with animal power only, and shall not connect with any other railway not owned or leased by said company, and shall be used for no other purpose than to carry passengers and their ordinary baggage, and no car shall be run upon said tracks except under the charge of a competent driver and conductor, who shall be two separate persons, and said cars shall be constructed with all the latest improvements for the comfort and convenience of the passengers.

¶ 4. **Street improvements, repairs, etc.**] § 4. The said company, as to the parts of streets in and upon which its said railway may be laid, shall keep eight feet in width where a single track shall be laid, and sixteen feet in width where a double track shall be laid, in good condition and repair during all of the time to which the privileges hereby granted shall extend, in accordance with whatever

order, ordinance or regulation may be passed or adopted by the city council in relation to such repairing; and when any new improvement shall be ordered by the city council of the said parts of streets, or either of them, the said company shall in the manner which may be required of the owners of property fronting on said parts of streets, or either of them, make such new improvements for the width of eight feet where a single track shall be laid, and for the width of sixteen feet where a double track shall be laid; and if the said company shall fail or refuse so to do, the same may be done by the city and the company shall be liable to the city for the cost thereof.

¶ 5. **Speed and running time regulated.**] § 5. The city council shall have the power at all times to make such regulations as to the time of running and rate of speed of said cars as the public interests may require.

¶ 6. **Time of completion.**] § 6. The tracks hereby authorized shall be completed before the first day of December, A. D. 1888. If the said company shall fail to complete such tracks within the time mentioned herein, the rights and privileges hereby granted shall cease and determine; Provided, that if said company shall be delayed by the writ of injunction of any court from proceeding with the work upon such track, the time of such delay shall be excluded from the time provided herein for the completion of said track; Provided, however, that the city law department may intervene in any such suit and move for the dissolution of such injunction, in case the suit may be deemed by such law department to be collusive or for the purpose of delay.

¶ 7. **Streets to be restored, when.**] § 7. When the right of said company to operate its railways upon such parts of streets shall cease and determine, said company shall remove its tracks from said parts of streets and put the said parts of streets from which said tracks shall be removed in as good condition as the adjacent parts of streets.

¶ 8. **Damages.**] § 8. The said West Chicago Street Railroad Company shall pay all damages to the owners of property abutting on the said parts of streets upon or over which its road may be constructed, which said owners may sustain by reason of the location or construction of said road.

¶ 9. **License fee.**] § 9. The said West Chicago Street Railroad Company shall pay into the city treasury of the city of Chicago for the use of said city the sum of fifty dollars ($50), as an annual license fee for each and every car used by said company which has not been included for use on other lines, in the manner following: In computing the number of cars upon which such license charge shall be imposed, thirteen round trips, when the car is used in the transportation of passengers, shall be taken as equivalent to one day's use of one car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter, such quotient

shall be the number of cars subject to such license fee. The president, or other chief officer, of said company shall, under oath, make report quarter-yearly to the comptroller of the city of Chicago of the whole number of cars so run by said company, and at the same time pay to said comptroller $12.50 for each car, to be ascertained as above prescribed in this section. The first quarter shall begin on the first day upon which said company shall run a car or cars for the carriage of passengers.

¶ **10. Indemnity clause.**] § 10. The said company shall forever indemnify and save harmless the city of Chicago against and from any and all legal damages, judgments, decrees and costs and expenses of the same which it may suffer, or which may be recovered or obtained against said city, for or by reason of the granting of such privileges, or for, or by reason of, or growing out of, or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ **11. Subject to general ordinances.**] § 11. This permission and authority hereby granted is subject to all general ordinances now in force, or that may be hereafter passed, concerning street or horse railroads so far as applicable thereto.

¶ **12. Rate of fare.**] § 12. The rate of fare shall not exceed five (5) cents for each passenger for any continuous travel, of one ride upon said line, and over said tracks, and all other lines and tracks of said company connected therewith which it may operate as owner or lessee. The line hereby authorized to be laid shall be considered as an extension of the line now on West Chicago avenue and no additional fare shall be charged over the line so extended by virtue of this ordinance.

¶ **13. Bond.**] § 13. The West Chicago Street Railroad Company shall execute to the city of Chicago a good and sufficient bond in the penal sum of ten thousand dollars ($10,000) to be approved by the commissioner of public works, conditioned for the faithful observance and performance of the provisions and conditions of this ordinance, on its part to be observed and performed as aforesaid.

¶ **14. Cars to be warmed.**] § 14. Every car operated on said line hereby authorized shall be provided during the months of November, December, January, February and March, of each year, with a heating apparatus of a kind and nature to be selected by the person or corporation engaged in operation and running such car, which shall be reasonably effective in raising the temperature in said car and heating the same; and the said apparatus shall be operated at such times, during the months aforesaid, as the nature of the weather and the degree of temperature shall require.

¶ 15. **When in force.**] § 15. This ordinance shall take effect and be in force as soon as the said company shall file with the city clerk its formal acceptance of the same, and its bond as hereinbefore prescribed; Provided, however, that if said acceptance and bond shall not be filed as aforesaid, within thirty days from the passage hereof this ordinance shall be void and of no effect.

§ 685. West Chicago Street Railroad company.

¶ 1. Grant—term—route.
¶ 2. Tracks, how laid.
¶ 3. Motive power—passenger traffic.
¶ 4. Street improvements and repairs.
¶ 5. Speed and running time regulated.
¶ 6. Time of completion.
¶ 7. Tracks to be renewed, when.
¶ 8. Damages.
¶ 9. License fee.
¶ 10. Indemnity clause.
¶ 11. Subject to general ordinances.
¶ 12. Cable power authorized.
¶ 13. Conductors—grip car and trailers.
¶ 14. Electric motors authorized.
¶ 15. Rate of fare.
¶ 16. Cars to be heated.
¶ 17. Bond.
¶ 18. When in force.

An ordinance granting permission to the West Chicago Street Railroad company to construct and operate a street railway on Milwaukee avenue, being an extension of the tracks of the Chicago West Division Railway company. (Passed February 4, 1889.)

¶ 1. **Grant—term—route.**] Be it ordained by the city council of the city of Chicago: § 1. In consideration of the acceptance hereof and undertaking by the West Chicago Street Railroad Company to comply with the provisions herein contained, permission and authority are hereby given to said company, its successors and assigns, to construct, maintain and operate for the period of fifteen (15) years from and after the passage of this ordinance, a double track street railway upon, over and along Milwaukee avenue, from the terminus of the tracks of the Chicago West Division Railway Company at Armitage avenue to Fullerton avenue. Said first named company being the lessee of said Chicago West Division Railway Company and said tracks hereby authorized to be considered as an extension of the Milwaukee avenue line of tracks now operated by said first named company.

¶ 2. **Tracks, how laid.**] § 2. The tracks herein authorized of said railway, shall not be elevated above the surface of the street and shall be laid with modern improved rails, and in such manner that carriages and other vehicles can easily and freely cross the same at all points, and in all directions without obstruction. Section 1509 of the Municipal Code of 1881 shall not apply to the railway tracks herein

authorized, but the rails to be used shall be satisfactory to the mayor and commissioner of public works, and shall be laid under the direction of said commissioner of public works of the city. The said tracks to be placed on the center sixteen feet of said streets.

¶ 3. **Motive power—passenger traffic.**] § 3. The cars to be used upon said tracks shall be operated with animal power only, except as hereinafter provided, and. shall not connect with any other railway not owned or leased by said company, and shall be used for no other purpose than to carry passengers and their ordinary baggage and no car shall be run upon said tracks except under the charge of a competent driver and conductor, who shall be two separate persons, and said cars shall be constructed with all the latest improvements for the comfort and convenience of the passengers.

¶ 4. **Street improvements and repairs.**] § 4. The said company, as to the part of streets in and upon which its said railway may be laid, shall keep eight feet in width where a single track shall be laid, and sixteen feet in width where a double track shall be laid, in good condition and repair during all of the time to which the privileges hereby granted shall extend in accordance with whatever order, ordinance or regulation may be passed or adopted by the city council in relation to such repairing; and whenever any new improvement shall be ordered by the city council of the said parts of streets, or either of them, the said company shall in the manner which may be required of the owners of property fronting on said parts of streets, or either of them, make such new improvements for the width of eight feet where a single track shall be laid, and for the width of sixteen feet where a double track shall be laid; and if the said company shall fail or refuse so to do, the same may be done by the city and the company shall be liable to the city for the cost thereof.

¶ 5. **Speed and running time regulated.**] § 5. The city council shall have the power at all times to make such regulations as to the time of running and rate of speed of said cars as the public interests may require.

¶ 6. **Time of completion.**] § 6. The tracks hereby authorized shall be laid within twelve (12) months after the completion by the city of Chicago of the sewer in Milwaukee avenue, between said Armitage avenue and Fullerton avenue. If the said company shall fail to complete such track within the time mentioned herein the rights and privileges hereby granted cease and determine; Provided, that if said company shall be delayed by the writ of injunction of any court from proceeding with the work upon such tracks, the time of such delay shall be excluded from the time provided herein for the completion of said track; Provided, however, that the city law department may intervene in any such suit and move for the dissolution

of such injunction, in case the suit may be deemed by such Law Department to be collusive or for the purpose of delay.

¶ 7. **Tracks to be removed, when.**] § 7. When the right of said company to operate its railways upon such parts of streets shall cease and determine, said company shall remove its tracks from said parts of streets, and put the said parts of streets from which said track shall be removed, in as good condition as the adjacent parts of streets.

¶ 8. **Damages.**] § 8. The said West Chicago Street Railroad Company shall pay all damages to the owners of property abutting on the said parts of streets upon or over which its road may be constructed, which said owners may sustain by reason of the location or construction of said road.

¶ 9. **License fee.**] § 9. The said West Chicago Street Railroad Company shall pay into the city treasury of the city of Chicago for the use of the said city, the sum of fifty ($50) dollars, as an annual license fee for each and every car used by said company which has not been included for use on other lines, in the manner following: In computing the number of cars upon which such license charge shall be imposed, thirteen round trips, when the car is used in the transportation of passengers, shall be taken as equivalent to one day's use of one car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter, such quotient shall be the number of cars subject to such license fee. The president, or other chief officer, of said company, shall under oath, make report quarter-yearly to the comptroller of the city of Chicago of the whole number of cars so run by said company, and at the same time pay to said comptroller $12.50 for each car, to be ascertained as above prescribed in this section. The first quarter shall begin on the first day upon which said company shall run a car or cars for the carriage of passengers.

¶ 10. **Indemnity clause.**] § 10. The said company shall forever indemnify and save harmless the city of Chicago against and from any and all legal damages, judgments, decrees and costs and expenses of the same which it may suffer, or which may be recovered, or obtained against said city, for or by reason of the granting of such privileges, or for, or by reason of, or growing out of, or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company, of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 11. **Subject to general ordinances.**] § 11. This permission and authority hereby granted is subject to all general ordinances now in force, or that may be hereafter passed concerning street or horse railroads so far as applicable thereto.

¶ 12. **Cable power authorized.**] § 12. That the said West

Chicago Street Railroad Company may hereafter operate the line of railway hereby authorized on Milwaukee avenue by stationary engine or engines, not located upon the streets or public places of the city, and propelled by other than animal power. Said company may for said purpose make all needful and convenient trenches, excavations and sewer connections and may place all needful and convenient endless cables and machinery on said Milwaukee avenue; Provided, that said cables and machinery shall be underground and shall not interfere with public travel, and shall be constructed in a substantial and workmanlike manner of most approved method and convenience; Provided, that if in the constructing of said trenches and excavations any damage or injury shall result to any of the sewers, water pipes, or private drains, the said company shall pay and be held liable therefor, and if at any time, by reason of the permission hereby granted and the making of said trenches and running of said cables any injuries or damages shall result to any person or property then said company shall be held liable therefor, and also that all needful and convenient connections with the motive power or engines shall be subject to the same restrictions, also that the aperture opening into said trenches shall not exceed five-eighths of an inch in width.

¶ **13. Conductors—grip car and trailers.**] § 13. As respects conductors and managers of its cars on said line when operated as provided in section 12, said West Chicago Street Railroad Company may operate not exceeding two cars and the grappling car, with one driver in charge of the grip car and one conductor in charge of each additional car.

¶ **14. Electric motors authorized.**] § 14. Said company may operate its said cars over said line in lieu of the cable system or animal power by electric motors; Provided, the electric motors or power to be used shall be approved by the commissioner of public works, and no wires shall be strung overhead for the purpose of propelling such cars by electric power; and, provided, no more cars shall be run by electric motors or power than is herein authorized to be run by cable system.

¶ **15. Rate of fare.**] § 15. The rate of fare shall not exceed five (5) cents for each passenger for any continuous travel of one ride upon said line and over said tracks. The line hereby authorized to be laid shall be considered as an extension of the line now on Milwaukee avenue, and no additional fare shall be charged over the line so extended by virtue of this ordinance.

¶ **16. Cars to be heated.**] § 16. Every car operated on said line hereby authorized shall be provided during the months of November, December, January, February and March of each year, with a heating apparatus of a kind and nature to be selected by the person or corporation engaged in operation and running such car, which shall

be reasonably effective in raising the temperature in said car and heating the same; and the said apparatus shall be operated at such times, during the months aforesaid as the nature of the weather and the degree of the temperature shall require.

¶ 17. **Bond.**] § 17. The West Chicago Street Railroad Company shall execute to the city of Chicago a good and sufficient bond in the penal sum of ten thousand ($10,000) dollars, to be approved by the commissioner of public works, conditioned for the faithful observance and performance of the provisions and conditions of this ordinance, on its part to be observed and performed, as aforesaid.

¶ 18. **When in force.**] § 18. This ordinance shall take effect and be in force as soon as the said company shall file with the city clerk its formal acceptance of the same, and its bond as hereinbefore prescribed; Provided, however, that if said acceptance and bond shall not be filed, as aforesaid, within thirty days from the passage hereof this ordinance shall be void and of no effect.

§ 686. West Chicago Street Railroad company.

¶ 1. Grant—extension—route.
¶ 2. Subject to ordinances covering same street.
¶ 3. Damages.
¶ 4. When in force.

An ordinance granting permission to the West Chicago Street Railroad company to construct an extension of its line in West Chicago avenue. (Passed May 13, 1889. Accepted June 10, 1889.)

¶ 1. **Grant—extension—route.**] Be it ordained by the city council of the city of Chicago: § 1. Permission and authority is hereby granted to the West Chicago Street Railroad Company, its successors and assigns, to extend the street railroad leased by said company on West Chicago avenue from the present terminus thereof to California avenue, and upon California avenue from West Chicago avenue to West Division street, with the right to connect with other street railroads operated by said company.

¶ 2. **Subject to ordinances covering same street.**] § 2. The permission hereby given is subject to all the terms and conditions which apply to said street railroads now located and operated on said West Chicago avenue, and to all ordinances of the city of Chicago applicable thereto. The line hereby authorized shall be regarded and considered as an extension of the present line on West Chicago avenue, and but one fare shall be charged for any distance, the line to be completed on or before the first day of December, A. D. 1889.

¶ 3. **Damages.**] § 3. The West Chicago Street Railroad Company shall pay all damages to the owners of property abutting on the streets upon which the road hereby authorized shall be constructed, which said owners may sustain by reason of the location or construction of said road.

¶ 4. **When in force.**] § 4. This ordinance shall take effect and be in force upon its acceptance by said company; Provided, that that acceptance shall be filed with the city clerk within thirty (30) days from the passage of this ordinance, otherwise this ordinance shall be void and of no effect.

§ 687. West Chicago Street Railroad company.

¶ 1. Grant—term—route.
¶ 2. Style of rails—time of completion.
¶ 3. Motive power optional.
¶ 4. Improvement and repair of streets.
¶ 5. Power of council—running time.
¶ 6. Removal of tracks, when.
¶ 7. Damages to abutting owners.
¶ 8. Rights forfeited, when.
¶ 9. Indemnity clause.
¶ 10. Subject to ordinance—rate of fare.
¶ 11. Reservation of rights.
¶ 12. Acceptance—when in force.

An ordinance granting permission to the West Chicago Street Railroad company to construct and operate a street railway on Armitage avenue. (Passed July 8, 1889. Accepted July 12, 1889.)

¶ 1. **Grant—term—route.**] Be it ordained by the president and board of trustees of the village of Jefferson: § 1. That consent and authority is hereby granted to the West Chicago Street Railroad Company, its successors and assigns, to lay down, maintain and operate, for the period of twenty (20) years from the passage of this ordinance, a double track street railway, with the necessary curves, side tracks and turn tables, on Armitage avenue, from Simons avenue to Keeney avenue, in said village of Jefferson, with the right to connect with other street railroads operated by said West Chicago Street Railroad Company, the tracks to be placed on the center sixteen feet of said Armitage avenue.

¶ 2. **Style of rails—time of completion.**] § 2. The tracks herein authorized of said railway, shall not be elevated above the surface of the street and shall be laid with modern improved rails in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions, without obstruction. One of said tracks shall be laid and the road in operation on or before the 30th day of November, A. D. 1889, and the other said track shall be laid and the road in operation on or before the 30th day of November, A. D. 1892.

¶ 3. **Motive power optional.**] § 3. The cars to be used upon said tracks may be operated with animal power, or by electric power, or by cable power, or may be operated by motors, which shall be as noiseless as electric motors. In case said tracks are operated by cable power, authority is given to make all necessary excavations, and place all necessary cables and machinery underground. The said road shall

be used for no other purpose than to carry passengers and their ordinary baggage, and said cars shall be constructed with all the latest improvements for the comfort and convenience of the passengers.

¶ 4. **Improvement and repair of streets.**] § 4. The said West Chicago Street Railroad Company, as to the part of street in and upon which its said railroad shall be laid, shall keep eight feet in width, where a single track shall be laid, and sixteen feet in width, where a double track shall be laid, in good condition and repair during all the time to which the privileges hereby granted shall extend, in accordance with whatever order, ordinance or regulation may be passed or adopted by the board of trustees of the village of Jefferson in relation to such repairing; and when any new improvement shall be ordered by the board of trustees of the said parts of Armitage avenue, the said company shall, in the manner which may be required of the owners of property fronting on said part of Armitage avenue, make such new improvements for the width of eight feet, where a single track shall be laid, and for the width of sixteen feet, where a double track shall be laid; and if the said company shall fail or refuse so to do, the same may be done by the village and the company shall be liable to the village for the cost thereof.

¶ 5. **Power of council—running time.**] § 5. The president and board of trustees shall have the power at all times to make such regulations as to the rate of speed of said cars as the public interest require. Cars to be run every thirty minutes.

¶ 6. **Removal of tracks, when.**] § 6. When the right of said company to operate its railway upon the said part of Armitage avenue shall cease and determine, said company shall remove its tracks from said part and put the said part of Armitage avenue from which said tracks shall be removed, in as good condition as the adjacent part of the street.

¶ 7. **Damages to abutting owners.**] § 7. The said West Chicago Street Railroad Company shall pay all damages to the owners of property abutting on the said part of street upon and over which its road may be constructed in said village, which said owners may sustain by reason of the location or construction of said road.

¶ 8. **Rights forfeited, when.**] § 8. The said company, its successors and assigns, shall forfeit the rights herein granted if at any time, and under any circumstances, three tracks shall be laid in said Armitage avenue.

¶ 9. **Indemnity clause.**] § 9. The said company shall forever indemnify and save harmless the village of Jefferson against and from and all legal damages, judgments, decrees, and costs and expenses of the same, which it may suffer, or which may be recovered or obtained against said village, for or by reason of the granting of such privileges, or for, or by reason of, or growing out of, or resulting from the pas-

sage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the privileges of this ordinance.

¶ 10. **Subject to ordinance—rate of fare.**] § 10. The permission and authority hereby granted are subject to all general ordinances of the village of Jefferson, now in force, in respect to street railroads, so far as the same are applicable thereto, or that may hereafter be passed concerning police regulations. The rate of fare shall not exceed five (5) cents for each passenger for any continuous travel of one ride upon said line and the line connected therewith, between said Keeney avenue and State street in the south division of the city of Chicago; Provided, however, that during the period of five (5) years next after the passage of this ordinance, there may be charged for passage of the line hereby authorized, and the line connected therewith, not exceeding eight (8) cents for each passenger for such continuous travel of one ride.

¶ 11. **Reservation of rights.**] § 11. The village of Jefferson, for itself, and its citizens, reserves the right to put in such sewer, gas and water pipes, and other improvements, which it may deem proper at any place in said Armitage avenue, and the streets connecting or intersecting therewith, using reasonable care and diligence without any liability for damages to the said West Chicago Street Railroad Company, its successors and assigns, for so doing; Provided, however, that said improvements shall be made and the tracks of said company restored at the expense of said village.

¶ 12. **Acceptance—when in force.**] § 12. This ordinance shall take effect and be in force when said company shall file with the clerk of the village of Jefferson, its acceptance, in writing, of this ordinance; Provided, however, that if said acceptance shall not be filed, as aforesaid, within thirty days after the passage and approval of this ordinance, then this ordinance shall be void and of no effect.

§ 688. West Chicago Street Railroad company.

¶ 1. Grant—term—route.
¶ 2. Taylor street bridge—payment to city.
¶ 3. Rate of fare—transfers.
¶ 4. Tracks, how laid.
¶ 5. Motive power.
¶ 6. Cable power, conditions, etc.
¶ 7. Street improvements and repairs.
¶ 8. Time of completion.
¶ 9. To restore streets, when.
¶ 10. Damages.
¶ 11. License fee.
¶ 12. Cars to be heated.
¶ 13. Indemnity clause.
¶ 14. Bond.
¶ 15. Power of council.

¶ 16. Subject to general ordinance.
¶ 17. When in force—acceptance.

An ordinance authorizing the West Chicago Street Railroad company to construct and operate a street railway in Taylor street. (Passed December 23, 1889. Accepted March 20, 1890. Accepted again May 19, 1890.)

¶ 1. **Grant—term—route.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof and the undertaking of the West Chicago Street Railroad Company to comply with the provisions herein contained, consent, permission and authority are hereby granted to said company, its successors, and assigns, to lay down, construct, maintain and operate for the period of twenty years from the passage hereof, a double track street railway with all necessary and convenient turn outs, and switches in, upon, over and along Taylor street, between Fifth avenue and Canal street, and between Canal street and Western avenue, with the right to connect with other street railroad tracks.

¶ 2. **Taylor street bridge—payment to city.**] § 2. The permission hereby granted is upon the further express condition that said company shall secure from the Chicago Passenger Railway Company and file with the city clerk of the city of Chicago a release in writing of any and all claims which the last named company may have in and to the former bridge over the south branch of the Chicago river at Adams street, or in or to the proceeds thereof, under the ordinance of the city council regarding said bridge, passed April 21, 1884, and that said West Chicago Street Railroad Company shall pay into the city treasury of the city of Chicago the sum of one hundred thousand dollars ($100,000) to be paid into the city treasury by said company within ten days after notice to said company of the letting of the contracts for the work of building the pier, abutments and approaches hereinafter mentioned, for the purpose of defraying the expense of removing said Adams street bridge to Taylor street, and for the purpose of paying the city's portion of the cost of viaducts with approaches, piers and abutments to such bridge; provided, also, that the removal of said bridge to Taylor street and the construction of said viaducts and approaches shall be made upon plans to be prepared by the commissioner of public works, in accordance with the petitions of the property owners, heretofore filed with waivers of damages, and the said bridge and viaducts shall be completed within two years from the date of the acceptance of this ordinance.

¶ 3. **Rate of fare—transfers.**] § 3. The rate of fare to be charged upon the line hereby authorized shall not exceed five (5) cents for one continuous ride at one trip; for any distance within the present or future city limits, provided, that said company shall provide and furnish free of charge to passengers who have paid fare upon the said line, transfer tickets at a point or points which may be agreed upon by the mayor and commissioner of public works and said company, permitting such passengers to ride upon the street railroad op-

erated by said company which intersects the line hereby authorized at the point so designated.

¶ 4. **Tracks, how laid.**] § 4. The tracks of said railway shall not be elevated above the surface of the street, and shall be laid with modern improved rails and in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction, and shall also be laid as near to the center of the street as practicable; section 1509, of the Municipal Code of Chicago, of 1881, shall not apply to the railway tracks herein authorized, but the rails to be used shall be satisfactory to the council, mayor and commissioner of public works, and shall be laid under their direction.

¶ 5. **Motive power.**] § 5. The cars to be used on said railway may be operated by animal, cable or electric power, and shall be used for no other purpose than to carry passengers and their ordinary packages.

In the event of electric power being used, the same shall be underground.

¶ 6. **Cable power, conditions, etc.**] § 6. For the purpose of operating the said cars by cable power said company may make all needful and convenient curves, trenches, excavations and sewer connections, and may place all needful and convenient cables and machinery in such street. Such cables and machinery shall be underground, and constructed in a substantial and workmanlike manner, of most approved method and convenience, and constructed in a manner satisfactory to the commissioner of public works, so as not to interfere with public travel; Provided, that if in the construction of said trenches and excavations any damage or injury shall result to any of the sewers, water pipes or private drains, then said company shall be held liable and pay therefor. If at any time by reason of the permission hereby granted and the making of such trenches and running of such cables, any injury or damage shall result to any person or property, then said company shall be liable therefor. All needful and convenient connections with the motive power or engines shall be subject to the same restrictions. The aperture opening into said trenches shall not exceed five-eighths of an inch in width. In case said road shall be operated by cable power, said company may operate not exceeding two cars and one grip car attached together, with a gripman in charge of the grip car and one conductor in charge of each additional car.

¶ 7. **Street improvements and repairs.**] § 7. The said company as to the part of said street in and upon which it said railway may be laid shall keep sixteen feet in width in good condition and repair during all the time to which the privileges hereby granted shall extend, in accordance with whatever order, ordinance, or regulation

may be passed or adopted by the city council in relation to such repairing, and when any new improvement shall be ordered by the city council of said part of said street, the said railway company shall, in the manner which may be required of the owners of property fronting on said part of said street, make such new improvement for the width of sixteen feet, and if the company shall refuse or fail so to do, the same may be done by the city and the company shall be liable to the city for the cost thereof.

¶ 8. **Time of completion.**] § 8. The tracks on said part of said Taylor street between Canal street and Western avenue herein authorized shall be laid on or before May 1st, 1890, and the tracks between Canal street and Fifth avenue shall be laid immediately upon the erection of said bridge, with viaducts and approaches, and if the said company shall fail to complete said tracks within the said time, the rights and privileges hereby granted shall cease and determine; Provided, that if the said company shall be restrained or prevented from proceeding with the work upon said railway tracks, by the order or writ of any court of competent jurisdiction, the time during which said company may be so delayed shall be added to the time herein prescribed for the completion of said railway tracks. The city shall, however, have the right to intervene in any suit for an injunction to restrain the said company as aforesaid, and move for the dissolution of the injunction, in case such suit shall be deemed collusive, or for the purpose of delay, or of extending the time for the completion of said tracks.

¶ 9. **To restore streets, when.**] § 9. When the right of said railway company to operate its railways on said part of said street shall cease and determine, said company shall remove the tracks from the said part of said street, and put the said part of the said street from which said tracks shall be removed in as good condition as the adjacent parts of said street.

¶ 10. **Damages.**] § 10. The said West Chicago Street Railroad Company shall pay all damages to the owners of property abutting on the said part of said street upon or over which its road may be constructed, which said owners may sustain by reason of the location or construction of said road.

¶ 11. **License fee.**] § 11. The said West Chicago Street Railroad Company shall pay into the city treasury of the city of Chicago for the use of said city the sum of $50, as an annual license fee for each and every car used by said company in the manner following: In computing the number of cars upon which said license charge may be imposed thirteen round trips, when the car is used in the transportation of passengers, shall be taken as equivalent to one day's use of one car, one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter, such quotient shall

be the number of cars subject to such license fee, provided, however, that such cars shall not already be liable for the payment of a license fee on one of the other lines of this company or its connections. The president, or other chief officer of said company shall, under oath, make report quarter-yearly to the comptroller of the city of Chicago, of the whole number of cars so run by said company, and at the same time pay to said comptroller twelve dollars and a half ($12.50) for each car, to be ascertained as above prescribed in this section. The first quarter shall begin on the first day upon which said company shall run a car or cars for the carriage of passengers.

¶ 12. **Cars to be heated.**] § 12. The cars upon the railway hereby authorized shall be provided during the months of November, December, January, February and March of each year with heating apparatus of a kind and nature to be selected by said company which shall be reasonably effective in raising the temperature in said car and heating the same, and the said apparatus shall be operated at such times during the months aforesaid as the need of the weather and degree of temperature shall require.

There shall be operated at all times, upon said line, a sufficient number of cars to be run upon such schedule time as will reasonably and properly accommodate the necessities of the public.

¶ 13. **Indemnity clause.**] § 13. The company shall forever indemnify and save harmless the city of Chicago against and from any and all legal damages, judgments, decrees, and costs and expenses of the same which it may suffer, or which may be recovered or obtained against said city, for or by reason of the granting of such privileges, or for or by reason of, or growing out of, or resulting from the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 14. **Bond.**] § 14. The West Chicago Street Railway Company shall execute to the city of Chicago a good and sufficient bond in the penal sum of fifty thousand ($50,000) dollars to be approved by the mayor, conditioned for the faithful observance and performance of the provisions and conditions of this ordinance on its part to be observed and performed as aforesaid.

¶ 15. **Power of council.**] § 15. In case of a disagreement between said mayor and commissioner of public works, and said company as to the points of transfer as provided in section 3 of this ordinance, the city council may, by ordinance, provide for the same.

¶ 16. **Subject to general ordinance.**] § 16. The franchises granted by this ordinance are so granted subject to all general ordinances of the said city of Chicago concerning horse railroads now in force, or which may hereafter be in force.

¶ 17. **When in force—acceptance.**] § 17. This ordinance

shall take effect and be in force as soon as the said company shall file with the city clerk its formal acceptance of the same, and its bond as hereinbefore prescribed; Provided, however, that if said acceptance and bond shall not be filed as aforesaid within ninety days of the passage hereof this ordinance shall be void and of no effect.

Note.—See following amendatory ordinance.

§ 689. West Chicago Street Railroad company.

¶ 1. Preamble.
¶ 2. Amending section 2 of foregoing ordinance.
¶ 3. Repealing clause.
¶ 4. When in force.

An ordinance to amend an ordinance granting the West Chicago Street Railroad company permission to lay railway tracks on Taylor street, between Western avenue and Fifth avenue, passed December 23, 1889. (Passed January 20, 1890. Accepted March 19, 1890, and May 20, 1890.)

¶ 1. Preamble.] Whereas, ambiguity exists as to the exact meaning and construction of section 2 of an ordinance passed December 23, 1889, granting the West Chicago Street Railway Company permission to lay railway tracks on Taylor street, between Western avenue and Fifth avenue; therefore

¶ 2. Amending section 2 of foregoing ordinance.] Be it ordained by the city council of the city of Chicago: § 1. That section 2 of said ordinance shall read as follows:

"§ 2. The permission hereby granted is upon the further express condition that said company shall secure from the Chicago Passenger Railway Company and file with the city clerk of the city of Chicago a release in writing of any and all claims which the last named company may have in and to the former bridge over the south branch of the Chicago river at Adams street, or in or to the proceeds thereof, under the ordinance of the city council regarding said bridge, passed April 21, 1884, and that said West Chicago Street Railroad Company shall pay into the city treasury of the city of Chicago the sum of one hundred thousand ($100,000) dollars to be paid into the city treasury by said company within ten days after notice to said company of the letting of the contracts for the work of building the pier, abutments and approaches hereinafter mentioned, and for the purpose of defraying the expense of removing said Adams street bridge to Taylor street, and for the purpose of paying such portion of the cost of viaducts with approaches, piers and abutments to such bridge as shall not be paid by or recovered from the railroad companies owning tracks passing under said bridge; Provided, that the removal of said bridge to Taylor street and the construction of said viaducts and approaches shall be completed within two (2) years from the date of the acceptance of this ordinance, and that the balance of the one hundred thousand $100,000) dollars remaining unexpended, if any, after the comple-

tion of the work herein provided for, shall be repaid by said city to said Chicago Passenger Railway Company."

¶ 3. **Repealing clause.**] § 2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

¶ 4. **When in force.**] § 3. This ordinance shall be in force and take effect from and after its passage.

§ 690. West Chicago Street Railroad company.

¶ 1. Grant—term—route.
¶ 2. Motive power—passenger traffic.
¶ 3. Cable power—conditions.
¶ 4. Street improvements and repairs
¶ 5. Tracks, how laid.
¶ 6. Time of completion.
¶ 7. Rate of fare.
¶ 8. Street to be restored, when.
¶ 9. Damage.
¶ 10. License fee.
¶ 11. Cars to be heated.
¶ 12. Indemnity clause.
¶ 13. Bond.
¶ 14. Subject to general ordinance.
¶ 15. When in force—acceptance.

An ordinance granting permission to the West Chicago Street Railroad company to construct and operate a street railway in Armitage avenue. (Passed January 20, 1890.)

¶ 1. **Grant—term—route.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof and the undertaking of the West Chicago Street Railroad Company to comply with the provisions herein contained, consent, permission and authority are hereby granted to said company, its successors and assigns, to lay down, construct, maintain and operate for the period of twenty years from the passage hereof a double track street railway with all necessary and convenient turn-outs, and switches in, upon, over and along Armitage avenue, between California avenue and Simmons (or Kedzie) avenue in the city of Chicago, with the right to connect with other street railroad tracks.

¶ 2. **Motive power—passenger traffic.**] § 2. The cars to be used on said line of said railroad may be operated by animal or cable power, and shall be used for no other purpose than to carry passengers and their ordinary packages.

¶ 3. **Cable power—conditions.**] § 3. For the purpose of operating said cars by cable power said company may make all needful and convenient curves, trenches, excavations and sewer connections and may place all needful and convenient cables and machinery in such street, and connect the same with stationary engine or engines necessary to properly operate the same, which stationary engine or engines shall not be located upon any street or public place in the city.

Such cables and machinery connected therewith shall be underground and constructed in a substantial and workmanlike manner, of most approved method and convenience, so as not to interfere with public travel; Provided, that if in the construction of said trenches and excavations any damage or injury shall result to any of the sewers, water pipes or private drains, then said company shall be held liable and pay therefor. If at any time by reason of the permission hereby granted and the making of such trenches and the running of such cables, any injury or damage shall result to any person or property, then said company shall be liable therefor. All needful and convenient connections with the motive power or engines shall be subject to the same restrictions. The aperture opening into such trenches shall not exceed five-eighths of an inch in width. In case said line shall be operated by cable power, said company may operate not exceeding two cars and one grip-car attached together, with a gripman in charge of the grip-car and one conductor in charge of each additional car.

¶ 4. **Street improvements and repairs.**] § 4. The said company, as to the part of said street in and upon which its said railway may be laid, shall keep sixteen feet in width in good condition and repair during all the time to which the privileges hereby granted shall extend, in accordance with whatever order, ordinance or regulation may be passed or adopted by the city council in relation to such repairing; and when any new improvement shall be ordered by the city council of the said part of the said street, the said railway company shall, in the manner which may be required of the owners of the property fronting on said part of said street, make such new improvement for the width of sixteen feet, and of the said company shall refuse or fail so to do, the same may be done by the city, and the company shall be liable and pay to the city for the cost thereof.

¶ 5. **Tracks, how laid.**] § 5. The tracks of said railway shall not be elevated above the surface of the said street and shall be laid with modern improved rails and in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction, and shall also be laid as near to the center of the said street as practicable. Section 1509 of the Municipal Code of Chicago of 1881 shall not apply to the railway tracks herein authorized, but the rails to be used shall be satisfactory to the mayor and commissioner of public works, and shall be laid under their direction.

¶ 6. **Time of completion.**] § 6. The tracks herein authorized shall be laid on or before August 1, 1890. And if the said company shall fail to complete said tracks within the said time, the rights and privileges hereby granted shall cease and determine; Provided, that if the said company shall be restrained or prevented from proceeding with the work upon said railway tracks by the order or writ of any court of competent jurisdiction, the time during which said

company may be so delayed shall be added to the time herein prescribed for the completion of said railway tracks. The city shall, however, have the right to intervene in any suit for an injunction to restrain the said company, as aforesaid, and move for the dissolution of the injunction in case such suit shall be deemed collusive or for the purpose of delay or of extending the time for the completion of said tracks.

¶ 7. **Rate of fare.**] § 7. The rate of fare to be charged upon the line herein authorized shall not exceed five (5) cents for one continuous ride of one trip for each passenger over twelve years of age and half fare for each passenger more than seven and under twelve years of age; Provided, however, that the cars upon the line hereby authorized shall run to and from the south division of the city for one fare in either direction.

¶ 8. **Street to be restored, when.**] § 8. When the right of said railroad company to operate its railway on said street shall cease and determine, said company shall remove the tracks from the said street, and put the said street from which said tracks shall be removed in as good condition as the adjacent parts of said street.

¶ 9. **Damage.**] § 9. The said West Chicago Street Railroad Company shall pay all damages to the owners of property abutting on the said part of said street upon or over which its road may be constructed, which said owners may sustain by reason of the location or construction of said road.

¶ 10. **License fee.**] § 10. The said West Chicago Street Railroad Company shall pay into the city treasury of the city of Chicago for the use of said city the sum of fifty ($50) dollars, as an annual license fee for each and every car used by said company on said line herein authorized in the manner following: In computing the number of cars upon which said license charge may be imposed thirteen round trips, when the car is used in the transportation of passengers, shall be taken as equivalent to one day's use of one car, one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter, such quotient shall be the number of cars subject to such license fee. The president, or other chief officer of said company shall, under oath, make report quarter-yearly to the comptroller of the city of Chicago, of the whole number of cars so run by said company, and at the same time pay the said comptroller twelve dollars and a half ($12.50) for each car, to be ascertained as above prescribed in this section. The first quarter shall begin on the first day upon which said company shall run a car or cars for the carriage of passengers.

¶ 11. **Cars to be heated.**] § 11. The cars upon the line hereby authorized shall be provided during the months of November, December, January, February and March of each year with heating apparatus, of a kind and nature which shall be reasonably effective

in raising the temperature in said car and heating the same, and the said apparatus shall be operated at such times during the months aforesaid, as the nature of the weather and the degree of the temperature shall require. And the cars upon said tracks herein authorized to be laid shall run at such intervals as may be necessary to accommodate the public.

¶ 12. **Indemnity clause.**] § 12. The company shall forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees, costs and expenses which it may suffer or which may be recovered or obtained against said city for or by reason of the granting of such privileges, or for or by reason of or growing out of or resulting from the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 13. **Bond.**] § 13. The West Chicago Street Railroad Company shall execute to the city of Chicago a good and sufficient bond in the penal sum of fifty thousand ($50,000) dollars, to be approved by the mayor, for the faithful observance and performance of the provisions and conditions of this ordinance, on its part to be observed and performed as aforesaid.

¶ 14. **Subject to general ordinance.**] § 14. The franchise granted by this ordinance is granted subject to all general ordinances of the said city of Chicago concerning street railroads now in force or which may hereafter be in force.

¶ 15. **When in force—acceptance.**] § 15. This ordinance shall take effect and be in force as soon as the said company shall file with the city clerk its formal acceptance of the same, and the bond as herein prescribed; Provided, however, that if said acceptance and bond shall not be filed as aforesaid, within sixty days from the passage hereof, this ordinance shall be void and of no effect.

§ 691. West Chicago Street Railroad company.

¶ 1. Grant 20 years—route.
¶ 2. Rate of fare—free riders.
¶ 3. Tracks, how to be laid.
¶ 4. Motive power—passenger service.
¶ 5. Cable power—conditions.
¶ 6. Street improvements and repairs.
¶ 7. Time of completion.
¶ 8. Streets restored, when.
¶ 9. Damages—sprinkle streets.
¶ 10. License fee.
¶ 11. Cars to be heated.
¶ 12. Indemnity clause.
¶ 13. Bond.
¶ 14. When in force—acceptance.

An ordinance authorizing the West Chicago Street Railroad company to construct, maintain and operate a double track street railway in Lawndale avenue. (Passed November 17, 1890. Accepted February 9, 1891.)

¶ 1. **Grant 20 years—route.**] Be it ordained by the city council of the city of Chicago: § 1. That, in consideration of the acceptance hereof and the undertaking of the West Chicago Street Railroad Company to comply with the provisions herein contained, consent, permission and authority are hereby granted to said company, its successors and assigns, to lay down, construct, maintain and operate, for the period of twenty years from the passage hereof, a double track street railway, with all necessary and convenient turnouts and switches, in, upon, over and along Lawndale avenue, between Ogden avenue and Thirty-third street, with the right to connect with the street railroad tracks heretofore authorized to be laid on Ogden avenue by the Chicago West Division Railway Company.

¶ 2. **Rate of fare—free riders.**] § 2. The rate of fare to be charged upon the line hereby authorized and the line with which the same shall be connected shall not exceed five (5) cents for one continuous ride of one trip, for any distance within the present or future city limits; Provided, however, that no fare shall be collected from any policeman, fireman, or United States letter carriers when in uniform.

¶ 3. **Tracks, how to be laid.**] § 3. The tracks of said railway shall not be elevated above the surface of the street and shall be laid with modern improved rails and in such a manner that carriages and other vehicles can easily and freely cross the same, at all points and in all directions, without obstruction and shall, also, be laid as near to the center of the street as practicable. Section 1509 of the Municipal Code of Chicago of 1881 shall not apply to the railroad tracks herein authorized, but the rails to be used shall be satisfactory to the mayor and commissioner of public works, and shall be laid under their direction.

¶ 4. **Motive power—passenger service.**] § 4. The cars to be used on said railway may be operated by animal, cable, electric power or by gas motors and shall be used for no other purpose than to carry passengers and their ordinary packages. In the event of electric power being used, the same shall be under ground.

¶ 5. **Cable power—conditions.**] § 5. For the purpose of operating the said cars by cable power, said company may make all needful and convenient curves, trenches, excavations and sewer connections and may place all needful and convenient cables and machinery in such street. Such cables and machinery shall be under ground and constructed in a substantial and workmanlike manner, of most approved method and convenience, and constructed, in a manner satisfactory to the commissioner of public works, so as not to interfere with public travel; Provided, that if in the construction of said trenches and excavations any damage or injury shall result to any of the sewers, water pipes or private drains, then, said company shall be held liable and pay therefor. If, at any time, by reason of the

permission hereby granted and the making of such trenches and running of such cables, any injury or damage shall result to any person or property, then, said company shall be liable therefor. All needful and convenient connections with the motive power or engine shall be subject to the same restrictions. The aperture opening into said trenches shall not exceed five-eighths of an inch in width. In case said road shall be operated by cable power, said company may operate not exceeding two cars and one grip car, attached together, with a grip man in charge of the grip car and one conductor in charge of each additional car.

¶ 6. **Street improvements and repairs.**] § 6. The said company, as to the part of said street in and upon which its said railway may be laid, shall keep sixteen feet in width in good condition and repair during all the time to which the privileges hereby granted shall extend in accordance with whatever order, ordinance, or regulation may be passed or adopted by the city council in relation to such repairing; and, when built, to be paved with cedar blocks and, when any new improvement shall be ordered by the city council of said part of said street, the said railway company shall, in the manner which may be required of the owners of property fronting on said part of said street, make such new improvement and, if the company shall refuse or fail so to do, the same may be done by the city and the company shall be liable to the city for the cost thereof.

¶ 7. **Time of completion.**] § 7. The tracks herein authorized shall be laid within two years from the passage and acceptance of this ordinance and if the said company shall fail to complete said tracks within said time the rights and privileges herein granted shall cease and determine; Provided, that if said company shall be restrained or prevented from proceeding with the work upon said railroad tracks by the order or writ of any court of competent jurisdiction, the time during which said company may be so delayed shall be added to the time herein prescribed for the completion of said railway tracks. The city shall, however, have the right to intervene in any suit for an injunction to restrain the said company as aforesaid, and move for the dissolution of the injunction in case such suit shall be deemed collusive, or for the purpose of delay, or of extending the time for the completion of said tracks.

¶ 8. **Streets restored, when.**] § 8. When the right of said railway company to operate its railways on said part of said street shall cease and determine, said company shall remove the tracks from the said part of said street and put the said street from which said tracks shall be removed in as good condition as the adjacent parts of said street.

¶ 9. **Damages—sprinkle streets.**] § 9. The said West Chicago Street Railroad Company shall pay all damages to the owners of property abutting on the said part of said street upon or over which

its road may be constructed, which said owners may sustain by reason of the location or construction of said road, and said company shall keep the portion of said street upon which its tracks are laid properly sprinkled from curb to curb from May 15th to October 15th of each and every year.

¶ **10. License fee.**] § 10. The said West Chicago Street Railroad Company shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of $50 as an annual license fee for each and every car used by said company in the manner following: In computing the number of cars upon which said license charge may be imposed, thirteen round trips, when the car is used in the transportation of passengers, shall be taken as equivalent to one day's use of one car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter, such quotient shall be the number of cars subject to such license fee; Provided, however, that such cars shall not already be liable for the payment of a license fee on one of the other lines of this company or its connections. The president or other chief officer of said company shall, under oath, make report quarter-yearly, to the comptroller of the city of Chicago, of the whole number of cars so run by said company and, at the same time, pay to said comptroller twelve dollars and a half ($12.50) for each car, to be ascertained as above prescribed in this section. The first quarter shall begin on the first day upon which said company shall run a car or cars for the carriage of passengers.

¶ **11. Cars to be heated.**] § 11. The cars upon the railway hereby authorized shall be provided, during the months of November, December, January, February and March of each year, with heating apparatus, of a kind and nature to be selected by said company, which shall be reasonably effective in raising the temperature in said car and heating the same, and the said apparatus shall be operated at such times during the months aforesaid as the need of the weather and the degree of temperature shall require.

¶ **12. Indemnity clause.**] § 12. The company shall, forever, indemnify and save harmless the city of Chicago against and from any and all legal damages, judgments, decrees and costs and expenses of the same which it may suffer, or which may be recovered or obtained against said city for or by reason of the granting of such privileges, or for or by reason of, or growing out of, or resulting from the exercise of said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ **13. Bond.**] § 13. The West Chicago Street Railway Company shall execute to the city of Chicago a good and sufficient bond in the penal sum of $10,000, to be approved by the mayor, conditioned for the faithful performance and observance of the provisions

and conditions of this ordinance, on its part to be observed and performed as aforesaid.

¶ **14. When in force—acceptance.**] § 14. This ordinance shall take effect and be in force as soon as the said company shall file with the city clerk its formal acceptance of the same and its bond as hereinbefore prescribed; Provided, however, that if said acceptance and bond shall not be filed as aforesaid within ninety days of the passage hereof, this ordinance shall be void and of no effect.

§ 692. West Chicago Street Railroad company.

¶ 1. Grant—term—route.
¶ 2. Motive power—passenger service.
¶ 3. Cable power—conditions.
¶ 4. Street improvements and repairs.
¶ 5. Tracks, how laid.
¶ 6. Time of completion.
¶ 7. Rate of fare—transfers.
¶ 8. Streets restored, when.
¶ 9. Damages.
¶ 10. License fee.
¶ 11. Cars to be heated.
¶ 12. Indemnity clause.
¶ 13. Bond.
¶ 14. When in force.

An ordinance authorizing the West Chicago Street Railroad company to construct, maintain and operate a street railway in West North avenue from California avenue to Crawford avenue. (Passed September 28, 1891. Accepted October 8, 1891.)

¶ **1. Grant—term—route.**] Be it ordained by the city council of the city of Chicago: § 1. That, in consideration of the acceptance hereof and the undertaking of the West Chicago Street Railroad Company to comply with the provisions herein contained, consent, permission and authority are hereby granted to said company, its successors and assigns, to lay down, construct, maintain and operate, until July 30th, 1911, a double track street railway, with all necessary and convenient turnouts and switches in, upon, over and along West North avenue, between California avenue and Crawford avenue, in the city of Chicago, with the right to connect with other street railroad tracks.

¶ **2. Motive power—passenger service.**] § 2. The cars to be used on said line of said railroad may be operated by animal, electric or cable power and shall be used for no other purpose than to carry passengers and their ordinary packages. In the event of electricity being used the same shall be under ground or storage battery system, no overhead wires shall be used.

¶ **3. Cable power—conditions.**] § 3. For the purpose of operating said cars by cable or electric power, said company shall make all needful and convenient curves, trenches, excavations and sewer connections, and may place all needful and convenient cables, wires

and machinery in such street and connect the same with stationary engine necessary to properly operate the same, which stationary engine or engines shall not be located upon any street or public places in the city. Such cables, wires and machinery connected therewith shall be underground and constructed in a substantial and workmanlike manner, of the most approved method and convenience, so as not to interfere with public travel; Provided, that if, in the construction of said trenches and excavations any damage or injury shall result to any of the sewers, water pipes or private drains, then said company shall be held liable and pay therefor. If, at any time, by reason of the permission hereby granted and the making of such trenches and the running of such cables or wires, any injury or damage shall result to any person or property, then said company shall be liable therefor. All needful and convenient connections with the motive power or engines shall be subject to the same restrictions. The aperture opening into said trenches shall not exceed five-eighths of an inch in width. In case said line shall be operated by cable or electric power, said company may operate not exceeding two cars and one grip car attached together, with a grip man in charge of the grip, and one conductor in charge of each additional car.

¶ 4. **Street improvements and repairs.**] § 4. The said company, as to the part of said street in and upon which its said railway may be laid, shall keep sixteen feet in width in good condition and repair, during all the time to which the privileges hereby granted shall extend, in accordance with whatever order, ordinance or regulations may be passed or adopted by the city council in relation to such repairing; and, when any new improvement shall be ordered by the city council of the said part of said street, the said company shall, in the manner which may be required of the owners of property fronting on said part of said street, make such new improvement for the width of sixteen feet; and, if the said company shall refuse or fail so to do, the same may be done by the city and the company shall be liable and pay to the city for the cost thereof.

¶ 5. **Tracks, how laid.**] § 5. The tracks of said railway shall not be elevated above the surface of the said street and shall be laid with modern improved rails and in such a manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction and shall, also, be laid as near to the center of said street as practicable. Section 1509 of the Municipal Code of Chicago of 1881 shall not apply to the railroad tracks herein authorized, but the rails to be used shall be satisfactory to the mayor and commissioner of public works and shall be laid under their direction.

¶ 6. **Time of completion.**] § 6. The tracks herein authorized shall be laid within nine (9) months to Kedzie avenue, and to Crawford avenue within six (6) months after the sewer and water pipes have been laid in said West North avenue, not counting the

months of December, January and February. And, if the said company shall fail to complete said tracks within the said time, the rights and privileges hereby granted shall cease and determine; Provided, that if the said company shall be restrained or prevented from proceeding with the work upon said railway tracks by the order or writ of any court of competent jurisdiction the time during which said company may be so delayed shall be added to the time herein prescribed for the completion of said railway tracks. The city shall, however, have the right to intervene in any suit for an injunction to restrain the said company, as aforesaid, and move for the dissolution of the injunction in case said suit shall be deemed collusive, or for the purpose of delay, or of extending the time for the completion of said tracks.

¶ 7. **Rate of fare—transfers.**] § 7. The rate of fare to be charged upon the line herein authorized shall not exceed five (5) cents for one continuous ride of one trip for each passenger, within the present or future city limits; Provided, however, that the cars upon the line hereby authorized shall run to and from Crawford avenue, or give transfer tickets to and from the south division of the city for one fare in either direction; and Provided, further, that no fare shall be charged for policemen or firemen in uniform.

¶ 8. **Streets restored, when.**] § 8. When the right of said railroad company to operate its railway on said street shall cease and determine, said company shall remove the tracks from the said street and put the said street from which said tracks shall be removed in as good condition as the adjacent parts of said street.

¶ 9. **Damages.**] § 9. The said West Chicago Street Railroad Company shall pay all damages to the owners of property abutting on the said part of said street upon or over which its road may be constructed, which said owners may sustain by reason of the location or construction of said road.

¶ 10. **License fee.**] § 10. The said West Chicago Street Railroad Company shall pay in to the city treasury of the city of Chicago, for the use of said city, the sum of fifty dollars ($50), as an annual license, for each and every car used by said company on said line herein authorized in the manner following: In computing the number of cars upon which said license charge may be imposed, thirteen round trips, when the car is used in the transportation of passengers, shall be taken as equivalent to one day's use of one car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter; such quotient shall be the number of cars subject to such license fee; Provided, however, that such cars shall not be liable for the payment of a license fee on any of the other lines or routes of this company or its connections. The president or other chief officer of said company shall, under oath, make report quarter yearly, to the comptroller of the city of Chicago, of the whole number

of cars so run by said company and, at the same time, pay the said comptroller twelve dollars and a half ($12.50) for each car, to be ascertained as above prescribed in this section. The first quarter shall begin upon the first day upon which said company shall run a car or cars for the carriage of passengers.

¶ 11. **Cars to be heated.**] § 11. The cars upon the line hereby authorized shall be provided during the months of November, December, January, February and March of each year with heating apparatus, of a kind and nature which shall be reasonably effective in raising the temperature in said car and heating the same; and the said apparatus shall be operated at such times during the months aforesaid as the nature of the weather and the degree of the temperature shall require. And the cars upon said tracks herein authorized to be laid shall be run at intervals as may be necessary to accommodate the public.

¶ 12. **Indemnity clause.**] § 12. The company shall, for ever, indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs and expenses which it may suffer, or which may be recoverable or obtained against the said city, for or by reason of the granting of such privileges, or for or by reason of, or growing out of, or resulting from, the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 13. **Bond.**] § 13. The West Chicago Street Railroad Company shall execute to the city of Chicago a good and sufficient bond, in the penal sum of ten thousand dollars ($10,000), to be approved by the mayor, for the faithful observance and performance of the provisions and conditions of this ordinance on its part to be observed and performed as aforesaid.

¶ 14. **When in force.**] § 14. This ordinance shall take effect and be in force as soon as the said company shall file with the city clerk its formal acceptance of the same and the bond as herein prescribed; Provided, however, that if said acceptance and bond shall not be filed, as aforesaid, within thirty days from the passage hereof, this ordinance shall be void and of no effect.

§ 693. West Chicago Street Railroad company.

¶ 1. Grant—term—route.
¶ 2. Motive power—passenger service.
¶ 3. Motive power—cable—conditions.
¶ 4. Street improvements and repairs.
¶ 5. Tracks, how laid.
¶ 6. Time of completion.
¶ 7. Rate of fare—free riders.
¶ 8. Streets restored, when.
¶ 9. Damages.
¶ 10. License fee.

¶ 11. Cars to be heated.
¶ 12. Indemnity clause.
¶ 13. Bond.
¶ 14. When in force—acceptance.

An ordinance authorizing the West Chicago Street Railroad company to construct, maintain and operate a street railway in Lake street from Crawford avenue to Forty-eighth street. (Passed December 28, 1891. Accepted February 18, 1892.)

¶ 1. Grant—term—route.] Be it ordained by the city council of the city of Chicago: § 1. That, in consideration of the acceptance hereof and the undertaking of the West Chicago Street Railroad Company to comply with the provisions herein contained, consent, permission and authority are hereby granted to said company, its successors and assigns, to lay down, construct, maintain and operate, for the period of twenty (20) years from the passage hereof, a double track street railway, with all necessary and convenient turnouts and switches, in, upon, over and along Lake street, from Crawford avenue to Forty-eighth street, in the city of Chicago, with the right to connect with other street railroad tracks.

¶ 2. Motive power—passenger service.] § 2. The cars to be used on said line of said railroad may be operated by animal or cable power and shall be used for no other purpose than to carry passengers and their ordinary packages.

¶ 3. Motive power—cable—conditions.] § 3. For the purpose of operating said cars by cable power, said company may make all needful and convenient curves, trenches, excavations and sewer connections, and may place all needful and convenient cables and machinery in such street and connect the same with stationary engine necessary to properly operate the same, which stationary engine or engines shall not be located upon any street or public place in the city. Such cables and machinery connected therewith shall be under ground, and constructed in a substantial and workmanlike manner, of the most approved method and convenience, so as not to interfere with public travel; Provided, that if in the construction of said trenches and excavations any damage or injury shall result to any of the sewers, water pipes or private drains, then said company shall be liable and pay therefor. If, at any time, by reason of the permission hereby granted and the making of such trenches and the running of such cables, any injury or damage shall result to any person or property, then said company shall be liable therefor. All needful and convenient connections with the motive power or engines shall be subject to the same restrictions. The aperture opening into said trenches shall not exceed five-eighths of an inch in width. In case said line shall be operated by cable power, said company may operate not exceeding two cars and one grip car attached together, with a gripman in charge of the grip car and one conductor in charge of each additional car.

¶ 4. **Street improvements and repairs.**] § 4. The said company, as to the part of said street in and upon which its said railway may be laid, shall keep sixteen feet in width in good condition and repair during all the time to which the privileges hereby granted shall extend, in accordance with whatever order, ordinance or regulation may be passed or adopted by the city council in relation to such repairing; and, when any new improvement shall be ordered by the city council of the said part of said street, the said company shall, in the manner which may be required of the owners of the property fronting on said part of said street, make such new improvement for the width of sixteen feet; and, if the said company shall refuse or fail so to do, the same may be done by the city, and the company shall be liable and pay to the city for the cost thereof.

¶ 5. **Tracks, how laid.**] § 5. The tracks of said railway shall not be elevated above the surface of the said street and shall be laid with modern improved rails and in such a manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction, and shall also be laid as near to the center of the said street as practicable. Section 2074 of the laws and ordinances of the city of Chicago of 1890 shall not apply to the railroad tracks herein authorized, but the rails to be used shall be satisfactory to the mayor and commissioner of public works, and shall be laid under their direction.

¶ 6. **Time of completion.**] § 6. The tracks herein authorized shall be laid within nine months after the water pipes have been laid in said Lake street, not counting the months of December, January and February. And if the said company shall fail to complete said tracks within the said time the rights and privileges hereby granted shall cease and determine; Provided, that if the said company shall be restrained or prevented from proceeding with the work upon said railway tracks, by the order or writ of any court of competent jurisdiction, the time during which said company may be so delayed shall be added to the time herein prescribed for the completion of said railway tracks. The city shall, however, have the right to intervene in any suit for an injunction to restrain the said company, as aforesaid, and move for the dissolution of the injunction in case such suit shall be deemed collusive, or for the purpose of delay, or of extending the time for the completion of said tracks.

¶ 7. **Rate of fare—free riders.**] § 7. The rate of fare to be charged upon the line hereby authorized, shall not exceed five (5) cents for one continuous ride of one trip for any distance within the present or future city limits; Provided, that said company shall provide and furnish free of charge to passengers, who have paid fare upon said line, transfer tickets at a point or points which may be agreed upon by the mayor and commissioner of public works and said com-

pany, permitting such passengers to ride upon the street railroad line or lines owned, leased, controlled or operated by said company which intersect the line hereby authorized at the points so designated. And, in case said company and the mayor and commissioner of public works shall fail to agree upon the points at which transfer tickets shall be issued, then the city council shall have the right to designate such points of transfer; and Provided, further, that no fare shall be charged to policemen, firemen and United States letter carriers when in uniform.

¶ **8. Streets restored, when.**] § 8. When the right of said railroad company to operate its railway on said street shall cease and determine said company shall remove the tracks from the said street and put the said street from which said tracks shall be removed in as good condition as the adjacent parts of said street.

¶ **9. Damages.**] § 9. The said West Chicago Street Railroad Company shall pay all damages to the owners of property abutting on the said part of said street upon or over which its road may be constructed which said owners may sustain by reason of the location or construction of said road.

¶ **10. License fee.**] § 10. The said West Chicago Street Railroad Company shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of fifty dollars ($50), as an annual license fee, for each and every car used by said company on said line herein authorized, in the manner following: In computing the number of cars upon which said license charge may be imposed, thirteen round trips, when the car is used in the transportation of passengers, shall be taken as equivalent to one day's use of one car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter; such quotient shall be the number of cars subject to such license fee; Provided, however, that such cars shall not be liable for the payment of a license fee on any of the other lines or routes of this company or its connections. The president or other chief officer of said company shall, under oath, make report quarterly to the comptroller of the city of Chicago of the whole number of cars so run by said company and, at the same time, pay the said comptroller twelve dollars and a half ($12.50) for each car, to be ascertained as above prescribed in this section. The first quarter shall begin upon the first day upon which said company shall run a car or cars for the carriage of passengers.

¶ **11. Cars to be heated.**] § 11. The cars upon the line hereby authorized shall be provided during the months of November, December, January, February and March of each year with heating apparatus, of a kind and nature which shall be reasonably effective in raising the temperature in said car and heating the same; and the said heating apparatus shall be operated at such times, during the

months aforesaid, as the nature of the weather and degree of the temperature shall require. And the cars upon said tracks herein authorized to be laid shall run at intervals as may be necessary to accommodate the public.

¶ 12. **Indemnity clause.**] § 12. The company shall forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs and expenses which it may suffer, or which may be recovered or obtained against said city, for or by the reason of the granting of such privileges, or for or by reason of, or growing out of, or resulting from, the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 13. **Bond.**] § 13. The West Chicago Street Railroad Company shall execute to the city of Chicago a good and sufficient bond, in the penal sum of ten thousand dollars ($10,000), to be approved by the mayor, for the faithful observance and performance of the provisions and conditions of this ordinance, on its part to be observed and performed as aforesaid.

¶ 14. **When in force—acceptance.**] § 14. This ordinance shall take effect and be in force as soon as the said company shall file with the city clerk its formal acceptance of the same and the bond as herein prescribed; Provided, however, that if said acceptance and bond shall not be filed, as aforesaid, within sixty days from the passage hereof, this ordinance shall be void and of no effect.

Note.—See following amendatory ordinance.

§ 694. West Chicago Street Railroad company.

¶ 1. Amending section 7 of foregoing ordinance.
¶ 2. When in force.

An ordinance amending section 7 of an ordinance passed December 28, 1891, authorizing the West Chicago Street Railroad company to construct, maintain and operate a street railway in Lake street from Crawford avenue to Forty-eighth street. (Passed January 11, 1892.)

¶ 1. **Amending section 7 of foregoing ordinance.**] Be it ordained by the city council of the city of Chicago: § 1. That section 7 of an ordinance granting permission and authority to the West Chicago Street Railroad Company to construct a street railway on Lake street, from Crawford avenue to Forty-eighth street, passed December 28, 1891, be and the same is hereby amended by striking out in the proviso at the close of said section 7 the words "to policemen, firemen or letter carriers when in uniform," and by inserting in lieu thereof the words "to policemen or firemen when in uniform."

¶ 2. **When in force.**] § 2. This ordinance shall be in force and effect from and after its passage.

§ 695. West Chicago Street Railroad company.

¶ 1. Motive power made optional on all lines.
¶ 2. Term of grant—acceptance.
¶ 3. When in force.

An ordinance authorizing and empowering the West Chicago Street Railroad company and the North Chicago Street Railroad company to operate their several railroads by certain motors or motive powers therein named. (Passed March 21, 1892. Accepted by West Chicago Street Railroad company March 28, 1892. Accepted by North Chicago Street Railroad company April 6, 1892.)

¶ 1. Motive power made optional on all lines.] Be it ordained by the city council of the city of Chicago: § 1. That, in consideration of the acceptance hereof and the undertaking by the West Chicago Street Railroad Company, as well as the North Chicago Street Railroad Company, to comply with the provisions and conditions herein contained, permission and authority are hereby granted unto the West Chicago Street Railroad Company and, also, unto the North Chicago Street Railroad Company, and to their respective successors and assigns, to operate hereafter their several and respective lines of street railroads—whether owned or leased—or any of said lines, or any part thereof, in the city of Chicago, by Belgian pattern, compressed air, gas, electric or any motor or motive power which said companies, or either of them, shall see fit to adopt and use; Provided, however, that such motor or motive power shall be practically noiseless and, before using, shall be approved by the mayor and commissioner of public works. In the event of electric power being used, the same shall be placed under ground, and its method of construction shall first be approved by the commissioner of public works.

¶ 2. Term of grant—acceptance.] § 2. The permission and authority hereby granted shall attach and may be exercised by said companies, or either of them, at any time after the passage and acceptance of this ordinance; and the permission and authority hereby granted shall continue during the entire unexpired terms of the several ordinances granting to said respective companies the right to operate street railroads in the city of Chicago.

¶ 3. When in force.] § 3. This ordinance shall take effect and be in force from and after its passage and acceptance by the said companies, or either of them; and the said acceptance or acceptances shall be filed with the city clerk within thirty days after the passage hereof, otherwise said ordinance shall be void as to the company failing to file such acceptance.

Note.—See following amendatory ordinances.

§ 695a. West Chicago Street Railroad company.

¶ 1. Motive power—amending foregoing ordinance.
¶ 2. Amending foregoing ordinance.
¶ 3. When in force—acceptance—bond.
¶ 4. Return circuits—cross wires protected.
¶ 5. Indemnity clause.
¶ 6. Compensation.

An ordinance amending an ordinance passed March 21, 1892, authorizing and empowering the West Chicago Street Railroad company and the North Chicago Street Railroad company to operate their several railroads by certain motors or motive powers therein named. (Passed April 30, 1894. Accepted by North Chicago Street Railroad company and West Chicago Street Railroad company May 14, 1894.)

¶ 1. **Motive power—amending foregoing ordinance.**] Be it ordained by the city council of the city of Chicago: § 1. That section 1 of an ordinance, passed by the city council of the city of Chicago March 1st, 1892, authorizing and empowering the West Chicago Street Railroad Company and the North Chicago Street Railroad Company to operate their several railroads by certain motors or motive powers, therein named, be and said section 1 of said ordinance is hereby amended by striking out the words "Belgian pattern" and, also, the word "gas" in the enumeration of said motors and motive powers, and, also, by striking out the last clause in said section 1, which reads as follows: "In event of electric power being used, the same shall be placed under ground and its method of construction shall first be approved by the commissioner of public works;" and substituting in place of said clause and adding to said section 1 the following: If electric power shall be used by means of overhead contact wires, such overhead wires, together with the necessary feed wires, may be suspended from poles set within the curb limits of the street on either side thereof, or from bracket poles placed in the center of the street along such line or route, the placing of said poles to be determined by the mayor and commissioner of public works and said poles to be of ornamental iron or steel and of such construction and design as the mayor and commissioner of public works may approve. Said poles and feeder wires shall be suspended not less than eighteen and a half (18½) feet above the rails and the said poles and supports shall be placed on an average of not less than one hundred and fifteen (115) feet apart. No poles shall be set at the intersection of streets and alleys. Such poles and wires to be erected and maintained for the purpose of supplying electric current which can be used for power, heat and light purposes; and, with the right to connect the wires herein authorized with the generator or power station or any station or car house in connection with said railroad or railroads, or with any power house or station along any line or lines of railroad of said companies, or either of them, used by either in connection with its cable, horse or electric system; and said companies may convey said wires from such power house or station to the lines of wires hereby authorized upon poles placed upon or along the alleys of the city, or, whenever in the judgment of the commissioner of public works it shall be impracticable to place such poles in alleys, he may, for the purpose above mentioned, permit to be placed in streets ornamental iron or steel poles of such design and construction as he may approve; or said companies may, if the mayor and commissioner of public works consent thereto, convey said connecting wires in an underground conduit through the

streets or alleys of the city of Chicago, which conduit shall be used by the companies for the purpose herein set forth only. Before making any excavation or in any wise interfering with the surface of any street or alley said companies shall obtain from the commissioner of public works a permit therefor and shall, also, deposit with the treasurer of the city of Chicago a sum sufficient to cover the cost of restoring such street or alley according to an estimate of the probable cost thereof to be made by the commissioner of public works in each case; Provided, however, that no overhead contact wires shall be erected on any of the lines of the said North Chicago Street Railroad Company or the West Chicago Street Railroad Company, or any lines owned or leased by the said companies hereinbefore named which are located in the district bounded by the Chicago river on the north, the south branch of the Chicago river on the west, Lake Michigan on the east, and the north side of Twelfth street on the south; and, provided, further, that no overhead contact wires shall be located on that part of any street or streets where the said North Chicago Street Railroad Company or the West Chicago Street Railroad Company, or any railroad owned or leased by said companies hereinbefore named, are now operating its railroad by cable power, nor upon any street where an elevated railroad is now constructed, and all wires and conductors for the transmission of electricity in and along the street shall be constructed in a substantial and workmanlike manner, and under the supervision of the commissioner of public works, so as to interfere as little as posible with the public travel. The permission and authority hereby granted shall continue during the entire unexpired terms of the several ordinances granting to said respective companies the right to operate street railroads in the city of Chicago; provided, further, that said railroad companies shall carry free of charge on all cars operated by them, the city police and firemen.

¶ 2. **Amending foregoing ordinance.**] § 2. That said ordinance of March 21st, 1892, be, and the same is further amended, by adding to said ordinance the following sections, to be known as sections 4, 5 and 6 of said ordinance, to-wit:

¶ 4. **Return circuits—cross wires protected.**] § 4. Said companies shall establish and maintain a metallic return circuit conductor, independent of their rails, upon all the lines of street railroad hereby authorized to be operated by electric overhead contact wires. Wherever other lines of wires cross the wires, to be strung by virtue of this ordinance, the latter wires shall be protected by guard wires or other suitable mechanical device, as may be directed by the commissioner of public works.

¶ 5. **Indemnity clause—bond.**] § 5. Each of said companies shall forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs and expenses which said city may suffer, or which may be recoverable or obtained against said city, for or by reason of the granting of the

privileges hereby conferred upon them respectively, or for or by reason of, or growing out of, or resulting from the exercise by said companies, respectively, of the privileges hereby granted, or from any act or acts of said companies, respectively, their servants or agents, under or by virtue of the provisions of this ordinance, and each of said companies shall, within the time limited for the acceptance of this ordinance, file with the city clerk a bond to the city of Chicago in the penal sum of fifty thousand dollars ($50,000), with sureties to be approved by the mayor of the city of Chicago, conditioned upon the faithful performance and observance by said companies, respectively, of all the conditions and provisions of this ordinance.

¶ 6. **Compensation.**] § 6. That, for and in consideration of the privileges herein granted by the city of Chicago to said companies, the said North Chicago Street Railroad Company and the said West Chicago Street Railroad Company, agree to jointly pay to the city of Chicago the sum of ten thousand dollars ($10,000) at the expiration of the first year after the passage of this ordinance; the sum of fifteen thousand dollars ($15,000) at the expiration of the second year after the passage of this ordinance; the sum of twenty thousand dollars ($20,000) at the expiration of the third year after the passage of this ordinance, and the sum of twenty-five thousand dollars ($25,000) at the expiration of the fourth year, and, also, at the expiration of every following year, after the passage of this ordinance, said sums to be used by the city of Chicago for extending its electric light system; and

Whereas, judgments for land damages, occasioned by the erection of the Dearborn street bridge and the building of the Dearborn street viaduct have been recovered against the city of Chicago, in the amounts and at the dates hereinafter enumerated; and whereas, the city of Chicago claims that the North Chicago Street Railroad Company is liable to hold the said city harmless against said judgments, which claim, however, is denied by said company; now, therefore, in consideration of the privileges of this ordinance conferred upon the said North Chicago Street Railroad Company, it agrees to pay to the city of Chicago, within thirty (30) days after the passage of this ordinance, the amount of said various judgments with the legal rate of interest from the time of the recovery of the same respectively. Said judgments are as follows: A judgment in favor of one Williams for $20,000, recovered October 30th, 1891, in the circuit court of Cook county. A judgment in favor of one Espert for $4,000, recovered on July 6th, 1891, in the circuit court of Cook county. A judgment in favor of one Sawyer for $1,400, recovered December 7th, 1889, in the circuit court of Cook county. A judgment in favor of one Maltman for $726, recovered on April 24th, 1889, in the superior court of Cook county. A judgment in favor of one Pirtle for $4,000, recovered on January 11th, 1892, in the United States circuit court. And the West Chicago Street Railroad Company, in consideration of the privileges conferred by this ordinance upon it, by the acceptance of this ordi-

nance, shall be held to have agreed to guarantee the payment by the said North Chicago Street Railroad Company to the city of Chicago of the amounts of said several judgments, with legal interest as above provided.

¶ 3. **When in force—acceptance—bond.**] § 3. This ordinance shall take effect and be in force as to both of said companies and all lines operated by them, whether leased or owned by them, from and after its passage and acceptance and the filing of the bond hereinabove provided within thirty days after the passage thereof; otherwise this ordinance shall be void as to the company failing to file such acceptance and bond.

Note.—See following amendatory ordinance.

§ 695b. West Chicago Street Railroad company.

¶ 1. Amending section 1 of foregoing ordinance.
¶ 2. When to take effect.

An ordinance amending section 1 of an ordinance passed April 30, 1894, amending an ordinance passed March 21, 1892, authorizing and empowering the West Chicago Street Railroad company and the North Chicago Street Railroad company to operate their several railroads by certain motors or motive powers therein named. (Passed May 7, 1894. Accepted by the North Chicago Street Railroad company and the West Chicago Street Railroad company June 5, 1894.)

¶ 1. **Amending section 1 of foregoing ordinance.**] Be it ordained by the city council of the city of Chicago: § 1. That section 1 of an ordinance passed by the city council of the city of Chicago April 30th, 1894, amending an ordinance passed by the city council of the city of Chicago March 21st, 1892, be and the said section 1 of said amendatory ordinance is hereby amended by striking out the following words, "nor upon any street where an elevated railroad is now constructed," said words occurring between the word "power" and the word "and" in said section 1 of said amendatory ordinance.

¶ 2. **When to take effect.**] § 2. This ordinance shall be in force from and after its passage.

§ 695c. West Chicago Street Railroad company.

¶ 1. Amending section 1 of preceding ordinance.
¶ 2. When to take effect.

An ordinance amending section 1 of an ordinance passed April 30, 1894, amending an ordinance passed March 21, 1892, authorizing and empowering the West Chicago Street Railroad company and the North Chicago Street Railroad company to operate their several railroads by certain motors or motive powers therein named. (Passed May 7, 1894.)

¶ 1. **Amending section 1 of preceding ordinance.** Be it ordained by the city council of the city of Chicago: § 1. That section 1 of an ordinance passed by the city council of the city of Chicago April 30th, 1894, amendatory of an ordinance of March 21st, 1892, be and the same is hereby amended by adding the words "in uniform"

at the end of the last proviso in said section 1 of said amendatory ordinance, so that said proviso shall read as follows: "Provided, further, that said railroad companies shall carry free of charge on all cars operated by them the city police and firemen in uniform."

¶ 2. **When to take effect.**] § 2. This ordinance shall be in force from and after its passage.

§ 696. West Chicago Street Railroad company.

¶ 1. Grant—connections.
¶ 2. Route.
¶ 3. Tracks, how laid.
¶ 4. Improvements and street repairs.
¶ 5. Time for completion.
¶ 6. Motive power—subject to approval.
¶ 7. Cable or electricity—terms and conditio
¶ 8. Style of cars—heating of.
¶ 9. Rate of fare—transfers.
¶ 10. Indemnity clause.
¶ 11. License fee.
¶ 12. Bond.
¶ 13. Grant 20 years.
¶ 14. Part of former ordinance repealed.
¶ 15. When to take effect.

An ordinance granting permission to the West Chicago Street Railroad company to lay down, maintain and operate a street railroad in certain streets therein mentioned. (Passed March 21, 1892. Accepted March 28, 1892.)

¶ 1. **Grant—connections.**] Be it ordained by the city council of the city of Chicago: § 1. That, in consideration of the acceptance hereof and the undertaking of the West Chicago Street Railroad Company to comply with the provisions hereinafter contained, permission and authority are hereby granted and duly vested in said West Chicago Street Railroad Company, its successors and assigns, to lay down, maintain and operate a single or double track street railroad, with all necessary and convenient turn-outs, side-tracks and switches, in and along the course of certain streets in the city of Chicago, hereinafter mentioned, and to connect at any and all street intersections any track or tracks hereby authorized to be laid with the track or tracks of any railroad owned, leased or operated by said company; and to operate upon said street railroad, hereby authorized, railway cars and carriages, in the manner and for the time and upon the conditions hereinafter prescribed.

¶ 2. **Route.**] § 2. The said West Chicago Street Railroad Company is hereby authorized to lay a double track street railroad in and along the course of the following streets: On Ashland avenue, between Blue Island avenue and Twelfth street; and also on said Ashland avenue, between West Lake street and West Erie street; and on Paulina street, between Twelfth street and Lake street; Provided, however, that said railroad company shall pay the cost of setting the curb back a distance of four (4) feet on both sides of Paulina street, from Madison street to Polk street, and place said street in as good

condition and repair as before said curb was removed, whenever it shall be ordered so to do by the commissioner of public works of the city of Chicago; also on Robey street, between Blue Island avenue and Milwaukee avenue; also on Western avenue, between Twenty-sixth street and Twelfth street; and also on Western avenue, between Harrison street and Van Buren street; also on Western avenue, between West Lake street and Milwaukee avenue; also on Milwaukee avenue, between Armitage avenue and Lawrence avenue; also on Kedzie avenue, between Twelfth street and West Madison street; also on Colorado avenue, between Madison street and West Forty-eighth street; also on West Chicago avenue, between California avenue and the intersection of Chicago avenue with Grand avenue, and thence on Grand avenue, between the intersection of Grand avenue with Chicago avenue and Crawford avenue; also on Grand avenue, between Indiana street and Chicago avenue; also on Eighteenth street, between State street and Halsted street; also on Fourteenth street, between Canal street and Robey street; also on State street, between Madison street and Washington street, with a single track, connecting said single track with the respective tracks on Madison street and Washington street; Provided, however, that in the event of State street being used the westerly track now laid upon said State street shall be used and no additional tracks shall be laid upon said State street, between Madison and Washington streets; also on Dearborn street, between Van Buren street and Adams street, with a single track, connecting said single track with the respective tracks on Van Buren street and on Adams street; Provided, that nothing therein contained shall authorize or be held to authorize the occupation of Dearborn street, between Van Buren and Adams streets, with more than two railroad tracks altogether, or to authorize the said West Chicago Street Railway Company to lay down or operate any additional track in said street, between Van Buren and Adams streets, so long as the present two tracks now laid thereon shall remain; Provided, further, that said company shall have the option to first lay a single track on Robey street, between Chicago avenue and North avenue, and that if, at any time during the life of this ordinance, said company shall see fit to lay a double track on said Robey street, between said Chicago avenue and North avenue, said company may do so; but, upon the condition that said company shall, in event of laying such double track, at its sole cost and expense, remove the curb on either side of said Robey street, between the points above mentioned, four feet on either side of said street and pave said four feet space on either side of said street, as well as the space between the tracks, with wooden blocks, the work to be done to the satisfaction of and under the supervision of the commissioner of public works.

¶ **3. Tracks, how laid.**] § 3. The tracks of said railway shall not be elevated above the surface of the street and shall be constructed with modern improved rails and so laid that vehicles may

freely and safely cross the said tracks; and, when two tracks are laid in the same street, the said tracks shall be laid parallel as near as practicable; Provided, however, that the rails to be used on the tracks herein authorized shall only be such as have been first approved by the commissioner of public works, and that the location of the tracks and other apparatus or works in or under the streets, hereby authorized, shall be subject to the direction and approval of the commissioner of public works. Section 1509 of the Municipal Code of Chicago of 1881 shall not apply to the railroad tracks herein authorized.

¶ 4. **Improvements and street repairs.**] § 4. The said company, as to the part of said street in and upon which its said several railways shall be laid, shall keep eight feet in width where a single track shall be laid and sixteen feet in width where a double track shall be laid in good condition and repair, during all of the time to which the privileges hereby granted shall extend, in accordance with such ordinances or regulations as shall be passed or adopted by the city council in relation to such repairing; and when any new improvements shall be ordered by the city council of said part of said street, said railway company shall, in the manner which may be required of the owners of property fronting on said part of said street, make such new improvement for the width of eight feet where a single track shall be laid, and of sixteen feet where a double track shall be laid, and if said company shall refuse or fail so to do, the same may be done by the city and the company shall be liable to the city for the cost thereof; Provided, however, that said company shall pay the owner or owners of property abutting on streets where such tracks shall be laid the cost of the improvement of eight feet in width where a single track shall be laid, and sixteen feet in width where a double track shall be laid, on all such streets that have been improved within the past year.

¶ 5. **Time for completion.**] § 5. The several railways hereby authorized shall be completed within twelve months after the passage of this ordinance, not counting the months of December, January, February and March; Provided, however, that the tracks hereby authorized to be laid shall be laid in the unimproved streets within six months after the sewer and water pipes and their connections shall have been laid in such unimproved streets and, at the same time, when the paving shall be done in every such unimproved street; and, provided further, that if said company shall be delayed by the order or injunction of any court the time of such delay shall be deducted from the time above prescribed; Provided, however, that counsel for the city of Chicago may intervene in any suit in which any injunction or restraining order may issue or be entered and may move for its dissolution or dismissal.

¶ 6. **Motive power—subject to approval.**] § 6. The cars to be used upon the tracks hereby authorized may be operated with animal power, or cable or electric power, or with such other practically

noiseless motor or power as shall be approved by the mayor and commissioner of public works. In the event of electric power being used, the same shall be placed under ground.

¶ 7. **Cable or electricity — terms and conditions.**] § 7. When said cars shall be operated by cable or electric power, said company may make all needful and convenient curves, trenches, excavations and sewer connections, and may place all needful and convenient cables, wires and conductors for the transmission of electricity and machinery in or along said street; such cables, wires and conductors and machinery to be under ground and constructed in a substantial and workmanlike manner, and under the supervision of the commissioner of public works, so as not to interfere with the public travel; Provided, that if in the construction of said trenches and excavations any damage or injury shall result to any of the sewers, water pipes or private drains or other pipes, conduits or works belonging to or used by the city of Chicago, then said company shall be held liable and pay therefor. If at any time, by reason of the permission hereby granted, and the making of such trenches and the running of such cables, wires and conductors, or the construction or operation of said road, under any system of motive power, any injury or damage shall result to any person or property, then said company shall be liable therefor. And nothing in this ordinance contained shall be held to authorize the said West Chicago Street Railroad Company, its successors or assigns, to inflict upon or cause to the works of [or] the property of any other company or person any damage or injury without paying therefor, or to revoke any existing rights or privileges of any such company or person. All needful and convenient connections with the motive power or engines shall be subject to the same restrictions. The aperture opening into said trenches, where cable or electric power is used, shall not exceed five-eighths of an inch in width, and, in case said road shall be operated by cable or electric power, said company may operate not exceeding three cars and one grip car attached together, with one conductor in charge of each car.

¶ 8. **Style of cars—heating of.**] § 8. The cars to be used on said several railways shall be of the best style and class now in use; and they shall not be used for any purpose other than to transport passengers and their ordinary baggage and shall be provided, during the months of November, December, January, February and March of each year, with heating apparatus, of a kind and nature which shall be reasonably effective in raising the temperature in said car and heating the same; and the said apparatus shall be operated at such times during the said months aforesaid as the nature of the weather and the degree of temperature shall require.

¶ 9. **Rate of fare—transfers.**] § 9. The rate of fare for any continuous ride shall not exceed five cents for each passenger, except when the cars or carriages shall be chartered for special purposes; and transfers shall be given on all north and south lines with such connect-

ing or cross lines at such points as shall be agreed upon between the mayor and the said company. If the mayor and said company can not agree upon the transfers to be given, then any judge of a court of record in Cook county may be asked to adjust such question of difference, and the decision of such judge of a court of record shall be final and binding upon the mayor and said company.

¶ 10. **Indemnity clause.**] § 10. The said company shall forever indemnify and keep harmless the city of Chicago against and from any and all legal damages, judgments, decrees and costs and expenses of the same which it may suffer, or which may be recovered or obtained against the said city, for or by reason of, or growing [out] of, or resulting from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 11. **License fee.**] § 11. The said West Chicago Street Railroad Company shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of fifty dollars, as an annual license fee, for each and every car used by said company, in the manner following: In computing the number of cars, upon which said license charge may be imposed, thirteen round trips, when the car is used for the transportation of passengers, shall be taken as an equivalent to one day's use of one car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter, such quotient shall be the number of cars subject to license fee; Provided, however, that such cars shall not already be liable for the payment of a license fee on one of the other lines of this company or its connections. The president or other chief officer of said company shall, under oath, make report quarter yearly to the comptroller of the city of Chicago of the whole number of cars so run by said company and, at the same time, pay to said comptroller twelve dollars and a half ($12.50) for each car, to be ascertained as above prescribed in this section. The first quarter shall begin on the first day upon which said company shall run a car or cars on said several railways, for the carriage of passengers.

¶ 12. **Bond.**] § 12. The said West Chicago Street Railroad Company shall execute to the city of Chicago a good and sufficient bond in the penal sum of fifty thousand ($50,000) dollars, to be approved by the mayor, conditioned for the faithful observance and performance of the conditions and provisions of this ordinance, on its part to be performed and observed.

¶ 13. **Grant twenty years.**] § 13. All of the rights and privileges hereby granted to and conferred upon the said West Chicago Street Railroad Company, its successors and assigns, or intended so to be, shall continue and be in force for the full term and period of twenty years from and after the passage of this ordinance.

¶ 14. **Part of former ordinance repealed.**] § 14. That so much of section 5, composed of the following words: "Provided, that

said company shall also permit its tracks on said Dearborn street to be used by the Chicago City Railway Company," and which said words occur in section 5 of an ordinance passed March 14th, 1887, granting to the North Chicago Street Railroad Company the right to construct and operate a street railroad on Dearborn street and other streets be and the same is hereby repealed.

¶ 15. When to take effect.] § 15. This ordinance shall take effect and be in force from and after its passage and filing of the bond aforesaid and acceptance by said company; Provided, however, that if said bond and acceptance by said company shall not be filed with the city clerk within sixty days after the passage hereof, then all of the rights and privileges herein granted shall be void and of no effect.

Note.—See following agreement.

AGREEMENT BETWEEN THE WEST CHICAGO STREET RAILROAD COMPANY AND THE CITY OF CHICAGO, DATED MARCH 25, 1892, PRESENTED TO THE CITY COUNCIL BY THE MAYOR AND RATIFIED AND CONFIRMED MARCH 29, 1892.

Articles of agreement made and entered into this 25th day of March, A. D. 1892, by and between the West Chicago Street Railroad Company, a corporation under the laws of the State of Illinois, party of the first part, and the city of Chicago, a municipal corporation, party of the second part: Witnesseth: That whereas, heretofore on, to-wit, the 21st day of March, A. D. 1892, the city council of the city of Chicago passed a certain ordinance granting said railroad company the right to lay down, maintain and operate a single or double street railroad track upon certain streets in said ordinance designated, viz.: On Ashland avenue, between Blue Island avenue and Twelfth street; and, also, on said Ashland avenue, between West Lake street and West Erie street; and on Paulina street, between Twelfth street and Lake street; also, on Robey street, between Blue Island avenue and Milwaukee avenue; also on Western avenue, between Twenty-sixth street and Twelfth street; and, also, on Western avenue, between Harrison street and Van Buren street; also, on Western avenue between West Lake street and Milwaukee avenue; also, on Milwaukee avenue, between Armitage avenue and Lawrence avenue; also, on Kedzie avenue, between Twelfth street and West Madison street; also, on Colorado avenue, between Madison street and West Forty-eighth street; also, on West Chicago avenue, between California avenue and the intersection of Chicago avenue with Grand avenue, and thence on Grand avenue, between the intersection of Grand avenue with Chicago avenue and Crawford avenue; also, on Grand avenue, between Indiana street and Chicago avenue; also, on Eighteenth street, between State street and Halsted street; also, on Fourteenth street, between Canal street and Robey street; also, on State street, between Madison street and Washington street. And, whereas, said street railroad company is desirous that the mayor of the city of Chicago shall sign said ordinance so that the same may become binding on said city. Now, therefore, in consideration of the payment of one dollar ($1.00) made by said party of the second part to the said party of the first part, the receipt whereof is hereby acknowledged, said West Chicago Street Railroad Company hereby undertakes and agrees in addition and supplemental to the undertakings and agreements in said ordinance on its part, that whenever it shall desire to put in more than one track in any of the said streets in said ordinance named, or in any portion of any one of said streets where the improved and paved portion of said streets respectively is 30 feet in width, or

less, it will set back the curbs four feet on either side of such street, and said company agrees to improve the space thus added in the same manner as said streets respectively are now improved and to leave the whole of said streets between the curb walls in as good condition as any portion thereof is before such curb walls shall be removed. All of said work to be done promptly and under the direction of the commissioner of public works of the city of Chicago and at the sole expense of the said West Chicago Street Railroad Company. In witness whereof, the said party of the first part has caused these presents to be signed by the president of its board of directors and attested by its corporate seal; and the party of the second part has caused the same to be signed by its mayor and city clerk and attested by its corporate seal.

Attest by
WEST CHICAGO STREET RAILWAY COMPANY,
CHAS. T. YERKES, President.
R. C. CRAWFORD, Secretary.
HEMPSTEAD WASHBURNE,
Mayor of the City of Chicago.
Attest by
JAS. R. B. VAN CLEAVE, City Clerk.

§ 697. West Chicago Street Railroad company.

¶ 1. Grant—term—route.
¶ 2. Motive power—passenger service.
¶ 3. Cable power—conditions.
¶ 4. Street improvements and repairs.
¶ 5. Tracks, how laid.
¶ 6. Time of completion.
¶ 7. Rate of fare.
¶ 8. Streets restored.
¶ 9. Damages.
¶ 10. License fee.
¶ 11. Cars to be heated.
¶ 12. Indemnity clause.
¶ 13. Bond.
¶ 14. When to take effect.

An ordinance authorizing the West Chicago Street Railroad company to construct, maintain and operate a street railway in Crawford avenue between North avenue and Grand avenue. (Passed July 21, 1892. Accepted July 28, 1892.)

¶ 1. Grant—term—route.] Be it ordained by the city council of the city of Chicago: § 1. That, in consideration of the acceptance hereof and the undertaking of the West Chicago Street Railroad Company to comply with the provisions herein contained, consent, permission and authority are hereby granted to said company, its successors and assigns, to lay down, construct, maintain and operate until twenty years from the date of the passage of this ordinance, a double track street railway, with all necessary and convenient turnouts and switches, in, upon, over and along Crawford avenue, between North avenue and Grand avenue, in the city of Chicago, with the right to connect with other street railroad tracks.

¶ 2. Motive power—passenger service.] § 2. The cars to be used on said line of said railroad may be operated by animal, elec-

tric or cable power and shall be used for no other purpose than to carry passengers and their ordinary packages. In the event of electricity being used the same shall be underground or storage-battery system, no overhead wires shall be used.

¶ 3. **Cable power—conditions.**] § 3. For the purpose of operating said cars by cable or electric power, said company shall make all needful and convenient curves, tracks, trenches, excavations and sewer connections, and may place all needful and convenient cables, wires and machinery in such street and connect the same with stationary engine, necessary to properly operate the same, which stationary engine or engines shall not be located upon any street or public places in the city. Such cables, wires and machinery connected therewith shall be under ground, and constructed in a substantial and workmanlike manner, of the most approved method and convenience so as not to interfere with public travel; Provided, that if in the construction of said trenches and excavations, any damage or injury shall result to any of the sewers, water pipes or private drains, then, said company shall be held liable and pay therefor. If, at any time, by reason of the permission hereby granted and the making of such trenches and the running of such cables or wires, any injury or damage shall result to any person or property, then said company shall be liable therefor. All needful and convenient connections with the motive power or engines shall be subject to the same restrictions. The aperture opening in to said trenches shall not exceed five-eighths of an inch in width. If said line shall be operated by cable or electric power, said company may operate not exceeding three cars and one grip car attached together, with a grip man in charge of the grip car and one conductor in charge of each additional car.

¶ 4. **Street improvements and repairs.**] § 4. The said company, as to the part of said street in and upon which its said railway may be laid, shall keep sixteen feet in width in good condition and repair, during all the time to which the privileges hereby granted shall extend, in accordance with whatever order, ordinance, or regulation may be passed or adopted by the city council in relation to such repairing; and, when any new improvement shall be ordered by the city council of the said part of said street, the said company shall, in the manner which may be required of the owners of property fronting on said part of said street, make such new improvement for the width of sixteen feet; and, if the said company shall refuse or fail so to do, the same may be done by the city and the company shall be liable and pay to the city for the cost thereof.

¶ 5. **Tracks, how laid.**] § 5. The tracks of said railway shall not be elevated above the surface of the said street and shall be laid with modern improved rails and in such a manner that carriages and other vehicles can easily and freely cross the same, at all points and in all directions, without obstruction and shall also be laid as near

to the center of said street as practicable. Section 1509 of the Municipal Code of Chicago of 1881 shall not apply to the railroad tracks herein authorized, but the rails to be used shall be satisfactory to the mayor and commissioner of public works and shall be laid under their direction.

¶ 6. **Time of completion.**] § 6. The railway hereby authorized shall be completed within twelve months after the passage of this ordinance, not counting the months of December, January, February and March; and, Provided further, that if said company shall be delayed by the order or injunction of any court the time of such delay shall be deducted from the time above described; Provided, however, that counsel for the city of Chicago may intervene in any suit in which any injunction, or restraining order may issue, or be entered and may move for its dissolution or dismissal.

¶ 7. **Rate of fare.**] § 7. The rate of fare to be charged upon the line herein authorized shall not exceed five (5) cents for one continuous ride of one trip for each passenger within the present or future city limits.

¶ 8. **Streets restored.**] § 8. When the right of said railroad company to operate its railway on said street shall cease and determine said company shall remove the tracks from the said street and put the said street, from which said tracks shall be removed, in as good condition as the adjacent parts of said street.

¶ 9. **Damages.**] § 9. The said West Chicago Street Railroad Company shall pay all damages to the owners of property abutting on the said part of said street, upon or over which the road may be constructed, which said owners may sustain by reason of the location or construction of said road.

¶ 10. **License fee.**] § 10. The said West Chicago Street Railroad Company shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of fifty dollars ($50.00) as an annual license, for each and every car used by said company on said line herein authorized in the manner following: In computing the number of cars upon which said license charge may be imposed thirteen round trips when the car is used in the transportation of passengers, shall be taken as equivalent to one day's use of one car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter; such quotient shall be the number of cars subject to such license fee; Provided, however, that such cars shall not be liable for the payment of a license fee on any of the other lines or routes of this company or its connections. The president or other chief officer of said company shall, under oath, make report quarter-yearly, to the comptroller of the city of Chicago, of the whole number of cars so run by said company and, at the same time, pay the said comptroller twelve dollars and a half ($12.50) for each car, to be ascertained as above prescribed in this section. The first

quarter shall begin upon the first day upon which the said company shall run a car or cars for the carriage of passengers.

¶ 11. **Cars to be heated.**] § 11. The cars upon the line hereby authorized shall be provided, during the months of November, December, January, February and March of each year, with heating apparatus of a kind and nature which shall be reasonably effective in raising the temperature in said car and heating the same; and the said apparatus shall be operated at such times during the months aforesaid as the nature of the weather and the degree of the temperature shall require. And, the cars upon said tracks herein authorized to be laid shall be run at intervals as may be necessary to accommodate the public.

¶ 12. **Indemnity clause.**] § 12. The company shall, forever, indemnify and save harmless the city of Chicago against and from all and any damages, judgments, decrees and costs and expenses which it may suffer, or which may be recoverable or obtained against said city for or by reason of the granting of such privileges, or for or by reason of, or growing out of, or resulting from the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 13. **Bond.**] § 13. The West Chicago Street Railroad Company shall execute to the city of Chicago a good and sufficient bond in the penal sum of five thousand dollars ($5,000), to be approved by the mayor, for the faithful observance and performance of the provisions and conditions of this ordinance, on its part to be observed and performed as aforesaid.

¶ 14. **When to take effect.**] § 14. This ordinance shall take effect and be in force as soon as the said company shall file with the city clerk its formal acceptance of the same, and the bond as herein prescribed; Provided, however, that if said acceptance and bond shall not be filed as aforesaid within sixty days from the passage hereof this ordinance shall be void and of no effect.

§ 698. West Chicago Street Railroad company

¶ 1. Grant—term—route.
¶ 2. Motive power—passenger service.
¶ 3. Cable power, conditions, etc.
¶ 4. Street improvements and repairs.
¶ 5. Tracks, how laid.
¶ 6. Time of completion.
¶ 7. Rate of fare—police, etc., to ride free.
¶ 8. Streets restored.
¶ 9. Damages.
¶ 10. License fee.
¶ 11. Cars to be heated.
¶ 12. Indemnity clause.
¶ 13. Bond.
¶ 14. When to take effect.

An ordinance authorizing the West Chicago Street Railroad company to construct, maintain and operate a street railway in Armitage avenue, between California avenue and Columbia avenue. (Passed May 14, 1894 Accepted June 22, 1894.)

¶ 1. **Grant—term—route.**] Be it ordained by the city council of the city of Chicago: § 1. That. in consideration of the acceptance hereof and the undertaking of the West Chicago Street Railroad Company to comply with the provisions herein contained, consent, permission and authority are hereby granted to said company, its successors and assigns, and said company is hereby required to lay down, construct, maintain and operate, until twenty (20) years from the date of the passage of this ordinance, a double track street railway, with all necessary and convenient turnouts and switches in, upon, over and along Armitage avenue, between California avenue and Columbia avenue, in the city of Chicago, with the right to connect with other street railroad tracks.

¶ 2. **Motive power—passenger service.**] § 2. The cars to be used on said line of said railroad may be operated by any motive power the use whereof has been, or may hereafter be, granted by the city council of the city of Chicago and shall be used for no other purpose than to carry passengers and their ordinary packages.

¶ 3. **Cable power—conditions, etc.**] § 3. In case the said company, upon the line hereby authorized, shall use cable power the method of laying and constructing such cable and operating the same shall, in all respects, be the same and be governed by the same conditions and limitations as provided by an ordinance of the city council of the city of Chicago, passed June 7, 1886, authorizing said company to use cable power, sections 3475 to 3477 of the compiled laws and ordinances of the city. And, in case said company, upon the line hereby authorized shall use electric power by means of electric overhead contact wires the method of construction and operation shall be the same and governed by all the conditions and limitations as provided in an ordinance of the city of Chicago, passed April 30th, 1894, authorizing the operation by electric overhead contact wires of certain lines of the North Chicago Street Railroad Company and the West Chicago Street Railroad Company.

¶ 4. **Street improvements and repairs**]. § 4. The said company, as to the part of said street in and upon which its said railway may be laid, shall keep sixteen feet in width in good condition and repair, during all the time to which the privileges hereby granted shall extend, in accordance with whatever order, ordinance or regulation may be passed or adopted by the city council in relation to such repairing; and, when any new improvement shall be ordered by the city council of the said part of said street, the company shall, in the manner which may be required of the owners of the property fronting on said part of said street, make such new improvements for the width

of sixteen feet; and, if the said company shall refuse or fail so to do, the same may be done by the city and the company shall be liable and pay to the city for the cost thereof.

¶ 5. **Tracks, how laid.**] § 5. The tracks of said railway shall not be elevated above the surface of the street and shall be laid with modern improved rails and in such a manner that carriages and other vehicles can easily and freely cross the same, at all points and in all directions without obstruction, and shall, also, be laid as near the center of the street as practicable. Section 1509 of the Municipal Code of Chicago of 1881 shall not apply to the railroad tracks herein authorized, but the rails to be used shall be satisfactory to the mayor and commissioner of public works and shall be laid under their direction.

¶ 6. **Time of completion.**] § 6. The tracks herein authorized shall be laid within nine months from the date of the passage of this ordinance, not counting the months of December, January, February and March. And, if the said company shall fail to complete said tracks within the said time the rights and privileges hereby granted shall cease and determine; Provided, that if the said company shall be restrained or prevented from proceeding with the work upon said railway tracks by the order or writ of any court of competent jurisdiction, the time during which said company may be so delayed shall be added to the time herein prescribed for the completion of said railway tracks. The city shall, however, have the right to intervene in any suit for an injunction to restrain the said company, as aforesaid, and move for the dissolution of the injunction in case said suit shall be deemed collusive, or for the purpose of delay, or of extending the time for the completion of said tracks. The time during which said company may be so delayed as aforesaid shall, however, be reckoned only from the time when the said company shall have given notice to the corporation counsel of the city of Chicago of the institution of such legal proceedings as aforesaid. Unless said company shall within the time hereinabove provided have ready and in operation the line hereby authorized, the city of Chicago shall have the right to remove all tracks and other obstacles placed in the street by virtue of the authority granted by this ordinance and the said company shall be liable to the city for the expense of such removal.

¶ 7. **Rate of fare—police, etc., to ride free.**] § 7. The rate of fare to be charged upon the line herein authorized shall be five (5) cents for one continuous ride from Columbia avenue to La Salle street, or from La Salle street to Columbia avenue. The city police and firemen in uniform shall be carried free of charge.

¶ 8. **Streets restored.**] § 8. When the right of said railroad company to operate its railway on said streets shall cease and determine said company shall remove its railway tracks from the said street

and put the said street, from which said tracks shall be removed, in as good condition as the adjacent parts of said street.

¶ **9. Damages.**] § 9. The said West Chicago Street Railroad Company shall pay all damages to the owners of property abutting on the said part of said street, upon or over which the road may be constructed, which said owners may sustain by reason of the location or construction of said road.

¶ **10. License fee.**] § 10. The said West Chicago Street Railroad Company shall pay in to the city treasury of the city of Chicago, for the use of said city, the sum of fifty ($50.00) dollars as an annual license for each and every car used by said company on said line herein authorized, in the manner following: In computing the number of cars upon which said license charge may be imposed, thirteen round trips, when the car is used in the transportation of passengers, shall be taken as equivalent to one day's use of one car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter, such quotient shall be the number of cars subject to such license fee; Provided, however, that such cars shall not already be liable for the payment of a license fee on any of the other lines or routes of this company or its connections. The president or other chief officer of said company shall, under oath, make report quarter-yearly, to the comptroller of the city of Chicago, of the whole number of cars so run by said company and, at the same time, pay the said comptroller twelve dollars and a half ($12.50) for each car, to be ascertained as above prescribed in this section. The first quarter shall begin upon the first day upon which the said company shall run a car or cars for the carriage of passengers.

¶ **11. Cars to be heated.**] § 11. The cars upon the lines hereby authorized shall be provided, during the months of November, December, January, February and March of each year with heating apparatus, of a kind and nature which shall be reasonably effective in raising the temperature in said car and heating the same; and, the said apparatus shall be operated at such times during the months aforesaid as the nature of the weather and the degree of the temperature shall require. And, the cars upon said tracks herein authorized to be laid shall be run at intervals as may be necessary to accommodate the public.

¶ **12. Indemnity clause.**] § 12. The company shall, forever, indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs and expenses which it may suffer, or which may be recoverable or obtained against said city, for or by reason of the granting of such privileges, or for or by reason of, or growing out of, or resulting from the exercise by said company of the privileges hereby granted, or from any act or acts of said

company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 13. **Bond.**] § 13. The West Chicago Street Railroad Company shall execute to the city of Chicago a good and sufficient bond in the penal sum of five thousand ($5,000) dollars, to be approved by the mayor, for the faithful observance and performance of the provisions and conditions of this ordinance on its part to be observed and performed, as aforesaid.

¶ 14. **When to take effect.**] § 14. This ordinance shall take effect and be in force as soon as the said company shall file with the city clerk its formal acceptance of the same and the bond as herein prescribed; Provided, however, that if said acceptance and bond shall not be filed, as aforesaid, within sixty days from the passage hereof this ordinance shall be void and of no effect.

§ 699. West Chicago Street Railroad company.

¶ 1. Grant—State street by electric power.
¶ 2. Route.
¶ 3. Tracks, how laid.
¶ 4. Street improvements and repairs.
¶ 5. Time of completion.
¶ 6. Cable or electric power—conditions, etc.
¶ 7. Return circuit—guard wires.
¶ 8. Style of cars—heating of.
¶ 9. Rate of fares.
¶ 10. License fee.
¶ 11. Indemnity clause—bond.
¶ 12. Overhead contact wires.
¶ 13. Trolley wires under elevated structure.
¶ 14. Term of grant.
¶ 15. License fee.
¶ 16. When to take effect.

An ordinance authorizing the West Chicago Street Railroad company to lay tracks on West Harrison street, Twenty-sixth street, and other streets in the city of Chicago. (Passed February 4, 1895. Accepted March 2, 1895.)

¶ 1. **Grant—State street by electric power.**] Be it ordained by the city council of the city of Chicago: § 1. In consideration of the acceptance hereof, and the undertaking by the West Chicago Street Railroad Company to comply with the provisions herein contained, permission and authority are hereby granted to the said West Chicago Street Railroad Company, its successors and assigns, to lay down, maintain and operate a single or double track street railroad with all the necessary and convenient turn-outs, side-tracks and switches, in, along and across certain streets in the city of Chicago hereinafter mentioned, and to connect at any and all street intersections, any track or tracks hereby authorized to be laid, with the track or tracks of any railroad owned, leased or operated by said company; and also permission to connect the tracks located at the intersection of State street with Lake street, and operated by the West Chicago

Street Railroad Company, with the tracks at said intersection belonging to the North Chicago Street Railroad Company; and also, permission to construct in State street, between Lake street and Randolph street, overhead electric wires, and to operate its cars in said State street, between said points, by electric power.

¶ 2. **Route.**] § 2. Said West Chicago Street Railroad Company is hereby authorized to lay a single or double track street railroad in, along and across all the following streets: In and along West Harrison street, between Western avenue and Kedzie avenue; and also, in and along Twenty-sixth street, between Blue Island avenue and Crawford avenue; and also in and along Wood street and North Wood street, from Blue Island avenue to Milwaukee avenue; and in and along North Lincoln street to Webster avenue; and also, in and along Laurel street, between Thirty-ninth street and Thirty-first street, and thence easterly in and along Thirty-first street to Main street, and thence in and along Main street northwesterly and across the bridge, over the south branch of the Chicago river to Throop street; and also in and along Throop street, between West Twenty-first street and West Taylor street; also connecting the road terminating at the south end of Throop street with the road beginning at Twenty-first street and Throop street, by constructing or operating over, along and across such lots, blocks, grounds, public highways or tracks now laid, as it may have or acquire by lease, contract, purchase, condemnation or otherwise, according to law, said connection to be made within three hundred and fifty feet (350) easterly or westerly of the center line of said Throop street, between the northerly end of Main street and the north side of West Twenty-first street; and also in and along Sangamon street, between Austin avenue and Erie street, and thence easterly in and along West Erie street to the east bank of the north branch of the Chicago river; and in and along Twenty-first street, between Western avenue and Douglas boulevard; and also in and along West Twenty-first street, between Center avenue and Halsted street.

¶ 3. **Tracks, how laid.**] § 3. The tracks of such railway shall not be elevated above the surface of the street, and shall be constructed with modern improved rails, and so laid that vehicles may freely and safely cross the said tracks; and when two tracks are laid in the same street, the said tracks shall be laid parallel as near as practicable. Section 1509 of the Municipal Code of Chicago, of 1881, shall not apply to the railroad tracks herein authorized.

¶ 4. **Street improvements and repairs.**] § 4. The said company, as to the part of said streets in and upon which its said several railways shall be laid, shall keep eight feet in width where a single track shall be laid, and sixteen feet in width where a double track shall be laid, in good condition and repair during all of the time to

which the privileges hereby granted shall extend, in accordance with such ordinances or regulations as shall be passed or adopted by the city council in relation to such repairing, and when any new improvement shall be ordered by the city council of any part of said streets, said railway company shall, in the manner which may be required of the owners of property fronting on said part of such street, make such new improvements for the width of eight feet where a single track shall be laid, and of sixteen feet where a double track shall be laid, and if said company shall fail or refuse so to do, the same may be done by the city, and the company shall be liable to the city for the cost thereof; Provided, however, that said company shall pay to the owner or owners of property abutting on streets where such tracks shall be laid, the cost of improvement of eight feet in width where a single track shall be laid, and sixteen feet in width where a double track shall be laid, on all such streets that have been improved within the past year.

¶ 5. **Time of completion.**] § 5. The several railways hereby authorized shall be completed within two years after the passage of this ordinance, not counting the months of December, January, February and March; Provided, if said company shall be delayed by the order of injunction of any court, the time of such delay shall be deducted from the time above prescribed; and provided, further, if any track or tracks herein authorized to be constructed shall not be completed within the time herein specified, as to every such track or tracks, which shall not be completed within the time aforesaid, this ordinance shall be null and void; Provided, the tracks on Harrison street, between Western avenue and Kedzie avenue, shall be laid and the line in operation within one year from the passage of this ordinance.

¶ 6. **Cable or electric power—conditions, etc.**] § 6. The cars may be operated by cable or electric power, or by any power said company may have the authority to operate its cars with, under any ordinance or ordinances of the said city of Chicago. If electric power shall be used by means of overhead contact wires, such overhead wires, together with the necessary feed wires, may be suspended from poles set within the curb limits of the street on either side thereof, or from bracket poles in the center of the street along said line or route, the placing of said poles to be determined by the mayor and commissioner of public works, and said poles to be of ornamental iron or steel, and of such construction and design as the mayor and commissioner of public works may approve. Said poles and feeder wires shall be suspended not less than eighteen and a half (18½) feet above the rails, and the said poles and supports shall be placed on an average of not less than one hundred and fifteen (115) feet apart. No poles shall be set at the intersection of streets and alleys. Such poles and wires to be erected and maintained for the purpose of supplying electric

current which can be used for power, heat and light purposes; and with the right to connect the wires herein authorized with the generator or power station, or any station or car house in connection with said railroad or railroads, or with any power house or station along any line or lines of railroad of said company used by it in connection with its cable, horse or electric system; and said company may convey said wires from such power house or station to the line of wires hereby authorized, upon poles placed upon or along the alleys of the city, or whenever, in the judgment of the commissioner of public works, it shall be impracticable to place such poles in alleys, he may, for the purpose above mentioned, permit to be placed in streets ornamental iron or steel poles of such design and construction as he may approve, or said comany may, if the mayor and commissioner of public works consent thereto, convey said connecting wires in an underground conduit through the streets or alleys of the city of Chicago, which conduit shall be used by the company for the purposes herein set forth only.

Before making any excavation or in any wise interfering with the surface of any street or alley, said company shall obtain from the commissioner of public works a permit therefor, and shall deposit with the treasurer of the city of Chicago a sum sufficient to cover the cost of restoring such street or alley according to an estimate of the probable cost thereof, to be made by the commissioner of public works in each case.

All wires and conductors for the transmission of electricity in or along any street shall be constructed in a substantial and workmanlike manner, and under the supervision of the commissioner of public works, so as to interfere as little as possible with the public travel.

¶ 7. **Return circuit— guard wires.**] § 7. Said company shall establish and maintain a metallic return circuit conductor independent of the rails upon all the lines of street railroad hereby authorized to be operated by electric overhead contact wires.

Wherever other lines of wires cross the wires to be strung by virtue of this ordinance, the latter wires shall be protected by guard wires or other suitable mechanical device, as may be directed by the commissioner of public works.

¶ 8. **Style of cars—heating of.**] § 8. The cars to be used shall be of the best style and class, and shall be used for the transportation of passengers and their ordinary baggage, and shall be provided during the months of November, December, January, February and March in each year, with heating apparatus of the kind and nature which shall be reasonably effective in raising the temperature in such car and heating the same; which said heating apparatus shall be operated at such times during said months aforesaid as the nature of the weather shall require.

¶ **9. Rate of fares.**] § 9. The rate of fare for one continuous ride shall be five (5) cents for each passenger on said several lines of railway hereby authorized; Provided, however, that transfers shall be given at the following points: On the Harrison street line at the respective intersections with Kedzie avenue, Western avenue, Robey street and Paulina street; on the Wood street line at the respective intersections with Twelfth street, Van Buren street, Madison street, Chicago avenue and Grand avenue; on the Laurel street, Main street and Throop street line, at the respective intersections with Twelfth street, Van Buren street and Madison street; and on the Twenty-first street line, at the respective intersections of Western avenue and Blue Island avenue; Provided, further, that policemen and firemen in uniform shall be carried free of charge.

¶ **10. License fee.**] § 10. Said West Chicago Street Railroad Company shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of fifty dollars ($50) as an annual license fee for each and every car used by said company in the manner following: In computing the number of cars upon which said license charge may be imposed, thirteen round trips, when the car is used in the transportation of passengers, shall be taken as equivalent of one day's use of one car; one-thirteenth (1-13) of such round trips during each quarter shall be divided by the number of days in such quarter, such quotient shall be the number of cars subject to license fee; Provided, however, that such cars shall not already be liable for the payment of a license fee on one of the other lines of this company or its connections. The president or other chief officer of the company shall, under oath, make report quarter-yearly to the comptroller of the city of Chicago of the whole number of cars so run by said company, and at the same time pay to said comptroller twelve dollars and a half ($12.50) for each car, to be ascertained as above prescribed in this section. The first quarter shall begin on the first day upon which said company shall run a car or cars on said several railways, for the carriage of passengers.

¶ **11. Indemnity clause—bond.**] § 11. Said company shall forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs and expenses, which said city may suffer, or which may be recovered or obtained against said city, for or by reason of the granting of the privileges hereby conferred upon it, or for or by reason of or growing out of, or resulting from the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance. And said company shall within the time limited for the acceptance of this ordinance, file with the city clerk a bond to the city of Chicago in the penal sum of fifty thousand dollars ($50,000), with sureties to be approved by the mayor of the city of Chicago, conditioned for the faith-

ful performance and observance by said company of all the conditions and provisions of this ordinance.

¶ 12. **Overhead contact wires.**] § 12. Permission and authority are also hereby granted to said company to operate its electric cars by overhead contact wires over and along any part or parts of its cable tracks so far as may be necessary in order to connect its electric line in any street with its electric line in any other street. This permission is granted merely and only for the purpose of enabling the said company to use its cable tracks for making a circuit or perfecting a line or route which shall require the cars to use the cable tracks in making a proper and direct connection, and shall not be suffered or permitted to be so construed as to permit the use of cable tracks by electric cars in any way or manner which will tend to supersede the use of cable cars or lines by electricity.

It is also expressly understood and declared that before any cable tracks shall be used by said company for the operation thereon of electric cars, it shall file with the commissioner of public works a plan showing specifically the line of cable tracks which it is intended to use by means of electrical appliances, and from and in connection with which it must appear that such use of cable tracks by electrical appliances is not intended to and will not have the effect to supercede or interfere with the full use of such cable tracks by cable cars by the substitution of electric cars therefore and thereon.

It is further understood and declared that no overhead wires shall at any time be erected or run over the cable tracks located in any streets or parts of streets within the district bounded by the Chicago river on the north, and the south branch of the Chicago river on the west.

¶ 13. **Trolley wires under elevated structure.**] § 13. Permission and authority are also hereby granted to said company to place and attach overhead wires to, and beneath any elevated railroad structure in any street where said company shall operate an electric railroad, upon obtaining consent from the elevated railroad company to attach such overhead wires; and to construct and operate over and across any bridge or bridges and to the end of the farther approach to such bridge or bridges, any electric line of street railroad, in any street leading to any such bridge or bridges.

¶ 14. **Term of grant.**] § 14. All the rights and privileges hereby granted to and conferred upon the said West Chicago Street Railroad Company, its successors and assigns, or intended so to be, shall continue and be in force for the full term and period of twenty (20) years from and after the passage of this ordinance. But it is expressly understood and declared that none of the provisions of this ordinance shall be construed or operate to in any manner extend the

life or term of any of the existing ordinances in which the said West Chicago Street Railroad Company is in any manner interested.

¶ **15. License fee.**] § 15. That for and in consideration of the privileges herein granted by the city of Chicago to said company, the said West Chicago Street Railroad Company hereby undertakes and agrees to pay to the city of Chicago the sum of five thousand dollars ($5,000) per annum, at the expiration of each and every year during the continuance of the time for which the privileges herein granted are authorized to be exercised; and the exercise by said company of any of the privileges hereby granted shall fix the liability of said company to pay said sums of money annually during the whole of said term; said sums of money to be used by the city of Chicago for extending its electric light system.

¶ **16. When to take effect.**] § 16. This ordinance shall take effect and be in force from and after its passage and acceptance, and the filing of the bond herein above provided for, within thirty (30) days after the passage thereof, otherwise this ordinance shall be void and of no effect.

§ 700. West Chicago Street Railroad company

¶ 1. Grant—route—time of completion.
¶ 2. Motive power optional—conditions.
¶ 3. Underground wires permitted.
¶ 4. Metallic return circuit.
¶ 5. Street improvements and repairs.
¶ 6. License fee.
¶ 7. Term of grant.
¶ 8. Subject to general ordinances.
¶ 9. Indemnity clause.
¶ 10. When to take effect.

An ordinance granting permission to the West Chicago Street Railroad company to construct and operate a street railway in West Chicago avenue, between Grand avenue and Kedzie avenue. (Passed May 6, 1895. Accepted May 27, 1895.)

¶ **1. Grant—route—time of completion.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted and given to the West Chicago Street Railroad Company, its successors, assigns and lessees, to lay down, maintain and operate a double track street railway, with the necessary side-tracks, turn-outs and switches, upon West Chicago avenue, in the city of Chicago, between Grand avenue and Kedzie avenue, and to connect and operate the same with its present tracks on West Chicago avenue; Provided, however, and the permission and authority hereby granted are upon the express condition that the tracks hereby authorized shall be built and in operation within twelve months after the passage of this ordinance, but should the construction of said tracks or any part thereof be delayed by injunction of any court, or by the action of the city council, then, as to the portion so delayed,

the time of such delay shall not be any part of the time herein limited; and the city of Chicago shall have, and it hereby expressly reserves the right to intervene in any suit or proceedings brought seeking to enjoin, restrain, or in any manner seeking to interfere with such construction, and to move for the dissolution of such injunction or restraining order, or for any other proper order in such suit.

¶ 2. **Motive power optional—conditions.**] § 2. The cars of said railway company on said street may be operated by animal, electric or cable power; and if electric power shall be used by means of overhead contact wires, together with the necessary feed wires, may be suspended from poles within the curb limits of the street on either side thereof, or from bracket poles placed in the center of the street along such line or route, the placing of such poles to be determined by the mayor and commissioner of public works, and said poles to be ornamental iron or steel, and of such construction and design as the mayor and commissioner of public works may approve. Said trolley and feeder wires shall be suspended not less than eighteen and one-half (18½) feet above the rails, and the said poles and supports shall be placed on an average of not less than one hundred and fifteen (115) feet apart. No poles shall be set at the intersectiion of streets and alleys. Such poles and wires to be erected and maintained for the purpose of supplying electric current which can be used for power and heat and light purposes; and with the right to connect the wires herein authorized with the generator or power station or any station or power house in connection with said railroad or with any power house or station along any line of railroad of said company used by it in connection with its cable, horse or electric system; and said company may convey said wires from such power house or station to the line of wire hereby authorized upon poles placed upon or along the alleys of the city, or, whenever in the judgment of the commissioner of public works it shall be impracticable to place such poles in alleys, he may, for the purpose above mentioned, permit to be placed in streets ornamental iron or steel poles of such design and construction as he may approve; or said company may, if the mayor and commissioner of public works consent thereto, convey said connecting wires in an underground conduit through the streets or alleys of the city of Chicago, which conduit shall be used by the company for the purposes herein set forth only. Before making any excavation or in anywise interfering with the surface of any street or alley, said company shall obtain from the commissioner of public works a permit therefor, and shall also deposit with the treasurer of the city of Chicago a sufficient sum to cover the cost of restoring such street or alley according to an estimate of the probable cost thereof to be made by the commissioner of public works; and all wires and conductors for the transmission of electricity in and along the street shall be constructed in a substantial and workmanlike manner and under the su-

pervision of the commissioner of public works, so as to interfere as little as possible with the public travel. It is hereby provided that upon permits therefor being granted by the mayor and commissioner of public works, the said company may use for its said suspension and feeder wires, wooded poles already erected or a joint wooded line to be erected, in the streets or alleys when practicable and the owners of said poles consent thereto.

¶ 3. **Underground wires permitted.**] § 3. That said company is further hereby authorized and permitted, upon the line of a street car track hereinbefore described and designated, to operate and to propel its said cars by the underground electric system of propulsion, and shall have the right to make the necessary excavation and conduit therefor, and to connect their electric wires by substantial underground devices, with the generator or power station or any station or car houses that may be erected in connection with said railroad or with any other power house or station along any of the lines of road of said company used by it in connection with its cable, horse or electric system and may convey said wire from such power houses or stations to the said line and street by means of suitable underground devices or appliances. All of such appliances and devices to be of such character and laid in such manner as may be approved by the commissioner of public works.

¶ 4. **Metallic return circuit.**] § 4. Said company shall establish and maintain a metallic return circuit conductor independent of its rails, upon the line of street railroad hereby authorized to be operated by electric overhead or underground contact wires.

Whenever other lines of wire cross the wires to be strung by virtue of this ordinance, the latter wires shall be protected by guard wires or other suitable mechanical device as may be directed by the commissioner of public works.

¶ 5. **Street improvements and repairs.**] § 5. The permission and authority hereby given are on the further express condition that said company shall, and by the acceptance hereof said company agrees that it will pave and keep in repair sixteen (16) feet in width in the center of the street so occupied, in manner as provided in section two (2) of the ordinance of July 30, 1883, relating to street railways.

¶ 6. **License fee.**] § 6. As regards the license to be paid on the cars to be operated on the line herein provided, said company shall conform to and comply with section one (1) of an ordinance passed July 30, 1883, relating to street railways.

¶ 7. **Term of grant.**] § 7. The grant herein given shall extend for the term of twenty (20) years from the passage hereof; Provided, the same shall be accepted by said company within thirty days after its passage.

¶ 8. **Subject to general ordinances.**] § 8. The privileges

hereby granted are subject to all the general ordinances of the city of Chicago now in force or hereafter to be passed in reference to street railways of which the line hereby authorized is an extension; but said company is hereby permitted to use upon the lines hereby authorized modern improved girder rails, and so laid that the vehicles may freely and safely cross said tracks; Provided, however, that the rails to be used on the tracks herein authorized shall only be such as have been first approved by the commissioner of public works.

¶ 9. **Indemnity clause.**] § 9. Said company shall forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs and expenses which said city may suffer, or which may be recoverable or obtained against said city for or by reason of the granting of the privileges hereby conferred upon it, or for or by reason, or growing out of, or resulting from the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance, and said company shall, within the time limited for the acceptance of this ordinance, file with the city clerk a bond to the city of Chicago in the penal sum of one thousand dollars ($1,000), with sureties to be approved by the mayor of the city of Chicago, conditioned upon the faithful performance and observance by said company of all the conditions and provisions of this ordinance.

¶ 10. **When to take effect.**] § 10. This ordinance shall be in force and take effect from and after its passage and acceptance by said company, provided the bond herein above mentioned shall be filed and this ordinance accepted within thirty days after the passage of the same, otherwise this ordinance to be void.

§ 701. West Chicago Street Railroad company.

¶ 1. Grant—term—route.
¶ 2. Motive power optional.
¶ 3. Feeder wires.
¶ 4. Improvement and repair of streets.
¶ 5. Time of completion.
¶ 6. Rate of fare.
¶ 7. Tracks, how laid.
¶ 8. License fee.
¶ 9. Cars to be heated.
¶ 10. Indemnity clause.
¶ 11. Bond.
¶ 12. When to take effect—acceptance.

An ordinance granting permission to the West Chicago Street Railroad company to construct and operate a street railway in Western avenue from Milwaukee avenue to Belmont avenue. (Passed October 21, 1895. Accepted December 13, 1895.)

¶ 1. **Grant—term—route.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance

hereof, and the undertaking by the West Chicago Street Railroad Company to comply with the provisions herein contained, consent, permission and authority are hereby granted to said company, its successors and assigns, to lay down, construct, maintain and operate, for the period of twenty (20) years from and after the date of the passage of this ordinance, a double track street railroad with all necessary and convenient turn-outs, side-tracks and switches in, upon and along Western avenue, from the south line of Milwaukee avenue to the north line of Belmont avenue, in the city of Chicago, with the right to connect with other street railroad tracks, and to operate upon said street railroad hereby authorized, railway cars in the manner and for the time, and upon the conditions, herein prescribed.

¶ 2. **Motive power optional.**] § 2. The cars to be used on said lines of railroad hereby authorized may be propelled and operated by cable power, electricity, or by any motive power now authorized to be used by the West Chicago Street Railroad Company, or by any power or plan which may hereafter be authorized by the city council of the city of Chicago.

¶ 3. **Feeder wires.**] § 3. For the purpose of operating said cars, said West Chicago Street Railroad Company may make all needful and convenient curves, tracks, turn outs, excavations and sewer connections; and when electric or cable power is used may place all needful and convenient poles, wires and other appliances in said street named herein as shall be necessary to operate said railway and connect the same with any station or stations, or with any car house or power house of the said West Chicago Street Railroad Company. All such work shall be subject to the supervision of the commissioner of public works.

The cars or carriages to be used on said railway line hereby authorized shall be kept clean and well lighted; and shall be heated as hereinafter provided.

¶ 4. **Improvement and repair of streets.**] § 4. The said West Chicago Street Railroad Company, as to the part of said street in and upon which its said railway may be laid, shall keep sixteen (16) feet in width in good condition and repair during all the time to which the privileges hereby granted shall extend, in accordance with any order or regulation which may be adopted by the city council in relation to such repairs, and when any new improvement shall be ordered in any part of said street the company shall in the manner which may be required of the owners of the property fronting on said part of said street, make such improvement for the width of sixteen feet, and if said company shall refuse or fail so to do, the same may be done by the city and the company shall be liable and pay the cost thereof.

¶ 5. **Time of completion.**] § 5. The tracks authorized to be constructed by this ordinance shall be laid and completed within the

period of one year after the passage and acceptance of this ordinance. If said company shall fail to complete said tracks within said time, the rights and privileges hereby granted shall cease and determine; Provided, the sewer and water pipes shall have been laid, and if not yet laid, then within six months after the ground over said sewers and water pipes are in proper condition to receive said track; and, provided further, that if said company shall be restrained or prevented from proceeding with the work upon said railway by the order or writ of any court of competent jurisdiction, the time during which said company may be so delayed shall be added to the time herein prescribed for the completion of said work. The city of Chicago shall, however, have the right to intervene in any suit for an injunction to restrain the said company as aforesaid, and move for the dissolution of said injunction, in case said suit shall be deemed collusive, for the purpose of delay or extending the time for the completion of said tracks.

¶ 6. **Rate of fare.**] § 6. The rate of fare to be charged upon the line of railway herein authorized shall be five (5) cents for one continuous ride either way; Provided, however, that only one fare shall be required from a passenger for one continuous ride upon said line to or from a point upon any connecting line operated by the same company.

¶ 7. **Tracks, how laid.**] § 7. The tracks of said railway shall not be elevated above the surface of the street, and shall be laid with modern improved girder rails, and in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction, and shall be also laid as near the center of the street as practicable. Section 1509 of the Municipal Code of Chicago of 1881, shall not apply to the railroad tracks herein authorized.

¶ 8. **License fee.**] § 8. The said West Chicago Street Railroad Company shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of fifty ($50) dollars, as an annual license fee for each and every car used by said company on each of said lines herein authorized, in the manner following: In computing the number of cars upon which said license charge may be imposed, thirteen round trips, when one car is used in the transportation of passengers, shall be taken as equivalent to one day's use of the car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter, such quotient shall be the number of cars subject to such license fee. The president or other chief officer of said company shall, under oath, make report quarter-yearly to the comptroller of the city of Chicago of the whole number of cars so run by said company, and at same time pay to the said comptroller twelve dollars and a half ($12.50) for each car, to be ascertained as above prescribed in this section. The first quarter shall begin upon

the first day upon which the said company shall run a car or cars for the carriage of passengers.

¶ 9. **Cars to be heated.**] § 9. The cars upon the lines hereby authorized shall be provided during the months of November, December, January, February and March of each year with heating apparatus of a kind and nature which shall be reasonably effective in raising the temperature of said car, and heating the same; and said apparatus shall be operated at such times during the months aforesaid as the nature of the weather and the degree of the temperature shall require.

¶ 10. **Indemnity clause.**] § 10. The company shall forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs and expenses which it may suffer, or which may be recoverable or obtained against said city for or by reason of the granting of such privileges, or for or by reason of, or growing out of, or resulting from the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 11. **Bond.**] § 11. The West Chicago Street Railroad Company shall execute to the city of Chicago a good and sufficient bond in the penal sum of twenty-five thousand (25,000) dollars, to be approved by the mayor, for the faithful observance and performance of the provisions and conditions of this ordinance on its part to be observed and performed as aforesaid.

¶ 12. **When to take effect—acceptance.**] § 12. This ordinance shall take effect and be in force as soon as the said West Chicago Street Railroad Company shall file with the city clerk its formal acceptance of the same and the bond as herein prescribed; Provided, however, that if said acceptance and bond shall not be filed with the said city clerk as aforesaid within sixty (60) days from the passage of this ordinance, this ordinance shall be void and of no effect.

§ 702. West Chicago Street Railroad company.

¶ 1. Grant.
¶ 2. Route—exceptions.
¶ 3. Tracks, how laid.
¶ 4. Street improvements and repairs.
¶ 5. Time of completion.
¶ 6. Motive power optional—conditions.
¶ 7. Rate of fare—transfers.
¶ 8. Indemnity clause.
¶ 9. License fee—compensation to city.
¶ 10. Bond.
¶ 11. Term of grant.
¶ 12. Electric cars on cable tracks to connect lines.
¶ 13. When to take effect.

An ordinance granting permission to the West Chicago Street Railroad company to construct and operate a street railway in certain streets therein named. (Passed July 27, 1896. Accepted August 1, 1896.)

¶ 1. **Grant.**] Be it ordained by the city council of the city of Chicago: § 1. In consideration of the acceptance hereof, and the undertaking by the West Chicago Street Railroad Company to comply with the provisions herein contained, permission and authority are hereby granted to the said West Chicago Street Railroad Company, its successors and assigns, to lay down, maintain and operate a single or double track street railroad, with all the necessary and convenient turn-outs, side-tracks and switches in, along and across certain streets in the city of Chicago hereinafter mentioned, and to connect at any and all street intersections any track or tracks, hereby authorized to be laid, with the track or tracks of any railroad owned, leased or operated by said company, or any other company.

¶ 2. **Route — exceptions.**] § 2. Said West Chicago Street Railroad Company is hereby authorized to lay a single or double track street railroad in, along and across all the following streets: In and along California avenue, between the south line of Ogden avenue and the north line of Kinzie street; and between the north line of North avenue and the south line of Division street, and between the south line of Armitage avenue and the north line of Belmont avenue; and also in and along Kedzie avenue, between the south line of Madison street and the north line of Chicago avenue; and also in and along Kedzie avenue, between the north line of Twelfth street and the southerly line of Ogden avenue; also in and along Armitage avenue, between the northeasterly line of Elston avenue and the southwesterly line of Milwaukee avenue; and also in and along Ashland avenue, between the northwesterly line of Blue Island avenue and the south line of Thirty-first street; and also in and along Augusta street, between the easterly line of Elston avenue and the westerly line of Crawford avenue; and also in and along Robey street, from the present terminus at North avenue to Elston avenue.

Provided, however, in case any other street railroad company has been heretofore given the right, by ordinance, to lay tracks upon any of the streets covered by this ordinance, which right has not been forfeited by lapse of time, then as to so much of said streets as is covered by any such prior ordinance or ordinances, the rights and privileges granted by this ordinance shall be void and of no effect, and said West Chicago Street Railroad Company shall not have the right to lay any additional tracks on such portions of said streets.

¶ 3. **Tracks, how laid.**] § 3. The tracks of said railway shall not be elevated above the surface of the street, and shall be constructed with modern improved rails, and so laid that vehicles may freely and safely cross the said tracks, and when two tracks are laid in the same street, the said tracks shall be laid parallel as near as practicable. Section 1509 of the Municipal Code of Chicago of 1881 shall not apply to the railroad tracks herein authorized.

¶ 4. **Street improvements and repairs.**] § 4. The said company, as to the part of said streets in and upon which its said several

railways shall be laid, shall keep eight feet in width where a single track shall be laid, and sixteen feet in width where a double track shall be laid, in good condition and repair during all of the time to which the privileges hereby granted shall extend, in accordance with such ordinances or regulations as shall be passed or adopted by the city council in relation to such repairing, and when any new improvement shall be ordered by the city council of any part of said streets, said railway company shall, in the manner which may be required by the owners of property fronting on said part of such street, make such new improvements for the width of eight feet where a single track shall be laid, and of sixteen feet where a double track shall be laid, and if said company shall fail or refuse so to do, the same may be done by the city, and the company shall be liable to the city for the cost thereof; Provided, however, that said company shall pay to the owner or owners of property abutting on streets where such tracks shall be laid, the cost of improvement of eight feet in width where a single track shall be laid, and sixteen feet in width where a double track shall be laid, on all such streets that have been improved within the past year.

¶ **5. Time of completion.**] § 5. The several railways hereby authorized shall be constructed within two years after the passage of this ordinance, not counting the months of December, January, February and March; Provided, if said company shall be delayed by the order or injunction of any court, the time of such delay shall be deducted from the time above prescribed, and provided, further, if any track or tracks herein authorized to be constructed shall not be completed within the time herein specified as to every such track or tracks which shall not be completed within the time aforesaid, this ordinance shall be null and void.

¶ **6. Motive power optional—conditions.**] § 6. The cars may be operated by cable or electric power or by any power said company may have the authority to operate its cars with under any ordinance or ordinances of the said city of Chicago.

For the purpose of operating said cars, said West Chicago Street Railroad Company may make all needful and convenient curves, tracks, turn-outs, excavations and sewer connections; and when electricity or cable power is used may place all needful and convenient poles, wires and other appliances in said streets named herein as shall be necessary to operate said railway, and connect the same with any station or stations, or with any car house or power house of the said West Chicago Street Railroad Company.

The cars to be used shall be of the best style and class, and shall be used for the transportation of passengers and their ordinary baggage, and shall be provided during the months of November, December, January, February and March in each year with heating apparatus of the kind and nature which shall be reasonably effective in raising the temperature in such car and heating the same; which said

heating apparatus shall be operated at such times during said months aforesaid as the nature of the weather shall require.

¶ 7. **Rate of fare—transfers.**] § 7. The rate of fare for a continuous ride shall be 5 cents for each passenger on the said several lines of railway hereby authorized; it being understood, however, that the lines on California avenue, Kedzie avenue, Armitage avenue and Ashland avenue are extensions of lines on those streets; and it is intended to make the rate of fare 5 cents for a continuous ride from one end of the line to the other.

Transfers on the aforementioned lines shall be given at like street crossings as is now given on lines running parallel with the lines herein mentioned.

City police and firemen in uniform shall be carried free of charge.

¶ 8. **Indemnity clause.**] § 8. Said company shall forever indemnify and keep harmless the city of Chicago against and from any and all legal damages, judgments, decrees and costs and expenses of the same, which it may suffer, or which may be recovered or obtained against the said city for or by reason of or growing out of, or resulting from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 9. **License fee—compensation to city.**] § 9. Said West Chicago Street Railroad Company shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of fifty (50) dollars as an annual license fee for each and every car used by said company in the manner following: In computing the number of cars upon which said license charge may be imposed, thirteen round trips, when the car is used in the transportation of passengers, shall be taken as equivalent of one day's use of one car; one-thirteenth (1-13) of such round trips during each quarter shall be divided by the number of days in such quarter, such quotient shall be the number of cars subject to license fee; Provided, however, that such cars shall not already be liable for the payment of a license fee on one of the other lines of this company or its connections. The president or other chief officer of the company shall, under oath, make report quarter-yearly to the comptroller of the city of Chicago of the whole number of cars so run by said company, and at the same time pay to said comptroller twelve dollars and a half ($12.50) for each car, to be ascertained as above prescribed in this section. The first quarter shall begin on the first day upon which said company shall run a car or cars on said several railways, for the carriage of passengers.

The rights and privileges herein conferred are granted by the city of Chicago and accepted by the West Chicago Street Railroad Company upon the express condition and agreement that the said company, or its successors or assigns, shall, after the expiration of five years from the date hereof, annually, on the first day of July in each year, pay into the city treasury of the city of Chicago for each and

every lineal mile of streets used by the railway track laid under the provisions of this ordinance, whether single or double track, the sum or sums of money hereinafter provided as follows: For and during the period of five years next following the expiration of the five years above set forth, the sum of $300 and a proportionate amount for any fraction of a mile; and during the next succeeding period of five years the sum of $500 and a proportionate amount for any fraction of a mile; and during the last period of five years the sum of $700 and a proportionate amount for any fraction of a mile.

¶ **10. Bond.**] § 10. Said West Chicago Street Railroad Company shall execute to the city of Chicago a good and sufficient bond in the penal sum of fifty thousand (50,000) dollars, to be approved by the mayor, conditioned for the faithful observance and performance of the conditions and provisions of this ordinance, on its part to be performed and observed.

¶ **11. Term of grant.**] § 11. All rights and privileges hereby granted to and conferred upon the said West Chicago Street Railroad Company, its successors and assigns, or intended so to be, shall continue and be in force for the full term and period of twenty years from and after the passage of this ordinance.

¶ **12. Electric cars on cable tracks to connect lines.**] § 12. And permission and authority are also hereby granted to said company to operate its electric cars over and along any part or parts of its cable or other tracks, or tracks of other companies upon obtaining consent of such other companies (which is hereby authorized and permitted) as may be necessary in order to connect the electric line in any street with the electric line in any other street; and to place and attach overhead wires to, and beneath any elevated railroad structure in any street where said company shall operate an electric railway, upon obtaining consent from the elevated railroad company to attach such overhead wires; and to construct and operate over and across any bridge or viaduct and to the end of the farther approach to such bridge or viaduct, any electric line of street railroad, in any street leading to any such bridge or viaduct.

Provided, however, that nothing in this section contained shall be construed as an extension of existing rights and privileges heretofore granted to said company or to any other company to lay, maintain and operate street railway tracks in any public streets of the city of Chicago, and that this ordinance shall not authorize the substitution of an overhead trolley line for any portion of the cable system of said company, nor authorize the installation and use of an overhead trolley system in any part of the south division of said city of Chicago.

¶ **13. When to take effect.**] § 13. This ordinance shall take effect and be in force from and after its passage and filing of the bond aforesaid and acceptance by said company; Provided, however, that if said bond and acceptance by said company shall not be filed with

the city clerk within sixty days after the passage hereof, then all of the rights and privileges herein granted shall be void and of no effect.

§ 703. West Chicago Street Railroad company.

An ordinance authorizing the North Chicago Street Railroad company and the West Chicago Street Railroad company to substitute electricity as the motive power on all lines operated in the south division. (Passed July 27, 1896. Accepted by each company August 1, 1896.

Note.—See section 660, p. 1525.

§ 704. West Chicago Street Railroad company.

¶ 1. Grant—route—term.
¶ 2. Motive power optional.
¶ 3. Excavations and appliances.
¶ 4. Improvement and repair of streets.
¶ 5. Time of completion.
¶ 6. Rate of fare.
¶ 7. Tracks, how laid.
¶ 8. License fee—compensation to city.
¶ 9. Cars to be heated.
¶ 10. Indemnity clause.
¶ 11. Bond.
¶ 12. When to take effect.

An ordinance authorizing the West Chicago Street Railroad company to extend its Armitage avenue track. (Passed November 9, 1896.)

¶ 1. Grant—route—term.] Be it ordained by the city council of the city of Chicago: § 1. In consideration of the acceptance hereof and the undertaking by the West Chicago Street Railroad Company to comply with the provisions hereof, permission and authority are hereby granted to said company, its successors and assigns, to lay down, construct and operate, for the period from and after the passage of this ordinance, until such time as the permission and authority heretofore given for the maintaining of a street railway in Armitage avenue, east of West 44th street (with which the proposed street railway is to connect), shall expire, a double track street railroad, with all necessary and convenient turn-outs, side-tracks and switches, in, upon and along Armitage avenue, between West Forty-fourth street and the intersection of Armitage avenue with Grand avenue, and thence in and along Grand avenue to the west line of Central avenue in the city of Chicago, with the right to connect with other street railroad tracks operated by said railroad company, whether owned, leased or otherwise acquired, and to operate upon said street railway hereby authorized, railway cars, in the manner, for the time and upon the conditions herein prescribed.

¶ 2. Motive power optional.] § 2. The cars to be used on said line of railroad hereby authorized, may be propelled and operated by cable power, electricity, or by any motive power now authorized to be used by the West Chicago Street Railroad Company, or by any power or plan which may hereafter be authorized by the city council of the city of Chicago.

¶ 3. Excavations and appliances.] § 3. For the purpose of operating said cars, said West Chicago Street Railroad Company may make all needful and convenient curves, tracks, turn-outs, excavations and sewer connections; and when electricity or cable power is used may place all needful and convenient poles, wires and other appliances in said street named herein as shall be necessary to operate said railway, and connect the same with any station or stations, or with any car house or power house of the said West Chicago Street Railroad Company.

The cars or carriages to be used on said railway line hereby authorized, shall be kept clean and well lighted, and shall be heated as hereinafter provided.

¶ 4. Improvement and repair of streets.] § 4. The said West Chicago Street Railroad Company, as to the part of said street in and upon which its said railway may be laid, shall keep sixteen (16) feet in width in good condition and repair during all the time to which the privileges hereby granted shall extend; in accordance with any order or regulation that may be adopted by the city council in relation to such repairs; and when any new improvement shall be ordered in any part of said street, the company shall in the manner which may be required of the owners of property fronting on said part of said streets, make such improvements for the width of sixteen (16) feet; and if said company shall refuse or fail so to do, the same may be done by the city and the company shall be liable and pay the cost thereof.

¶ 5. Time of completion.] § 5. The tracks authorized to be constructed by this ordinance shall be laid and completed within the period of one year after the passage and acceptance of this ordinance. If said company shall fail to complete said tracks within said time, the rights and privileges hereby granted shall cease and determine, provided the sewer and water pipes shall have been laid, and if not yet laid, then within six months after the ground over said sewer and water pipes are in proper condition to receive said track; and provided further, that if said company shall be restrained or prevented from proceeding with the work upon said railway by the order or writ of any court of competent jurisdiction, the time during which said company may be so delayed shall be added to the time herein prescribed for the completion of said work. The city of Chicago shall, however, have the right to intervene in any suit for an injunction to restrain the said company, as aforesaid, and move for the dissolution of said injunction in case said suit shall be deemed collusive, for the purpose of delay or extending the time for the completion of said tracks.

¶ 6. Rate of fare.] § 6. The rate of fare to be charged upon the line of railway herein authorized shall be not exceeding five (5) cents for one continuous ride either way. The rate of fare herein specified shall pay for a continuous ride in either direction on Armitage avenue to Milwaukee avenue or to Central avenue.

¶ 7. **Tracks, how laid.**] § 7. The tracks of said railway shall not be elevated above the surface of the street, and shall be laid with modern improved girder rails, and in such a manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction, and shall be also laid as near the center of the street as practicable. Section 1509 of the Municipal Code of Chicago of 1881 shall not apply to the railroad tracks herein authorized.

¶ 8. **License fee—compensation to city.**] § 8. The said West Chicago Street Railroad Company shall pay into the city treasury of the city of Chicago, for the use of said city, the sum of fifty (50) dollars as an annual license fee for each and every car used by said company on each of said lines herein authorized, in the manner following: In computing the number of cars upon which said license charge may be imposed, thirteen round trips, when one car is used in the transportation of passengers, shall be taken as equivalent to one day's use of the car; one-thirteenth of such round trips during each quarter shall be divided by the number of days in such quarter; such quotient shall be the number of cars subject to such license fee. The president or other chief officer of said company shall, under oath, make report quarter-yearly to the comptroller of the city of Chicago, of the whole number of cars so run by said company, and at the same time pay to the said comptroller twelve dollars and a half ($12.50) for each car to be ascertained as above prescribed in this section. The first quarter shall begin upon the first day upon which the said company shall run a car or cars for the carriage of passengers. In addition to said license fee, said railway company shall pay to the city of Chicago, on the first day of January of each year after the passage of this ordinance, five (5) per cent of the gross earnings of the lines herein authorized to be built.

¶ 9. **Cars to be heated.**] § 9. The cars upon the lines hereby authorized shall be provided during the months of November, December, January, February and March of each year with heating apparatus of a kind and nature which shall be reasonably effective in raising the temperature of said car and heating the same; and said apparatus shall be operated at such times during the months aforesaid as the nature of the weather and the degree of the temperature shall require.

¶ 10. **Indemnity clause.**] § 10. The company shall forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs and expenses which it may suffer, or which may be recoverable or obtained against said city for or by reason of the granting of such privileges, or for or by reason of, or growing out of, or resulting from the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance.

¶ 11. **Bond.**] § 11. The West Chicago Street Railroad Company shall execute to the city of Chicago a good and sufficient bond in the penal sum of twenty-five thousand (25,000) dollars, to be approved by the mayor for the faithful observance and performance of the provisions and conditions of this ordinance on its part to be observed and performed as aforesaid.

¶ 12. **When to take effect.**] § 12. This ordinance shall take effect and be in force as soon as the said West Chicago Street Railroad Company shall file with the city clerk its formal acceptance of the same, and the bond as herein prescribed; Provided, however, that if said acceptance and bond shall not be filed with the city clerk as aforesaid within sixty (60) days from the passage of this ordinance, this ordinance shall be void and of no effect.

705. Frederick W. Alwart.
706. American Glue Works.
707. American Zinc Lead company.
708. Armour & Co.
709. Jonathan O. Armour.
710. A. D. Baldwin.
711. A. D. Baldwin.
712. John Barzynski & Co.
713. Bemis & Curtis Malting company.
714. M. Benner & Co.
715. Biegler, Ebertshaeuser & Findeisen.
716. Block, Pollak & Co.
717. A. C. Bracksbush & Co.
718. Brand & Co.
719. Brand, Bullen & Gund company.
720. Charles Bruse & Co.
721. A. F. Bullen Malting company.
722. George Bullen & Co.
723. Calumet & Chicago Canal and Dock company.
724. Ferdinand E. Canda.
725. The Carding Malting company.
726. The Carding Malting company.
727. Thomas Carey.
728. Chicago Bridge and Iron company.
729. Chicago Dock and Canal company.
730. Chicago Dock and Canal company.
731. Chicago Hydraulic Pressed Brick company.
732. M. D. Coffeen.
733. Congdon Brake Shoe company.
734. Consolidated Ice Machine company.
735. Daniel Corkery.
736. Carl Corper Brewing and Malting company.
737. Carper & Nockin.
738. William M. Crilly.
739. William Deering.
740. William Deering & Co.
741. William Deering & Co.
742. William Deering & Co.
743. William Deering & Co.
744. Dolese & Shepard.
745. William Douglas.
746. Dowdle & McWhirter.
747. John J. Dunn.
748. James G. Dwen.
749. Patrick Edgeworth.
750. W. Everett & Son.
751. Felix & Marston.
752. Lawrence J. Fitzgerald.
753. P. J. Flynn.
754. J. S. Ford, Johnson & Co.
755. Henry Frerk.
756. H. D. Fulton.
757. Gahan & Byrne.
758. Gail, Burmiller & Unzieker.

§ 759. James B. Galloway.
760. James B. Galloway.
761. James Galvin.
762. Garden City Sand company.
763. Garden City Sand company.
764. P. W. Gates and others.
765. P. W. Gates and P. Ft. W. & C. R. R. Co.
766. P. W. Gates and others.
767. Geist Brothers and Lyendecker Brothers & Matt.
768. Glover & Co.
769. M. Gottfried.
770. Leo M. Hamline.
771. P. C. Hanford Oil company.
772. Edward S. Hartwell.
773. J. J. Hayes.
774. John W. and James W. Hedenberg.
775. Ernest Heldmaier.
776. Jefferson Hodgkins.
777. J. N. Hostetter.
778. George R. H. Hughes.
779. Illinois Steel company.
780. Illinois Wire Nail company.
781. Inter State Coal company.
782. Inter State Coal company—Amendment.
783. Jones & Laughlin.
784. Keeley Brewing company.
785. Thomas Kelly.
786. Knickerbocker Ice company.
787. P. E. Lane.
788. Milwaukee & St. Paul Railway company.
789. Moritz Lassing.
790. A. A. Libby, Jr.
791. Thomas Lynch.
792. Thomas R. Lyon.
793. McCormick Harvesting Machine company.
794. Ferdinand McCullock and others.
795. Ferdinand McCullock and others.
796. Michael C. McDonald.
797. William McGregor.
798. Mahla & Chappell.
799. Mahla & Chappell.
800. William J. Moxley.
801. L. Newberg & Co.
802. North-Western Leather company.
803. Northwestern Yeast company.
804. O'Connor & Leeson.
805. O'Connor & Leeson.
806. Van N. Ogel.
807. H. Paepcke & Co.
808. Paige Iron works.
809. Elijah Peacock.
810. A. H. Peirce Manufacturing company.
811. Peoples Gas Light and Coke company.
812. Pittsburg, Cincinnati, Chicago & St. Louis Railway Co
813. A. Plamondon.
814. A. Plamondon.
815. A. Plamondon.
816. Pullman Palace Car company.
817. John Purcell.
818. William H. Purdy.

§ 819. R. Rassmussen.
§ 820. Rend & Healy.
§ 821. Peter Schoenhofen Brewing company.
§ 822. The Seaman Cox Brown Cooperage company.
§ 823. George A. Seaverns.
§ 824. John G. Shortall.
§ 825. Silver Creek & Morris Coal company.
§ 826. Edgar M. Snow & Co.
§ 827. Star Coal company.
§ 828. George Steele and Isaac Taylor.
§ 829. David A. Stevens.
§ 830. Streets Stable Car line.
§ 831. Susmilich Bros.
§ 832. Swedish Ceramic Manufacturing company.
§ 833. Ernst Fosetti Brewing company.
§ 834. William F. Tucker.
§ 835. Tucker Track.
§ 836. Tudor Buggy company.
§ 837. Union Iron and Steel company and L. & A. R. R. Co.
§ 838. Union Planing Mill company.
§ 839. Van der Meer & Roosma.
§ 840. Albert H. Veeder.
§ 841. Vierling, McDowell & Co.
§ 842. Ward & Gaensslen.
§ 843. E. N. Weart & Co.
§ 844. Weaver & Ford.
§ 845. Wolf Maize Mills company.
§ 846. M. W. Wolf.
§ 847. L. Wolff Manufacturing company.
§ 848. John A. Yale and others.
§ 849. John A. Yale and others.
§ 850. Herman M. Zapel.

FREDERICK W. ALWART.

§ 705. Frederick W. Alwart.
¶ 1. Grant—bond.
¶ 2. Subject to modification, etc.
¶ 3. Removal at expiration of grant.
¶ 4. Grant 20 years.
¶ 5. When in force—acceptance.

An ordinance granting permission and authority to Frederick W. Alwart to lay down and operate a switch track across Herndon avenue. (Passed March 8, 1895.)

¶ 1. Grant—bond.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby given and granted to Frederick W. Alwart, his heirs, grantees and assigns, to lay down, maintain and operate a single railroad track from and connecting with the Evanston division of the Chicago, Milwaukee & St. Paul railroad at a point one hundred and ninety (190) feet south

of the south line of George street and running thence on a gradual curve in a northwesterly direction over and across Herndon avenue to and over the east fifteen (15) feet of lots five (5), 4, 3, 2 and 1, in subdivision of block 7, in Lill and Diversey's subdivisions of the northwest quarter of section twenty-nine (29), township 40 N., range 14 east of the 3rd P. M.

Provided, however, that said Alwart, his heirs, grantees and assigns, shall, before laying said track, enter into a bond with the city of Chicago in the sum of ten thousand dollars ($10,000), to be approved by the mayor, and conditioned to hold and save the said city of Chicago harmless from all damages, costs and expense whatsoever in consequence of the passage of this ordinance and the granting of the privileges hereinbefore mentioned; and, Provided, that the privileges hereby granted shall be subject to all ordinances concerning railways now in force or that may be passed hereafter; that said Alwart, his heirs, grantees and assigns, shall plank the said street between the tracks hereby authorized to be built, and to keep same in good repair, under the direction of proper city officers; that no trains shall be permitted to stand on the street, nor shall any cars be permitted to stand on the street, nor shall any cars be permitted to be loaded or unloaded on the street occupied by said tracks; and Provided, further, that said tracks shall be laid down and maintained under the direction and supervision of the department of public works, and that switching shall not be done thereon between the hour of 10 p. m. and the hour of 6 a. m. thereafter.

¶ 2. **Subject to modification, etc.**] § 2. This ordinance shall, at any time before the expiration thereof, be subject to modification, amendment or repeal, and in case of repeal, all privileges hereby granted shall cease and determine.

¶ 3. **Removal at expiration of grant.**] § 3. In case of the expiration of this ordinance by lapse of time or repeal, said Alwart, his heirs, grantees and assigns, shall at his or their own expense and cost cause said track to be removed, and the part of said street so occupied by said track to be placed in such repair and condition as the department of public works may require; and if said Alwart, his heirs, grantees and assigns, shall fail to remove said track and restore the part of said street used therefor, as herein provided, then the said city of Chicago may, within ten days after notice to said Alwart, his heirs, grantees, assigns or bondsman, remove said track and restore the part of the street so occupied by said track to such a condition as it may elect, at the expense and cost of said Alwart, his heirs, grantees and assigns, which expense and cost said Alwart, for himself, his heirs, assigns and grantees, in accepting this ordinance agrees to pay on demand.

¶ 4. **Grant 20 years.**] § 4. The rights and privileges hereby

granted shall cease and determine at the expiration of twenty (20) years from the passage hereof.

¶ 5. **When in force—acceptance.**] § 5. This ordinance shall be in force and effect after its passage, publication and acceptance by said Alwart.

AMERICAN GLUE WORKS.

§ 706. American Glue Works.

¶ 1. Loomis street.
¶ 2. Grant ten years.
¶ 3. Subject to ordinances.
¶ 4. Street repair.
¶ 5. Expiration of right—alley restored.
¶ 6. When in force.

An ordinance granting permission to the American Glue Works to lay down and operate a railroad track. (Passed May 20, 1895.)

¶ 1. **Loomis street.**] Be it ordained by the city council of the city of Chicago: § 1. That permission is hereby given and granted to the American Glue Works to lay down, construct and maintain a single railroad track and operate cars thereon, to, from and connecting with the railroad tracks now used and operated by the Union Stock Yards and Transit Company Railroad on Loomis street, said track is to cross Loomis street at a point about 75 feet south from the corner of Forty-fifth street to the northerly entrance of the alley between Gross street and Loomis street in the subdivision of lots six (6) to fifteen (15) and forty-five (45) to fifty-four (54) all inclusive, in block one (1) of S. E. Gross' subdivision, as shown by the plat hereto attached and made a part of this ordinance, marked "A," thence following the center of said alley to a point 278 feet from Loomis street aforesaid.

¶ 2. **Grant 10 years—bond.**] § 2. Said grant is to be for a term of ten (10) years from and after the passage of this ordinance; Provided, that the said American Glue Works shall enter into bonds in the penal sum of five thousand (5,000) dollars with the city of Chicago, to be approved by the mayor, to hold and save the city harmless from all damages, expense and expenses from or by this ordinance.

¶ 3. **Subject to ordinances.**] § 3. The privileges hereby granted shall be subject to the ordinances now in force concerning railroads or which may hereafter be passed.

¶ 4. **Street repair.**] § 4. The said American Glue Works shall keep so much of said alley and the said crossing at Loomis

street as shall be occupied by said track in such condition and repair as it may be directed by the department of public works.

¶ 5. **Expiration of right—alley restored.**] § 5. At the expiration of this ordinance by lapse of time or otherwise, the said American Glue Works will, without expense to the city of Chicago, remove said track from said street and alley, and in default thereof, the department of public works shall cause the same to be taken up and removed at the expense of the said American Glue Works.

¶ 6. **When in force.**] § 6. This ordinance shall be in force from and after its passage.

AMERICAN ZINC LEAD COMPANY.

§ 707. American Zinc Lead company.

¶ 1. Grant 10 years.
¶ 2. Track on grade—bond—plank and repair street.
¶ 3. When in effect—acceptance.

An ordinance granting the American Zinc Lead company the right to lay a railroad track across Wallace street. (Passed April 11, 1892. Accepted April 18, 1892.)

¶ 1. **Grant 10 years.**] Be it ordained by the city council of the city of Chicago: § 1. That a right of way be and the same is hereby granted, for a period of ten years from the passage of this ordinance, to the American Zinc Lead Company, of Boston, Massachusetts, to lay a railroad track, as follows: Commencing at a point in the west line of Wallace street, between 53rd and 54th streets, and connecting with the track of the Chicago and Western Indiana Railroad, so as to allow cars to pass with safety across Wallace street to land owned and occupied by said American Zinc Lead Company, and being the east half of block one (1) in Putnam's subdivision in the southwest quarter of the southwest quarter of section nine (9), township thirty-eight (38) north, range fourteen (14) east of the third principal meridian.

¶ 2. **Track on grade—bond—plank and repair street.**] § 2. That said railroad track, when laid as provided in section 1, shall be on a grade with the tracks of said railroad company; Provided, that, before laying such track, said American Zinc Lead Company shall enter into a bond to the city of Chicago, with two or more sureties to be approved by the mayor, in the penal sum of ten thousand dollars ($10,000), conditioned to save the said city harmless from any and all damages which may arise from or grow out of the privileges hereby granted, or the laying or operating of said track; Provided, further, that said American Zinc Lead Company, or their assigns, shall plank

the said street between the tracks hereby authorized to be laid and to keep the same in good repair, under the direction of the proper city authorities.

¶ 3. **When in effect—acceptance.**] § 3. This ordinance shall be in force from and after its acceptance by the said parties named in section 1 hereof.

ARMOUR & CO.

§ 708. Armour & Co.

¶ 1. Grant—bond—street repair.
¶ 2. Subject to all ordinances.
¶ 3. Privilege to extend 10 years.
¶ 4. In effect, when.

An ordinance granting permission to Armour & Co. to lay down and operate a side track on Hawthorne avenue. (Passed December 4, 1890.)

¶ 1. **Grant—bond—street repair.**] Be it ordained by the city council of the city of Chicago: § 1. Permission and authority is hereby granted to Armour & Co. to lay down and operate a railroad track on Hawthorne avenue from a point on the eastern track of the Chicago, Milwaukee & St. Paul Railway, which point is ten (10) feet northwest of the westerly line of North Halsted street, and running thence in a northerly direction along the easterly side of said Hawthorne avenue to a point opposite the northerly line of premises now owned by Jonathan O. Armour, which line is one hundred and eighty-three (183) feet northwest from the northerly corner of North Halsted street and Hawthorne avenue; Provided, that before laying such track said Armour & Co. shall enter into a bond to the city of Chicago, with two or more sureties to be approved by the mayor, in the penal sum of $2,000, and conditioned to save the city harmless from any and all damages, costs and expenses which may arise from or grow out of the privilege hereby granted, or the laying or operating of such track; and provided, further, that said Armour & Co., or their successors, shall plank the said street between the tracks, hereby authorized to be laid, and keep the same in good repair, under the direction of the proper city authorities.

¶ 2. **Subject to all ordinances.**] § 2. The privilege hereby granted shall be subject to all ordinances concerning railroads now in force, or which may be hereafter passed.

¶ 3. **Privilege to extend 10 years.**] § 3. The rights and privileges hereby granted shall cease and determine at the expiration of ten (10) years from the passage hereof.

¶ 4. **In effect, when.**] § 4. This ordinance shall be in force and take effect from and after its passage.

JONATHAN O. ARMOUR.

§ 709. Jonathan O. Armour.
¶ 1. Grant—route—bond—conditions.
¶ 2. Modification, amendment, etc.
¶ 3. Expiration of term—duty of grantee.
¶ 4. Cessation of privilege.
¶ 5. Acceptance.

An ordinance granting permission and authority to Jonathan O. Armour to lay down and operate a switch track across Wilmot avenue. (Passed May 25, 1891. Accepted May 28, 1891.)

¶ 1. **Grant—route—bond—conditions.**] Be it ordained by the city council of the city of Chicago: § 1. That permission is hereby given and granted to Jonathan O. Armour, his grantees and assigns, to lay down, maintain and operate a single railroad track, from and connecting with the Chicago & Council Bluffs division of the Chicago, Milwaukee & St. Paul Railroad, at a point one hundred (100) feet east of the northeast line of Wilmot avenue; thence on a gradual curve in a westerly direction over and across the south ten (10) feet of lot three (3) in block twenty-two (22), in Young trustee's subdivision of blocks twenty-one (21) and twenty-two (22), in Pierce's addition to Holstein, to the eastern line of North Leavitt street, in said city of Chicago; Provided, however, that said Armour shall, before laying said track, enter into a bond with the city of Chicago in the sum of ten thousand dollars ($10,000), to be approved by the mayor, to hold and save the city of Chicago harmless from all damages, costs and expenses whatsoever, in consequence of the passage of this ordinance granting the privileges hereinbefore mentioned; Provided, further, that the privileges hereby granted shall be subject to all ordinances concerning railroads now in force or which may be passed hereafter, and that said Armour, and his grantees and assigns, shall plank the said street and alley between the tracks hereby authorized to be laid, and keep the same in good repair under the direction of the proper city officers. No cars shall be permitted to stand on the street, nor shall any cars be loaded or unloaded upon the streets occupied by said tracks; Provided, further, that said track shall be laid down and maintained under the direction and supervision of the department of public works.

¶ 2. **Modification, amendment, etc.**] § 2. This ordinance shall, at any time before the expiration thereof, be subject to modi-

fication, amendment or repeal and, in case of repeal, all privileges hereby granted shall cease and determine.

¶ 3. **Expiration of term—duty of grantee.**] § 3. In case of the expiration of this ordinance, by lapse of time or in case of repeal, said Armour, his grantees and assigns shall, at his or their own expense, cause said track to be removed and the part of the street so occupied by said track to be placed in such repair and condition as the department of public works may require, and if the said Armour, his grantees and assigns shall fail so to remove said track and restore the part of the street used therefor as herein provided, then the city of Chicago may, within ten (10) days after notice to said Armour, his grantees and assigns or his bondsmen, remove said track and restore the part of the street, so occupied by said track, to such condition as it may elect, at the expense and cost of the said Armour, his grantees and assigns, which expense and cost said Armour for himself and his grantees and assigns, in accepting this ordinance, agrees to pay on demand.

¶ 4. **Cessation of privilege.**] § 4. The right and privilege hereby granted shall cease and determine at the expiration of twenty (20) years from the passage hereof.

¶ 5. **Acceptance.**] § 5. This ordinance shall be in force and effect from and after its passage, publication and acceptance by said Armour.

A. D. BALDWIN.

§ 710. A. D. Baldwin.

¶ 1. Forty-third street.
¶ 2. Street repair.
¶ 3. Bond.
¶ 4. Grant 20 years.
¶ 5. When in force—acceptance.

An ordinance granting permission to A. D. Baldwin to lay down and maintain a switch track. (Passed June 10, 1895.)

¶ 1. **Forty-third street.**] Be it ordained by the city council of the city of Chicago: § 1. First—That permission be, and hereby is granted to A. D. Baldwin, of the city of Chicago, to lay down, maintain and operate one railroad switch track upon and across Forty-third street, at a point about nine hundred and eighty feet west of the west line of Ashland avenue.

¶ 2. **Street repair.**] Second—The said A. D. Baldwin shall keep such portion of said street as shall be so occupied by said switch track, in good order and repair, under the supervision of the depart-

ment of public works, and shall, in all respects, comply with the ordinances of the city of Chicago in the maintenance and operation of said switch track.

¶ 3. **Bond.**] Third—This permission and authority is made upon the further condition that said A. D. Baldwin shall give bond, in the sum of five thousand dollars, with one or two sureties, to be approved by the mayor, conditioned to keep the city of Chicago harmless of and from all damages, costs and expenses whatsoever arising from this grant.

¶ 4. **Grant 20 years.**] Fourth—The rights and privileges hereby granted shall cease and determine at the expiration of twenty years from the passage hereof.

¶ 5. **When in force—acceptance.**] Fifth—This ordinance shall be in force from and after its passage and acceptance.

§ 711. A. D. Baldwin.

¶ 1. Forty-fourth and Paulina streets.
¶ 2. Street repair—compliance with ordinance.
¶ 3. Bond.
¶ 4. Grant to cease on June 10, 1915.
¶ 5. When in force.

An ordinance granting permission to A. D. Baldwin to lay down and operate a switch track. (Passed April 8, 1897.)

¶ 1. **Forty-fourth and Paulina streets.**] Be it ordained by the city council of the city of Chicago: First—That permission be and hereby is granted to A. D. Baldwin, of the city of Chicago, to lay down, maintain and operate one railroad switch track upon and across Forty-fourth street, at a point about nine hundred and eighty feet west of the west line of Ashland avenue; also across Paulina street at a point about two hundred feet south of the south line of Forty-fourth street, as a continuation and extension of switch track already constructed across Forty-third street under prior ordinance of the city of Chicago.

¶ 2. **Street repair—compliance with ordinance.**] Second—The said A. D. Baldwin shall keep such portion of said street as shall be so occupied by said switch track in good order and repair, under the supervision of the department of public works, and shall in all respects comply with the ordinances of the city of Chicago, in the maintenance and operation of said switch track.

¶ 3. **Bond.**] Third—This permission and authority is made upon the further condition that said A. D. Baldwin shall give bond, in the sum of five thousand dollars, with one or two sureties, to be approved by the mayor, conditioned to keep the city of Chicago harmless of and from all damages, costs and expenses whatsoever arising from this grant.

¶ 4. **Grant to cease on June 10, 1915.**] Fourth—The

rights and privileges hereby granted shall cease and determine on the 10th day of June, A. D. 1915.

¶ 5. **When in force.**] Fifth—This ordinance shall be in force from and after its passage.

JOHN BARZYNSKI & CO.

§ 712. John Bargyski & Co.

¶ 1. Route—bond—repairs.
¶ 2. Grant ten years.
¶ 3. Subject to modification or repeal.
¶ 4. Removal of track at expiration of grant.
¶ 5. When in force—acceptance.

An ordinance granting permission to John Barzynski & Co. to construct and maintain a single switch track. (Passed July 9, 1888. Accepted July 18, 1888.)

¶ 1. **Route—bond—repairs.**] Be it ordained by the city council of the city of Chicago: § 1. That permission is hereby given and granted to John Barzynski and Julian L. Sledzianowski, composing the firm of John Barzynski & Company, to lay down, construct, maintain and operate a single spur railroad track, from and connecting with the most easterly side track, of the railway tracks now used and operated by the Chicago and Northwestern Railway Company, between North avenue and Wabansia avenue, beginning at a point about one hundred and sixty (160) feet north of the north line of North avenue, and extending on a curve of about three hundred (300) feet radius across the alley between the railway tracks now used and operated by said railway company and lot one (1) in the Chicago Distilling Company's subdivision of block nineteen (19), in Sheffield's addition to Chicago, to and ending on lot thirty-six (36) of said block, shown by the plat hereto attached and made a part of this ordinance, marked "A" to "B." Provided, however, that the said John Barzynski and Julian L. Sledzianowski shall, before laying down said track, enter into a bond with the city of Chicago in the sum of five thousand dollars ($5,000), to be approved by the mayor, to hold and save the city of Chicago harmless from all damages, costs and expenses whatsoever, in connection with the passage of this ordinance granting the privilege hereinbefore mentioned.

Provided, further, that the privileges hereby granted shall be subject in all respects to all ordinances now in force or which may hereafter be passed concerning railroads; and that the said John Barzynski and Julian Sledzianowski shall keep so much of said alley as shall be occupied by said track in such condition and repair as they may be directed by the department of public works; Provided, that said tracks

shall be laid down and maintained under the direction and supervision of the department of public works.

¶ 2. **Grant ten years.**] § 2. The rights and privileges hereby granted shall cease and determine at the expiration of ten (10) years from the passage hereof.

¶ 3. **Subject to modification or repeal.**] § 3. This ordinance shall at any time before the expiration thereof be subject to modification, amendment, or repeal, and in the case of repeal all provisions hereby granted shall cease and determine.

¶ 4. **Removal of track at expiration of grant.**] § 4. In case of the expiration of this ordinance by lapse of time, or in case of repeal, said John Barzynski and Julian L. Sledzianowski shall, at their own expense, cause said tracks to be removed, and the part of the alley so occupied by said tracks, be placed in such repair and condition as the department of public works may require. And if the said John Barzynski and Julian L. Sledzianowski shall fail to so remove said tracks and to restore said alley as herein provided for, then the city of Chicago may within ten days after notice to the said John Barzynski and Julian L. Sledzianowski, or their bondsmen, remove said track and restore the part of the alley so occupied by said track to such condition as they may elect, at the cost and expense of the said John Barzynski and Julian L. Sledzianowski, which cost and expense the said John Barzynski and Julian L. Sledzianowski in accepting this ordinance agree to pay on demand.

¶ 5. **When in force—acceptance.**] § 5. This ordinance shall be in force from and after its passage and its acceptance by the said Barzynski and Sledzianowski.

BEMIS & CURTIS MALTING COMPANY.

§ 713. Bemis & Curtis Malting Company.

¶ 1. Grant.
¶ 2. Bond—subject to ordinances—subject to amendment or repeal —term 10 years—duty as to removal.
¶ 3. Acceptance.

An ordinance granting to the Bemis & Curtis Malting company the right to lay a switch track across Bliss street. (Passed November 14, 1892. Accepted November 17, 1892.)

¶ 1. **Grant.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby given and granted to the Bemis & Curtis Malting Co. to construct, maintain and operate a single switch track across Bliss street, between Cherry

street and Hickory avenue, said switch track to extend from the center of a fourteen foot private alley on the west side of said Bliss street, which said alley commences at a point one hundred (100) feet northeastwardly from said Cherry street and said switch track, thence to cross said Bliss street parallel with the north line of said Cherry street.

¶ 2. **Bond—subject to ordinances—subject to amendment or repeal—term 10 years—duty as to removal.**] § 2. The permission hereby granted to the said Bemis & Curtis Malting Co. is upon the following express condition:

First—A bond in the sum of five thousand (5,000) dollars, with approved security, shall be given by the said Bemis & Curtis Malting Co. to the city of Chicago, which said bond shall be approved by the mayor of said city and conditioned to hold the city of Chicago harmless in consequence of the passage of this ordinance.

Second—The privilege hereby granted shall be enjoyed subject to all ordinances now in force concerning railroads, or which may be hereafter passed regulating, or in any manner concerning the track laid in conformity with this ordinance.

Third—That this ordinance shall at all times be subject to amendment or repeal, and it is expressly limited to a period of ten (10) years from the passage hereof, and at the expiration of ten (10) years, or sooner if this ordinance shall be repealed, then said Bemis & Curtis Malting Co. shall take up and remove said track within five (5) days after notice by the department of public works, and, in case of refusal to comply with said notice, the city may remove the same and place the street occupied by said track in condition to correspond with the other parts of the street, and the expense of such removal by the city shall be paid by said Bemis & Curtis Malting Co.

¶ 3. **Acceptance.**] § 3. This ordinance shall be in force from and after its passage and acceptance by the Bemis & Curtis Malting Co. and the filing and approving of the bond herein provided for, provided the same be so filed and approved within thirty (30) days from the passage thereof.

M. BENNER & CO.

§ 714. M. Benner & Co.

¶ 1. Across Sixteenth and Laflin streets—conditions.
¶ 2. Acceptance.

An ordinance permitting M. Benner & Co. to lay down and operate a single railroad track. (Passed June 26, 1890.)

¶ 1. **Across Sixteenth and Laflin streets—conditions.**] Be it ordained by the city council of the city of Chicago. § 1. That per-

mission is hereby granted to M. Benner & Co. to lay down, construct, and maintain and operate, for a period of ten (10) years from the passage of this ordinance, a single railroad track, from and connecting with the tracks of the Chicago, Burlington & Quincy railroad, commencing at a point on the east bound freight track of Chicago, Burlington & Quincy railroad about 260 feet east of Laflin street, across private property of said railroad company and across Sixteenth and Laflin streets to the private property of said M. Benner & Co.; Provided, however, that said M. Benner & Co. shall before laying said track enter into a bond with the city of Chicago in the sum of ten thousand dollars ($10,000), to be approved by the mayor to hold and save the city of Chicago harmless from all damages, costs and expenses whatsoever in consequence of the passage of this ordinance granting the privileges hereinbefore mentioned; Provided, further, that the privileges hereby granted shall be subject in all respects to all ordinances now in force or which may hereafter be passed concerning railroads, and that said M. Benner & Co. shall keep so much of said Laflin and Sixteenth streets as shall be occupied by said track in such condition and repair as may be directed by the department of public works. No cars shall be permitted to stand on the street, nor shall any car be unloaded or loaded upon the street occupied by said track; Provided, that said tracks shall be laid down and maintained under the direction and supervision of the department of public works; and provided, if said M. Benner & Co. shall violate any of the provisions or conditions of this section then the department of public works may tear up and remove the tracks hereby authorized to be laid, and the cost thereof to the city shall be paid by said M. Benner & Co.

¶ 2. **Acceptance.**] §. 2. This ordinance shall be in force from and after its passage and acceptance of said M. Benner & Co.

BIEGLER, EBERTSHAEUSER & FINDEISEN.

§ 715. Biegler, Ebertshaeuser & Findeisen.

¶ 1. Cherry avenue—bond—street repair.
¶ 2. Grant ten years.
¶ 3. Subject to modification or repeal.
¶ 4. Removal of track—restoration of street.
¶ 5. When in force—acceptance.

An ordinance granting permission to Biegler, Ebertshaeuser & Findeisen to lay down and maintain a single switch track. (Passed April 7, 1888. Accepted April 16, 1888.)

¶ 1. **Cherry avenue—bond—street repair.**] Be it ordained by the city council of the city of Chicago: § 1. That permission is

hereby given and granted to Peter J. Biegler, Henry Ebertshaeuser and Carl Findeisen, composing the firm of Biegler, Ebertshaeuser and Findeisen, and their successors and assigns, to lay down, construct, maintain and operate a single railroad track from and connecting with the tracks of the Chicago, Milwaukee and St. Paul Railroad Company (under an ordinance concerning the Chicago and Pacific Railroad Company and the Chicago and Evanston Railroad, passed June 12, 1872,) on Cherry avenue at a point directly opposite the southeast corner of lot 4, block 76, Elston's addition to Chicago, east ½, southeast ¼, section 5, T. 39 N. R. 14, east, thence on a gradual curve in and to the center of lot 1, block 76, Elston's addition to Chicago; Provided, however, that said Biegler, Ebertshaeuser and Findeisen shall, before laying said track, enter into a bond with the city of Chicago in the sum of ten thousand dollars ($10,000), to be approved by the mayor, to hold and save the city of Chicago harmless from all damages, costs and expenses whatsoever, in consequence of the passage of this ordinance, granting the privileges hereinbefore mentioned; Provided, further, that the privileges hereby granted shall be subject in all respects to all ordinances now in force or which may hereafter be passed concerning railroads, and that said Biegler, Ebertshaeuser and Findeisen, their successors and assigns, shall keep so much of said Cherry avenue as shall be occupied by said track in such condition and repair as may be directed by the department of public works. No cars shall be permitted to stand on the streets, nor shall any cars be unloaded or loaded upon the streets occupied by said tracks; Provided, that said track shall be laid down and maintained under the direction and supervision of the department of public works.

¶ 2. **Grant ten years.**] § 2. The rights and privileges hereby granted shall cease and determine at the expiration of ten (10) years from the passage hereof.

¶ 3. **Subject to modification or repeal.**] § 3. This ordinance shall at any time before the expiration thereof be subject to modification, amendment or repeal, and, in case of repeal, all privileges hereby granted shall cease and determine.

¶ 4. **Removal of track—restoration of street.**] § 4. In case of the expiration of this ordinance by lapse of time or in case of repeal, said Biegler, Ebertshaeuser and Findeisen, their successors and assigns, shall, at their own expense, cause said track to be removed, and the part of the street so occupied by said track to be placed in such repair and condition as the department of public works may require; and if the said Biegler, Ebertshaeuser and Findeisen, their successors and assigns, shall fail so to remove said track and so restore said street as herein provided, then the city of Chicago may, within ten (10) days after notice to the said Biegler, Ebertshaeuser and Findeisen, their

successors and assigns, or their bondsmen, remove said track and restore the part of the street so occupied by said track to such condition as it may elect at the expense and cost of the said Biegler, Ebertshaeuser and Findeisen, which cost and expense said Biegler, Ebertshaeuser and Findeisen in accepting this ordinance agrees to pay on demand.

¶ 5. When in force—acceptance.] § 5. This ordinance shall be in force from and after its passage and acceptance by said Biegler, Ebertshaeuser and Findeisen and due publication thereof.

BLOCK, POLLAK & CO.

§ 716. Block, Pollak & Co.
¶ 1. Wallace street—use of street and crossing—revocation of permit, removal of track.

An ordinance granting permit to Block, Pollak & Co. to lay side tracks.
(Adopted May 24, 1887.)

¶ 1. Wallace street—use of street and crossings—revocation of permit—removal of track.] Be it ordained by the board of trustees of the town of Lake: § 1. That the petition of Block, Pollak & Co. to lay certain side tracks and switches in a portion of Wallace street and 52nd street, as shown by the plat accompanying said petition, be, and the same is hereby granted; Provided, that said streets be kept open and free for traffic by said petitioners and that proper approaches and crossings be built and kept in repair by said petitioners, when and in the manner prescribed by the town engineer, and furthermore, that the board of trustees of the town of Lake may at any time revoke this permit and that said petitioners agree to remove said tracks and switches within thirty days after such revocation.

A. C. BRACKSBUSH & CO.

§ 717. A. C. Bracksbush & Co.
¶ 1. Herndon street and Oakdale avenue and alleys.
¶ 2. Bond—subject to ordinances.
¶ 3. Repair of street crossings—sidewalk on Herndon street.
¶ 4. Subject to repeal.
¶ 5. When in force.

An ordinance permitting and authorizing A. C. Bracksbush & Co. to lay down and maintain a railroad track on Herndon street. (Passed and approved November 1, 1886.)

¶ 1. **Herndon street and Oakdale avenue and alleys.**] Be it ordained by the board of trustees of the town of Lake View: § 1. That permission and authority are hereby given to A. C. Brackebush & Co. and their assigns, to lay down and maintain a single railroad track, and to operate thereon cars, by steam or horse power on a line described as follows; to wit: Commencing from a point about fifty feet south of the south line of Wellington avenue and connecting with the Chicago and Evanston Railroad tracks, now in Herndon street, and the center line of said track extending thence across Herndon street to within eleven (11) feet of its eastern line, thence running south in a straight line parallel to the said east line of Herndon street, and eleven (11) feet distant therefrom, and crossing Oakdale avenue to the north line of George street, with full authority to cross all intersecting alleys on said line.

¶ 2. **Bond—subject to ordinances.**] § 2. The authority and permission hereby given are upon the express condition that the said A. C. Brackebush & Co. shall enter into bonds in the sum of ten thousand dollars ($10,000) with the town of Lake View, the sureties on said bond to be approved by the supervisor of the said town, and conditioned to hold and save harmless the said town of Lake View from all damages, expenses, consequences arising from or incidental to the laying, maintaining or operating said railroad; and conditioned further for the faithful performance of all the terms and conditions of this ordinance, and that the permission and authority hereby granted are also subject to the ordinances now in force, or which may be hereafter passed concerning railroads, and also all ordinances that may be passed regulating in any way the track laid in conformity with the ordinances which regulate the operation of the same.

¶ 3. **Repair of street crossings—sidewalk on Herndon street.**] § 3. Said A. C. Brackebush & Co., or their assigns, shall maintain all street crossings, so that teams and wagons can at all times readily pass and repass over the same; and said A. C. Brackebush & Co. shall build a sidewalk of 3-inch plank from the building line on the east side of Herndon street to the east line of said switch from the end of the present walk south of Wellington street, south to the north line of Lincoln avenue.

¶ 4. **Subject to repeal.**] § 4. This ordinance shall be at all times subject to repeal by the board of trustees of the town of Lake View, or any subsequent legislative authority.

¶ 5. **When in force.**] § 5. This ordinance shall be in force from and after its passage.

BRAND & CO.

§ 718. Brand & Co.

¶ 1. On Snow street and across Elston avenue—grant 20 years—bond.
¶ 2. Repair of culverts, crosswalks or plankings.
¶ 3. Removal of tracks at expiration of grant.
¶ 4. When in force.

An ordinance to allow Brand & Co. to lay tracks connecting the C. & N. W. R. R. with Brand's Brewery. (Passed December 13, 1880.)

¶ 1. On Snow street and across Elston avenue—grant 20 years — bond.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby given to Michael Brand, Rudolph Brand and Frank J. Davis, composing the firm of M. Brand & Co., to lay down and maintain a single railroad track, and to operate thereon cars with horse power, from some point on the line of the Chicago & Northwestern Railroad, northwesterly of the middle line of Snow street in the city of Chicago, and to connect with said Chicago & Northwestern Railroad tracks, and thence along said Snow street on the northerly side of the middle of said street easterly across Elston avenue to the property known as Brand's brewery, situate between Elston avenue and the north branch of the Chicago river, the privilege and permission hereby given to continue twenty years; Provided, however, that said M. Brand & Co. shall enter into bonds with said city of Chicago, to be approved by the commissioner of the department of public works, in the sum of ten thousand dollars, to hold and save harmless the said city from all damages, expenses or consequences arising from or incident to the laying, maintaining or operating said railroad; And provided, further, that the privileges hereby granted shall be enjoyed subject to all ordinances now in force concerning railroads or which may be hereafter passed, and also all ordinances that may be passed regulating in any way the track laid in conformity with this ordinance or which regulate the operating of the same.

¶ 2. Repair of culverts, crosswalks or plankings.] § 2. The track shall be laid on the northerly side of Snow street, and at the crossing of Elston avenue said M. Brand & Co. shall construct, lay down and keep in good repair such culverts, crosswalks or plankings as the commissioner of the department of public works may direct, and shall conform to such rules and regulations as the said commissioner may make for the laying down of the track, and shall fill, grade or pave and keep in repair the portions of said streets occupied by them, and when the city council or said commissioner shall order and direct, and said track shall be so laid that teams and wagons can easily and readily pass and re-pass the same at all times.

¶ 3. Removal of tracks at expiration of grant.] § 3. The said M. Brand & Co. shall, at the expiration of the term aforesaid, or sooner if so ordered by the city council, at their own expense, take

up and remove said track from said streets, or in default of so doing, the department of public works may cause the same to be taken up and removed at the expense of said M. Brand & Co., their successors or assigns.

¶ 4. When in force.] § 4. This ordinance shall be in force from and after its passage.

BRAND, BULLEN & GUND COMPANY.

§ 719. Brand, Bullen & Gund Company.

¶ 1. Route.
¶ 2. Condition as to laying track.
¶ 3. Provision for elevation of track
¶ 4. Bond.
¶ 5. Subject to repeal.
¶ 6. Grant 10 years—removal.

An ordinance granting permission and authority to Brand, Bullen & Gund company to construct and maintain one switch track across Rockwell street. (Passed March 29, 1897.)

¶ 1. Route.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same are hereby granted to Brand, Bullen and Gund Company, and its assigns, to lay down, maintain and operate one switch track from the tracks of the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company (Chicago division) at some point on the easterly line of Rockwell street between the point at which the northerly line of lot sixteen (16) in block one (1) in Cook & Anderson's subdivision of the west half (W. ½) of the northeast quarter (N. E. ¼) of section twenty-four (24), township thirty-nine (39) north, range thirteen (13) east of the third principal meridian, would, if produced, intersect the said easterly line of the said Rockwell street, and a point on the said easterly line of said Rockwell street, eighty-seven (87) feet six (6) inches south of the last-named point, over and across the said Rockwell street, to said lot sixteen (16) and lot seventeen (17) in block one (1) in the said Cook & Anderson's subdivision, as shown upon the plat or drawing filed herewith, marked "Exhibit A."

¶ 2. Condition as to laying track.] § 2. That the rights and privileges hereby granted are upon the express condition that said track shall be laid down, maintained and operated in such manner as shall interfere as little as practicable with the rights of the public, and shall be subject to all general ordinances now in force or hereafter to be passed relating to the use or operation of switch tracks,

and all work done in pursuance hereof shall be done under the direction and superintendence of the commissioner of public works.

¶ 3. **Provision for elevation of track.**] § 3. That the permission hereby granted is upon the further express condition that the said Brand, Bullen and Gund Company shall elevate the said track when so required by the commissioner of public works.

¶ 4. **Bond.**] § 4. That the permission hereby granted is upon the further express condition that the said Brand, Bullen and Gund Company, and its assigns, using and operating the track aforesaid, shall keep and save harmless the city of Chicago from any and all damages, costs and expenses whatever arising out of the use and operation of said track, and the said Brand, Bullen and Gund Company shall give a bond, with one or more sureties, to be approved by the mayor, in the penal sum of five thousand (5,000) dollars, for the fulfillment of the conditions of this grant and permission.

¶ 5. **Subject to repeal.**] § 5. That this ordinance and the privilege hereby granted is accepted subject to the right of the city council to repeal the same whenever the use and maintenance of said track shall be in violation of any reasonable regulation imposed by the said commissioner of public works in relation thereto, or upon a violation of any of the conditions hereof.

¶ 6. **Grant 10 years—removal.**] § 6. That this grant or permission is hereby expressly limited to a period of ten (10) years from the passage hereof, and at the expiration of said ten (10) years, or sooner, if this ordinance should be repealed, the said Brand, Bullen and Gund Company, its successors or assigns, shall take up and remove said track within five days after notice by the commissioner of public works, and in case of failure or refusal to comply with said notice, then the city may remove the same at the expense of the person or persons, firm or corporation, then using the same.

CHARLES BRUSE & CO.

§ 720. Charles Bruse & Co.

¶ 1. Grant—route—conditions.
¶ 2. Rights cease after ten years.
¶ 3. Rights may become null and void, when.
¶ 4. Removal of track, restoration of street.
¶ 5. Acceptance.

An ordinance permitting Charles Bruse & Co. to construct and maintain a single railroad track across Hilliard avenue. (Passed June 20, 1892. Accepted July 13, 1892.)

¶ 1. **Grant — route — conditions.**] Be it ordained by the city

council of the city of Chicago: § 1. That permission is hereby granted to Charles Bruse & Co. to lay down, construct, maintain and operate a single railroad track from and connecting with the tracks of the Pittsburg, Cincinnati, Chicago & St. Louis Railroad Company at a point near the west line of Hilliard avenue; thence, on a gradual curve, across said Hilliard avenue to the west line of lot fifteen (15) in subdivision of lots one (1) to four (4) and thirteen to thirteen (13) in block four (4) of Hilliard and Litt's subdivision in section seventeen (17), township thirty-seven (37) north, range fourteen (14) east of the third principal meridian; thence over and upon the private property of said Charles Bruse & Co.; Provided, however, that said Charles Bruse & Co. shall, before laying said track across said Hilliard avenue, enter into bond with the said city of Chicago in the sum of ten thousand (10,000) dollars, to be approved by the mayor, to hold and save the city of Chicago harmless from all damages caused and expenses occasioned in consequence of the passage of this ordinance granting the privilege hereinbefore mentioned; Provided, further, that the privileges hereby granted shall be subject in all respects to all ordinances now in force or which may be hereafter passed concerning railroads, and that said Charles Bruse & Co. shall keep so much of said Hilliard avenue as shall be occupied by said switch track in such condition and repair as may be directed by the department of public works. No cars shall be permitted to stand on the street, nor shall any car be unloaded or loaded upon the street occupied by said track; Provided, that said track shall be laid down and maintained under the direction and supervision of the department of public works.

¶ 2. **Rights cease after ten years.**] § 2. The rights and privileges hereby granted shall cease and determine at the expiration of ten years from the passage hereof, and this ordinance shall, at all times before the expiration thereof, be subject to modifications, amendment or repeal, and in case of repeal the privileges hereby granted shall cease and determine.

¶ 3. **Rights may become null and void, when.**] § 3. In case said Charles Bruse & Co. shall violate any of the provisions and conditions of this ordinance, then said ordinance and all rights and privileges herein granted shall be null and void. The department of public works may remove the track hereby authorized to be laid and the cost thereof shall be paid by said Charles Bruse & Co.

¶ 4. **Removal of track—restoration of street.**] § 4. In case of the expiration of this ordinance said Charles Bruse & Co. shall, at their own expense, cause said track to be removed and the part of the street so occupied by said track to be placed in such repair and condition as the department of public works may require, and, if the said Charles Bruse & Co. shall fail to remove said tracks and so restore said street as herein provided, then the city of Chicago may within ten (10) days after notice to said Charles Bruse & Co., or

their bondsmen, remove said track and restore the part of said street so occupied by said track to such condition as it may elect, at the expense and cost of said Charles Bruse & Co., which said Charles Bruse & Co. in accepting this ordinance agree to pay on demand.

¶ 5. **Acceptance.**] § 5. This ordinance shall be in force from and after its passage and acceptance by said Charles Bruse & Co.

A. F. BULLEN MALTING COMPANY.

§ 721. A. T. Bullen Malting Company.

¶ 1. Rockwell street.
¶ 2. Subject to ordinances.
¶ 3. Bond.
¶ 4. Subject to repeal.
¶ 5. Grant 10 years—removal of tracks.

An ordinance granting permission to construct and maintain switch tracks, not exceeding two in number, across Rockwell street. (Passed May 13, 1895.)

¶ 1. **Rockwell street.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same are hereby granted to A. F. Bullen Malting Co. and its assigns to lay down, maintain and operate switch tracks, not exceeding two in number, from the tracks of the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company (Chicago division) at some point on the easterly line of Rockwell street between the point at which the northerly line of lot sixteen (16) in block one (1) in Cook & Anderson's subdivision of the west half (W. ½) of the northeast quarter (N. E. ¼) of section twenty-four (24), township thirty-nine (39) north, range thirteen (13), east of the third principal meridian, would, if produced, intersect the said easterly line of the said Rockwell street, and a point on the said easterly line of said Rockwell street, sixty-six (66) feet south of the said last-named point, over and across the said Rockwell street, to said lot sixteen (16) and lot seventeen (17) in block one (1) in the said Cook & Anderson's subdivision, as shown upon the plat or drawing filed herewith, marked "Exhibit A."

¶ 2. **Subject to ordinances.**] § 2. That the rights and privileges hereby granted are upon the express condition that said tracks shall be laid down, maintained and operated in such manner as shall interfere as little as practicable with the rights of the public, and shall be subject to all general ordinances now in force or hereafter to be passed relating to the use or operation of switch tracks, and all work done in pursuance hereof shall be done under the direction and superintendence of the commissioner of public works.

¶ 3. **Bond.**] § 3. That the permission hereby granted is upon the further express condition that the said A. F. Bullen Malting Co., and its assigns, using and operating the track aforesaid, shall keep and save harmless the city of Chicago from any and all damages, costs and expenses whatever arising out of the use and operation of said tracks, and the said A. F. Bullen Malting Co. shall give a bond, with one or more sureties, to be approved by the mayor, in the penal sum of five thousand (5,000) dollars, for the fulfillment of the conditions of this grant or permission.

¶ 4. **Subject to repeal.**] § 4. That this ordinance and the privilege hereby granted is accepted subject to the right of the city council to repeal the same whenever the use and maintenance of said track shall be in violation of any reasonable regulation imposed by the said commissioner of public works in relation thereto, or upon a violation of any of the conditions hereof.

¶ 5. **Grant 10 years—removal of tracks.**] § 5. That this grant or permission is hereby expressly limited to a period of ten (10) years from the passage hereof, and at the expiration of said ten (10) years, or sooner, if this ordinance should be repealed, the said A. F. Bullen Malting Co., its successors or assigns, shall take up and remove said tracks within five days after notice by the commissioner of public works, and in case of failure or refusal to comply with said notice, then the city may remove the same at the expense of the person or persons, firm or corporation, then using the same.

GEORGE BULLEN & CO.

§ 722. George Bullen & Co.

¶ 1. East Illinois street.
¶ 2. Grant 10 years—bonds.
¶ 3. Location of track.
¶ 4. Repair of culverts, crosswalks or plankings.
¶ 5. When in force.

An ordinance granting permission to George Bullen & Co. to lay a railroad track on East Illinois street, connecting with the track of the Chicago Dock and Canal company, commencing at the east line of St. Clair street and running west on said Illinois street to a point within thirty feet of the east line of Pine street. (Passed November 15, 1880.)

¶ 1. **East Illinois street.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and they are hereby granted to George Bullen & Co. to lay down, maintain and operate a railroad track in and along East Illinois street and across St. Clair street from the east line of said St. Clair street,

to a point within thirty feet of the east line of Pine street, and in front of the warehouse of said George Bullen & Co.

¶ 2. **Grant 10 years—bond.**] § 2. Said grant to be for the term of ten years from and after the passage of this ordinance; Provided, that the said George Bullen & Co. shall enter into bonds in the penal sum of five thousand dollars with the city of Chicago, to be approved by the mayor, to hold and save the city harmless from all damages, expenses and consequences from or by this ordinance; And provided, the privileges hereby granted shall be enjoyed subject to all ordinances now in force concerning railroads, or which may hereafter be passed.

¶ 3. **Location of track.**] § 3. That said railroad track hereby authorized to be laid shall be laid on the south side of the crossing of said St. Clair street, and along said south side of Illinois street to a point within thirty feet of the east line of Pine street, and in front of said warehouse of said George Bullen & Co.

¶ 4. **Repair of culverts, crosswalks or plankings.**] § 4. Said George Bullen & Co., in consideration of the premises hereby granted to them, shall lay down and keep in good repair such culverts, crosswalks or plankings as the city council may direct, and shall generally conform to such rules and regulations as the department of public works may make for the laying down of said track, and shall fill, grade or pave, and keep in repair such portions of said streets occupied by them as and when the city council or department of public works shall order and direct.

¶ 5. **When in force.**] § 5. This ordinance shall be in force from and after its passage.

CALUMET & CHICAGO CANAL AND DOCK COMPANY.

§ 723. Calumet & Chicago Canal and Dock company.

¶ 1. Two tracks—route—grant in perpetuity—rights of other parties to connect.
¶ 2. Rights in streets and alleys—filing of plat—repair of streets, alleys, culverts, etc.
¶ 3. Indemnification against claims, etc.
¶ 4. Maintenance of crossings, etc.—flagman and gates.
¶ 5. Subject to ordinances—failure to comply works forfeiture.
¶ 6. Who bound by provisions.
¶ 7. When in force—acceptance.

An ordinance granting permission to the Calumet & Chicago Canal and Dock company to lay down and forever maintain two railroad tracks. (Passed and approved December 21, 1885. Accepted December 28, 1885.)

¶ 1. Two tracks — route — grant in perpetuity—rights of other parties to connect.] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission be and is hereby granted to the Calumet and Chicago Canal and Dock Company, its successors and assigns, to construct, lay down, and forever maintain and operate with steam power not to exceed two (2) railroad tracks, with all necessary branches, side tracks, switches, and turnouts, commencing at a point in the center line of the Baltimore and Ohio Railroad Company's tracks, as now located across sections five (5) and six (6), in town thirty-seven (37) north, range fifteen (15), east of the third principal meridian, south of Indian boundary line in said village of Hyde Park, Cook county, Illinois; thence by proper curves tangent to said center line to a tangent point in a line 88.25 feet west of and parallel to the east line of said section six (6), town thirty-seven (37) north, range fifteen (15) aforesaid; thence north on said parallel line to a point of curvature situate 88.25 feet west, and 393.2 feet south of the point where the center line of 95th street intersects the east line of said section six (6); thence curving to the east (right) tangent to the last-mentioned line, with a radius of 716.8 feet, 417.8 feet to a tangent point; thence on a tangent to the last-mentioned curve, 43.53 feet to a point of curvature; thence curving to the right (easterly) with a radius of 478.34 feet, 208.6 feet to a tangent point; thence on a line tangent to the last-mentioned curve, and passing through the center of lot fourteen (14) in block two (2) of Taylor's second addition, 800.6 feet to a point of curvature; thence curving to the right (easterly) with a radius of 478.34 feet, 217 feet to a tangent point; thence on a line tangent to the last-mentioned curve, to the shore line of Lake Michigan; Provided, that not more than two (2) railroad tracks shall be laid across any street or alley between the termini aforesaid; and provided further, that any railway company that now has the right to operate any railway in and through said village of Hyde Park, and any railway company that may hereafter acquire the right to construct and operate its railway in or through said village, and having the requisite authority to build the same along and across the intervening streets, may, at any time hereafter, connect its track by necessary side tracks with the tracks of the said Calumet and Chicago Canal and Dock Company, hereby authorized to be constructed, at any convenient point on the line of said tracks, and for the purpose of such connection may cross any side track of the said Calumet and Chicago Canal and Dock Company, without other cost than that of putting in and maintaining the necessary crossings, such connection to be made at the cost of the company desiring the same; And provided further, that any corporation, person or persons owning or leasing any dock, warehouse, lumber yard, coal yard, manufactory or other industry within the village of Hyde Park, and having the permission of said village of Hyde Park to construct and

maintain a track upon or across any intervening streets or alleys, shall have the right to connect any such track leading from said dock, warehouse, lumber yard, coal yard, manufactory or other industry, with the tracks of the said Calumet and Chicago Canal and Dock Company, hereby authorized to be constructed and maintained, at the nearest point practicable for such connection to said dock, warehouse, lumber yard, coal yard, manufactory or other industry, and at the expense of the party making the same, and for such purpose may cross any intervening side track of the said Calumet and Chicago Canal and Dock Company, without other cost than that of putting in and maintaining the necessary crossings; and such track so leading from or to any such dock, warehouse, lumber yard, coal yard, manufactory or other industry shall be also free for the common use thereof by the said Calumet and Chicago Canal and Dock Company and other companies, and without charge for such use. Any railway at any time having the right to connect its tracks with the said tracks of the Calumet and Chicago Canal and Dock Company as aforesaid, and having the permission of said village of Hyde Park to cross the intervening streets, may construct, erect, maintain and operate any side track from any dock, warehouse, lumber yard, coal yard, manufactory or other industry in said village of Hyde Park, to the said tracks of the said Calumet and Chicago Canal and Dock Company, and for the purpose of such connection may cross any intervening side tracks of said Calumet and Chicago Canal and Dock Company, without other cost than that of putting in and maintaining the necessary crossings. And the said Calumet and Chicago Canal and Dock Company shall have the general management, control and supervision of the said tracks by this ordinance authorized to be constructed by it, and the full and sole control and direction of the management, improvement and repair of the same, and the appointment and supervision of all officers, agents and employes necessary for such purpose.

¶ 2. Rights in streets and alleys—filing of plat—repair of streets, alleys, culverts, etc.] § 2. That said Calumet and Chicago Canal and Dock Company may cross, with not more than two tracks, any and all intervening streets, alleys, and railroad tracks within the boundaries stated in section one of this ordinance; Provided, that before constructing said tracks, said company shall file a plat, showing the permanent location of its land, with the superintendent of public works of said village. Said location shall be made and said plat filed on or before the fifth day of January, A. D. 1886; And provided further, that said company shall be subject, as to the said tracks, at all times to the reasonable direction of the department of public works, or other proper department or officer of said village, in the construction of its said tracks, with respect to making crossings of streets, alleys and railroads, and the keeping in repair of so much of said streets and alleys as may be occupied by said company with

its tracks, and under the like direction shall also construct and keep in good order and repair all culverts, drains and ditches necessary for carrying off the water on both sides of or under its railway in the village of Hyde Park, which may be accumulated by reason of the construction of said railway, and to prevent the accumulation of water by reason of the construction of said railway in said village.

¶ 3. **Indemnification against claims, etc.**] § 3. The permission and authority hereby granted are upon the further express condition, that the said Calumet and Chicago Canal and Dock Company shall and will forever indemnify and save harmless the village of Hyde Park against and from any and all claims, damages, judgments, decrees and costs, and expenses of the same, which it may suffer, or which may be recovered or obtained against the said village for or by reason of the granting of such privileges or authority, or for or by reason of, or growing out of, or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted, or from any act or acts of said company under or by virtue of the provisions of this ordinance.

¶ 4. **Maintenance of crossings, etc.—flagman and gates.**] § 4. Said Calumet and Chicago Canal and Dock Company shall also, when required, by and under the direction of the department of public works, build and maintain all crossings and sidewalks over its railway, and shall keep a flagman, and shall construct and maintain gates at such crossings as shall be required by the board of trustees of said village.

¶ 5. **Subject to ordinances—failure to comply works forfeiture.**] § 5. The privileges hereby granted are upon the further express condition, that said Calumet and Chicago Canal and Dock Company shall be subject to all general ordinances now in force, or which may be hereafter passed concerning railroads, and a willful or continued failure of said company to comply with the provisions of any such ordinances now in force or which may hereafter be passed, in regard to the operation of trains or cars or locomotives upon said tracks, shall work a forfeiture of all the rights and privileges granted by this ordinance.

¶ 6. **Who bound by provisions.**] § 6. The provisions of this ordinance shall be equally binding upon the Calumet and Chicago Canal and Dock Company, its successors, assigns and lessees.

¶ 7. **When in force—acceptance.**] § 7. This ordinance shall be in force only from and after the written acceptance of the same and its provisions by the said Calumet and Chicago Canal and Dock Company, duly signed and under its corporate seal, shall be filed with the village clerk, who shall at once spread such acceptance upon the records of the village. And unless such acceptance be so filed within thirty (30) days from the time of the passage hereof, this ordinance shall be null and void.

FERDINAND E. CANDA.

§ 724. Ferdinand E. Canda.

¶ 1. Stewart avenue—grant 10 years—repair of streets.
¶ 2. When in force.

An ordinance granting permission to Ferdinand E. Canda to construct and maintain a railroad track from the main track of the Pittsburg, Fort Wayne & Chicago railroad, to block one (1), in the United States Bank addition to Chicago, being the W. ¼, S. E. ¼ sections 28, 39, 14. (Passed February 25, 1878.)

¶ 1. Stewart avenue—grant 10 years—repair of street.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and is hereby granted to Ferdinand E. Canda to lay down, construct, maintain and operate a railroad track from the main track of the Pittsburg, Fort Wayne and Chicago Railroad, on Stewart avenue, to and upon the premises known as block one (1) in United States Bank addition to Chicago, together with the necessary switch connections; said track to be laid down and maintained under the direction and supervision of the department of public works; Provided, that the privilege hereby granted shall be subject to all ordinances now in force, concerning railroads, or which may hereafter be passed, and shall only be granted for the term of ten years; And provided, further, that said Ferdinand E. Canda, his heirs and assigns, shall keep such part of Stewart avenue as is occupied by said track in good condition and repair, under the supervision of and as may be directed by the proper city authorities of said city.

¶ 2. When in force.] § 2. This ordinance shall be in force from and after its passage.

THE CARDEN MALTING COMPANY.

§ 725. The Carden Malting company.

¶ 1. Grant—route.
¶ 2. Conditions.
¶ 3. Acceptance.

An ordinance permitting the Carden Malting company to maintain a switch track in and upon Cherry avenue, etc. (Passed July 9, 1890. Accepted July 17, 1890.)

¶ 1. Grant — route.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby given to the Carding (Carden) Malting Company to lay down, maintain and operate a railroad track in and upon Cherry avenue, from

the track of the Chicago, Milwaukee and St. Paul Railroad Company, at a point in said Cherry avenue about forty (40) feet south of alley running north of lot sixteen (16), block seventy-six (76), Elston's addition to Chicago, to connect with the works of said Carding Malting Company, located on lots fifteen (15) and sixteen (16), block seventy-six (76), Elston's addition to Chicago.

¶ 2. **Conditions.**] § 2. The permission hereby granted is upon the following express conditions, to wit:

First, that the said The Carding (Carden) Malting Company shall give a bond in the sum of five thousand (5,000) dollars to the city of Chicago, to be approved by the mayor, to hold and save the city harmless from all damages in consequence of the passage of this ordinance

Second, the privilege hereby granted shall be enjoyed subject to all ordinances now in force concerning railroads, or which may be hereafter passed regulating or in any way concerning the track laid in conformity with this ordinance.

Third, that this ordinance shall, at all times, be subject to amendment or repeal and is expressly limited to a period of ten (10) years from the passage hereof, and at the expiration of said ten (10) years, or sooner if this ordinance shall be repealed, then said "The Carding (Carden) Malting Company" shall take up and remove said tracks from Cherry avenue within five (5) days after notice by the department of public works, and in case of refusal to comply with said notice, the city may remove the same and place the street which is occupied by said track in condition to correspond with the other parts of the street, and the expense of such removal by the city shall be paid by said "The Carding (Carden) Malting Company."

¶ 3. **Acceptance.**] § 3. This ordinance shall be in force from and after its acceptance by said The Carding (Carden) Malting Company and the filing of and approval of the bond herein provided for, which shall be done within thirty (30) days of the passage hereof.

Note.—See ordinance following extending track farther north.

§ 726. The Carden Malting company.

¶ 1. Extension in Cherry avenue.
¶ 2. Subject to ordinances of July 9, 1890.
¶ 3. When in force.

An ordinance granting authority to the Carden Malting company to extend switch track in Cherry avenue seventy-five (75) feet north. (Passed December 23, 1895.)

¶ 1. **Extension in Cherry avenue.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby given to the Carden Malting Company to extend their switch track, now laid down in Cherry avenue, in front of lots fifteen (15) and sixteen (16), in block seventy-six (76), Elston addition to Chicago, northerly seventy-five (75) feet, in front of their property,

known as the southerly half of lot thirteen (13) and all of lot fourteen (14), in block seventy-six (76), Elston addition to Chicago.

¶ 2. **Subject to ordinance of July 9, 1890.**] § 2. The permission hereby granted shall be subject to all and singular the conditions of the ordinance passed July ninth, 1890, granting permission to lay down and operate the side track which is hereby authorized to be extended.

¶ 3. **When in force.**] § 3. This ordinance shall be in force from and after its passage.

THOMAS CAREY.

§ 727. Thomas Carey.

¶ 1. Forty-third street and in Robey street.
¶ 2. Repair of streets.
¶ 3. Bond.
¶ 4. Grant 10 years.
¶ 5. When in force.

An ordinance granting permission to Thomas Carey to lay down and maintain one railroad switch track. (Passed November 11, 1895.)

¶ 1. **Forty-third street and in Robey street.**] Be it ordained by the city council of the city of Chicago:

First, that permission be and is hereby granted to Thomas Carey to lay down, maintain and operate one railroad switch track in a southwesterly direction across 43d street at Robey street, and thence along the west side of Robey street, from 43d street to 45th street.

¶ 2. **Repair of streets.**] Second, the said Thomas Carey shall keep such portion of said streets as shall be occupied by said switch track in good order and repair under the supervision of the department of public works and shall in all respects comply with the ordinances of the city of Chicago in the maintenance and operation of said switch track.

¶ 3. **Bond.**] Third, this permission and authority is made upon the further condition that said Thomas Carey shall give bond in the sum of five thousand dollars with good and sufficient surety, to be approved by the mayor, conditioned to keep the city of Chicago harmless of and from all damages, costs and expenses whatsoever arising from this grant.

¶ 4. **Grant 10 years.**] Fourth, the rights and privileges hereby granted shall cease and determine at the expiration of ten years from the passage hereof.

¶ 5. **When in force.**] Fifth, this ordinance shall be in force from and after its passage.

CHICAGO BRIDGE AND IRON COMPANY.

§ 728. Chicago Bridge and Iron company.

¶ 1. Hilliard avenue and Elm (105th) street.
¶ 2. Bond—street repairs.
¶ 3. Grant 10 years—acceptance.
¶ 4. When in force.

An ordinance for certain switch tracks in and upon Hilliard avenue and twice across Elm street (105th). (Passed June 13, 1895. Accepted June 22, 1895.)

¶ 1. Hilliard avenue and Elm (105th) street.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same is hereby granted to the Chicago Bridge and Iron Company, its successors or assigns, to lay down, construct, build and maintain a single railroad track in and upon Hilliard avenue and twice across Elm street (105th), said railroad track starting at a point on the present switch track of the said Chicago Bridge and Iron Company in Hilliard avenue, on the north line of Elm street (105th), 28 feet due east of the southwest corner of block No. 3, Hilliard & Hitt's subdivision of Washington Heights, Chicago, thence southerly on a 21 degree 30 minute curve to the right, crossing Elm street (105th), and intersecting the northeast corner of block No. 6, in said Hilliard & Hitt's subdivision; also a second crossing of said Elm street (105th), beginning at a point on the right of way of the Chicago, Rock Island & Pacific Railway Company 29 feet due west from the southwest corner of said block 3, thence on a 21 degree 30 minute curve to the left southerly, crossing Elm street (105th), and intersecting the north line of said block 6 at a point due south from the southwest corner of said block 3; the two crossings of Elm street (105th), as specified above, being in a continuous curve forming a Y between the two existing switch tracks into the property of said Chicago Bridge and Iron Company, in accordance with the plans hereto attached. Said tracks to be laid down and maintained under the direction and supervision of the department of public works of the city of Chicago.

¶ 2. Bond—street repairs.] § 2. This ordinance is passed, and the permission aforesaid is granted, upon the express condition that the said Chicago Bridge and Iron Company shall enter into a bond with the city of Chicago, with good and sufficient sureties, to be approved by the mayor, within ten days after the passage hereof, in the sum of five thousand (5,000) dollars, to comply with the provisions of this ordinance, and the general railroad and all other ordinances in force, or that may hereafter be passed, and also to save, keep harmless and indemnify the city of Chicago from all damages caused or sustained, or that may in any way arise or accrue out of the privileges hereby granted; Provided, that the said Chicago Bridge and Iron Company, its successors or assigns, shall keep such portions of such streets as are occupied by said tracks in good condition and re-

pair, under the supervision of and as may be directed by the department of public works of the city of Chicago, and in case the said Chicago Bridge and Iron Company, its successors or assigns, shall fail to keep the same in repair, as herein provided, and as the department of public works shall direct, then the department of public works may repair the same, and the expense thereof shall be paid by the said Chicago Bridge and Iron Company, its successors or assigns, on demand.

¶ 3. Grant 10 years—acceptance.] § 3. The right and privilege hereby granted shall cease and determine at the expiration of 10 years from the passage hereof; Provided, however, that the said Chicago Bridge and Iron Company accept this ordinance within thirty days after its passage.

¶ 4. When in force.] § 4. This ordinance shall be in force from and after its passage.

CHICAGO DOCK AND CANAL COMPANY.

§ 729. Chicago Dock and Canal company.
¶ 1. North Water and Illinois streets—bond—grant 10 years—street repair.

An ordinance granting permission to the Chicago Dock and Canal company to construct certain tracks. (Passed June 9, 1879.)

¶ 1. North Water and Illinois streets—bond—grant 10 years—street repair.] Be it ordained by the city council of the city of Chicago: That permission is hereby granted to the Chicago Dock and Canal Company, its successors and assigns, to lay down, maintain and use such railway tracks and switches upon North Water and Illinois street, east of the east line of St. Clair street, and across the premises owned by said company, as may be necessary to afford convenient railway access to said premises:

Provided, said Chicago Dock and Canal Company, before laying said track, enter into a bond with said city, in the sum of ten thousand dollars, to be approved by the mayor, to hold and save the city harmless from all damages, costs and expenses whatever, in consequence of the passage of this ordinance, or the laying down or using of said track, and all damages suffered by any private property by reason thereof:

And provided, further, the privilege hereby granted shall be subject to all ordinances now in force concerning railroads, or which may hereafter be passed.

All the privileges hereby granted shall cease and determine at the

expiration of ten years from the passage hereof; and said company shall at all times be subject to the direction of the department of public works as to the planking or paving and keeping in repair of so much of said tracks as may be in any public street or alley.

This ordinance shall be in force from and after its passage and publication.

Note.—See following ordinance extending grant.

§ 730. Chicago Dock and Canal company.

¶ 1. Grant extended 10 years—cessation of rights—removal of tracks.
¶ 2. Bond.
¶ 3. City's right to repeal—elevation provided for—scope of authority.
¶ 4. When in force.

An ordinance granting to the Chicago Dock and Canal company permission to retain railway tracks on certain streets therein named. (Passed September 24, 1894.)

¶ 1. Grant extended 10 years—cessation of rights—removal of tracks.] Be it ordained by the city council of the city of Chicago: § 1. That the Chicago Dock and Canal Company have permission, subject to the conditions and limitations hereinafter mentioned, to retain its tracks now laid in North Water and Illinois streets east of Seneca street, for the period of ten (10) years, provided, that at any time, upon request of the owners of a majority of the abutting frontage, said tracks shall be removed. Said tracks shall be maintained under the supervision of the commissioner of public works, and said company shall keep such portion of the street as is occupied by said tracks in good condition and repair, so as not to interfere with public travel, under like supervision. At the expiration of the time herein limited, or upon request of the owners of a majority of the abutting frontage as aforesaid, all rights under this ordinance shall absolutely cease and determine without any act on the part of the city, and the said tracks shall be at once removed and the street placed in good condition and repair at the expense of said company.

¶ 2. Bond.] § 2. This ordinance is passed and the permission aforesaid granted upon the express condition that the said Chicago Dock and Canal Company shall enter into bond to the city of Chicago, signed by sureties to be approved by the mayor, within ten days from the passage of this ordinance in the sum of ten thousand dollars, conditioned to comply with the terms and conditions of this ordinance and the general railroad ordinances now in force or that may hereafter be passed; also to save and keep harmless and indemnify the city of Chicago from all damages, costs and expenses whatever that may accrue or any wise arise from or grow out of the privileges hereby granted, and also conditioned for the payment of all damages or injury which may be suffered by any private person or

any private property by reason of any act or thing done under the provisions of this ordinance.

¶ 3. City's right to repeal—elevation—scope of authority.] § 3. This ordinance is passed and the permission aforesaid is granted upon the further express condition that the city of Chicago may at any time repeal this ordinance, and upon the further express condition that in case the tracks of any railroad or railroads with which the aforesaid switch tracks shall be connected shall be elevated above their present plane, the aforesaid switch tracks shall also be elevated and removed from the surface with said railroad with which it shall be connected, without expense to the city of Chicago, and that the railroad company with whose tracks the same shall be so connected and the said company shall pay all damages, costs and expenses that may accrue, result or in any wise arise from or grow out of such elevation of such railroads or such switch tracks, and save and keep harmless and indemnify the city therefrom.

This ordinance shall not give to said company any authority to interfere with any railroad tracks in said street, nor to obstruct the transportation of cars thereon, but said switch tracks being for the special benefit of said company, shall be maintained, cared for and operated in such a manner as will not interfere with the public service rendered by the railroads occupying any part of said street; and the commissioner of public works shall take care that these restrictions be obeyed by said company, and in default of such obedience, he shall cause such switch tracks to be removed.

¶ 4. When in force.] § 4. This ordinance shall take effect and be in force upon the filing of the bond mentioned in section 2 hereof, provided the same be filed within ten days after the passage of this ordinance, otherwise said ordinance shall be null and void.

CHICAGO HYDRAULIC PRESSED BRICK COMPANY.

§ 731. Chicago Hydraulic Pressed Brick company.

¶ 1. Route.
¶ 2. Condition as to laying of track.
¶ 3. Bond.
¶ 4. Subject to all general ordinances.
¶ 5. Grant ten years.

An ordinance granting permission to the Chicago Hydraulic Pressed Brick company to construct and operate a railroad switch track. (Passed February 25, 1892.)

¶ 1. Route.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same are

hereby granted to the Chicago Hydraulic Pressed Brick Company, its successors and assigns, to lay down and operate a railroad switch track from its yard, situated in block nineteen (19), Canal Trustees' new subdivision of blocks in the southeast fractional quarter of section twenty-one (21), township thirty-nine (39) north, range fourteen (14), thence through said block across Nineteenth street to and through block twenty-seven (27), in the said Canal Trustees' subdivision, to a point about eighty feet north of the north line of Twentieth street, thence, in a southeasterly direction, across La Salle street and Twentieth street to the tracks of the Lake Shore and Michigan Southern Railroad Company.

¶ 2. **Condition as to laying of track.**] § 2. The said Chicago Hydraulic Pressed Brick Company, its successors and assigns, is hereby required and this grant is made on the express condition that it shall so lay down and maintain said track that it shall interfere as little as practicable in the use of said streets and shall, at all times, keep said track in such condition as to allow the free use and easy passage of vehicles along and over it; all of which shall be done under the superintendence of the commissioner of public works.

¶ 3. **Bond.**] § 3. This permission or grant is made upon the further condition that said Chicago Hydraulic Pressed Brick Company, its successors and assigns, shall keep and save the city harmless from all damages, costs and expenses whatsoever arising out of the use and acceptance of said streets by said company. And said company shall give a bond in the penal sum of $5,000 for the fulfilment of the condition of this grant or permission.

¶ 4. **Subject to all general ordinances.**] § 4. This permission is granted subject to all general ordinances concerning railroads now in force or that may hereafter be passed.

¶ 5. **Grant ten years.**] § 5. This permission is hereby expressly limited to a period of ten years from the passage hereof and, at the expiration of said ten years, the said Chicago Hydraulic Pressed Brick Company, its successors and assigns, shall take up and remove said track after notice from the commissioner of public works and, in case of failure or refusal to comply with said notice, then, the city may remove the same at the expense of the company, its successors or assigns.

M. D. COFFEEN.

§ 732. M. D. Coffeen.
¶ 1. Grant ten years—Jefferson and Wayman streets—bond—repair of Wayman street.
¶ 2. Removal.
¶ 3. Acceptance.

An ordinance granting to M. D. Coffeen permission and authority to construct and operate a private switch. (Passed February 3, 1896. Accepted February 3, 1896.)

¶ 1. Grant ten years—Jefferson and Wayman streets—bond—repair of Wayman street.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby granted to M. D. Coffeen, or his assigns, to construct, maintain and operate a private single railroad switch, for a period of ten years, from and connecting with the tracks of the Pittsburg, Cincinnati, Chicago and St. Louis Railroad Company, at a point east of Jefferson street, near its intersection with the Milwaukee avenue viaduct; thence on a gradual curve in a southwesterly direction across Jefferson and Wayman streets, and west on and along the south side of Wayman street to Desplaines street:

Provided, however, that said M. D. Coffeen shall, before laying any part of said track, enter into bond with the said city of Chicago in the penal sum of five thousand (5,000) dollars, to be approved by the mayor, to hold and save the city of Chicago harmless from all damages caused by the passage of this ordinance:

Provided, further, that the privileges hereby granted shall be subject, in all respects, to all ordinances now in force, or which may be hereafter passed concerning railroads, and that said M. D. Coffeen and his assigns shall keep so much of said Wayman street as shall be occupied by said switch, in such condition and repair as may be directed by the department of public works:

And provided, further, that said switch shall be constructed and maintained under the direction and supervision of the department of public works.

¶ 2. Removal.] § 2. This ordinance shall be subject to amendment or repeal at any time for failure to comply with any order of the department of public works concerning the proper construction and maintenance of said switch, and upon the expiration of this ordinance, said M. D. Coffeen or his assigns shall remove said switch after notice from the department of public works, and in case of failure or refusal to comply with said notice, then the city of Chicago may remove the same at the expense of said M. D. Coffeen, or his assigns.

¶ 3. Acceptance.] § 3. This ordinance shall be in force from and after its passage and acceptance by M. D. Coffeen.

CONGDON BRAKE SHOE COMPANY.

§ 733. Congdon Brake Shoe company.

¶ 1. Route—conditions.
¶ 2. Violation of conditions—city may remove.
¶ 3. Cessation of grant—duty of company.
¶ 4. Acceptance.

An ordinance granting permission to the Congdon Brake Shoe company to lay down and operate a single switch of standard gauge on Winter and Sherman streets. (Passed February 29, 1892.)

¶ 1. **Route—conditions.**] Be it ordained by the city council of the city of Chicago: § 1. That permission is hereby given and granted to the Congdon Brake Shoe Company, its successors and assigns, to lay down, construct, maintain and operate a single switch of standard gauge from and connecting with the tracks of the Pittsburg, Cincinnati, Chicago and St. Louis Company, beginning at a point east of the east line of Winter street on the right of way of said railway company and on the south side thereof, thence, east and parallel with the tracks of said railway company, across, over and upon Sherman street (formerly Desplaines street), thence over and upon the private property of the said Congdon Brake Shoe Company; Provided, however, that said Congdon Brake Shoe Company shall, before laying said track across said Sherman street, enter into bond with the said city of Chicago in the sum of $10,000, to be approved by the mayor, to hold and save the city of Chicago harmless from all damages caused and expenses occasioned in consequence of the passage of this ordinance granting the privilege hereinbefore mentioned; Provided, further, that the privileges hereby granted, shall be subject in all respects to all ordinances now in force or which may be hereafter passed concerning railroads and that said Congdon Brake Shoe Company shall keep so much of said Sherman street as shall be occupied by said switch track in such condition and repair as may be directed by the department of public works. No cars shall be permitted to stand on the street, nor shall any car be unloaded or loaded upon the street occupied by said track; provided, that said tracks shall be laid down and maintained under the direction and supervision of the department of public works.

¶ 2. **Violation of conditions—city may remove.**] § 2. In case said company shall violate any of the provisions and conditions of this ordinance, then said ordinance and all rights and privileges herein granted shall be null and void. The department of public works may remove the track hereby authorized to be laid, and the cost thereof shall be paid by the said Congdon Brake Shoe Company.

¶ 3. **Cessation of grant—duty of company.**] § 3. In case of the expiration of this ordinance said Congdon Brake Shoe Company shall, at its own expense, cause said track to be removed and the part of the street so occupied by said track to be placed in such repair

and condition as the department of public works may require and, if the said Congdon Brake Shoe Company shall fail to remove said track and so restore said street as herein provided, then the city of Chicago may, within ten (10) days after notice to said Congdon Brake Shoe Company, or its bondsmen, remove said track and restore the part of said street so occupied by said track to such condition as it may elect, at the expense and cost of the said Congdon Brake Shoe Company, which said company in accepting this ordinance agree to pay on demand.

¶ 4. **Acceptance.**] § 4. This ordinance shall be in force from and after its passage and acceptance by the said Congdon Brake Shoe Company.

CONSOLIDATED ICE MACHINE COMPANY.

§ 734. Consolidated Ice Machine company.

¶ 1. Stewart avenue, south of Lumber street—bond—street repair.
¶ 2. Grant ten years.
¶ 3. Subject to modification or repeal.
¶ 4. Removal of tracks—failure.
¶ 5. Acceptance.

An ordinance granting permission to the Consolidated Ice Machine company to lay down and maintain a single switch track. (Passed July 2, 1888. Accepted July 12, 1888.)

¶ 1. **Stewart avenue, south of Lumber street—bond—street repair.**] Be it ordained by the city council of the city of Chicago: § 1. That permission is hereby given and granted to the Consolidated Ice Machine Company to lay down, construct, maintain, and operate a single switch track from and connecting with the tracks of the Pittsburg, Fort Wayne and Chicago Railroad Company, on Stewart avenue and just south of Lumber street, as shown on the plat hereto attached and marked track "A," and made a part of this ordinance; Provided, however, that said Consolidated Ice Machine Company shall before laying said track, enter into a bond with the city of Chicago, in the sum of five thousand dollars ($5,000), to be approved by the mayor, to hold and save the city of Chicago harmless from all damages, costs and expenses whatsoever, in consequence of the passage of this ordinance, granting the privileges hereinbefore mentioned: Provided, further, that the privileges hereby granted shall be subject in all respects to all ordinances now in force or which may hereafter be passed concerning railroads, and that said Consolidated Ice Machine Company shall keep so much of said Stewart avenue and Lumber street, as shall be occupied by said track, in such condition and repair as it

may be directed by the department of public works: Provided, that said track shall be laid down and maintained under the direction and supervision of the department of public works.

¶ 2. **Grant ten years.**] § 2. The rights and privileges hereby granted shall cease and determine at the expiration of ten (10) years from the passage hereof.

¶ 3. **Subject to modification or repeal.**] § 3. This ordinance shall at any time before the expiration thereof, be subject to modification, amendment or repeal, and in case of repeal all privileges hereby granted shall cease and determine.

¶ 4. **Removal of tracks.**] § 4. In case of the expiration of this ordinance by lapse of time, or in case of repeal, said Consolidated Ice Machine Company shall, at its own expense, cause said track to be removed and the part of the streets so occupied by said track, to be placed in such repair and condition as the department of public works may require; and if the said Consolidated Ice Machine Company shall fail to so remove said track and so restore said streets as herein provided, then the city of Chicago may, within ten (10) days after notice to the said Consolidated Ice Machine Company, or its bondsmen, remove said track and restore the part of the street so occupied by said track to such condition as it may elect, at the expense and cost of said Consolidated Ice Machine Company, which cost and expense said Consolidated Ice Machine Company in accepting this ordinance agrees to pay on demand.

¶ 5. **Acceptance.**] § 5. This ordinance shall be in force from and after its passage and acceptance by said Consolidated Ice Machine Company.

DANIEL CORKERY.

§ 735. Daniel Corkery.

¶ 1. Route—bond.
¶ 2. Subject to repeal.
¶ 3. Grant ten years.
¶ 4. Removal of tracks—repair and restoration of streets.
¶ 5. Failure to repair streets, etc.
¶ 6. Acceptance.

An ordinance granting permission to Daniel Corkery to lay down and maintain a single railroad track. (Passed September 24, 1888. Accepted October 8, 1888.)

¶ 1. **Route—bond.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby given and granted to Daniel Corkery to lay down, maintain and oper-

ate a single railroad track from and connecting with the tracks of the Chicago and Western Indiana Railway Company at a point about forty (40) feet from the south line of Twenty-ninth street and about one hundred (100) feet west of the west line of Stewart avenue, thence in a northerly direction to the middle of the block between Napoleon and Twenty-ninth streets, thence continuing by a line of three tracks to a point between Twenty-sixth and Twenty-seventh streets, crossing all intervening streets and alleys and over property owned by said Daniel Corkery, which said tracks are shown by the red lines on the map or plat hereto attached and marked A, B and C, Provided, however, that said Daniel Corkery shall before laying said tracks enter into a bond with the city of Chicago in the sum of ten thousand dollars ($10,000), to be approved by the mayor to hold and save the city of Chicago harmless from all damages, costs and expenses whatsoever in consequence of the passage of this ordinance granting the privilege hereinbefore mentioned; Provided, further, that the privileges hereby granted shall be subject in all respects to all ordinances now in force or which may hereafter be passed concerning railroads or railroad tracks, and that said Daniel Corkery shall keep so much of the streets and alleys crossed by said tracks in such condition and repair as he may be directed by the department of public works, and provided that said tracks shall be laid down and maintained under the direction and supervision of the department of public works.

¶ **2. Subject to repeal.**] § 2. This ordinance shall at any time before the expiration thereof be subject to modification, amendment or repeal, and in case of repeal all privileges hereby granted shall cease and determine.

¶ **3. Grant ten years.**] § 3. The rights and privileges hereby granted shall cease and determine at the expiration of ten years from the passage hereof.

¶ **4. Removal of tracks—repair and restoration of streets.**] § 4. In case of the expiration of this ordinance by lapse of time, or in case of repeal, said Daniel Corkery shall, at his own expense, cause said tracks to be removed from the part of the streets so occupied by said tracks, and the parts of streets or alleys so occupied shall be placed by said Daniel Corkery in such repair and condition as the department of public works may require, and if the said Daniel Corkery shall fail so to remove said tracks and so to restore said streets, as herein provided, then the city of Chicago may within ten (10) days after notice to remove said tracks to said Daniel Corkery, or to his bondsmen remove said tracks and restore the parts of the streets and alleys so occupied by said tracks to such condition as it may elect at the expense and cost of said Daniel Corkery, which cost and expense said Daniel Corkery, in accepting this ordinance, agrees to pay on demand.

¶ **5. Failure to repair streets, etc.**] § 5. In case said Dan-

iel Corkery shall fail to keep the parts of streets and alleys so occupied by said tracks in such condition and repair as the department of public works may direct, then the said department of public works is hereby authorized to tear up and remove said tracks from the parts of the streets and alleys so occupied at the cost and expense of said Daniel Corkery to be paid by him on demand without further notice, and in accepting this ordinance said Daniel Corkery shall agree to pay all such cost and expenses and waive any claim for any damages by reason of any removal of such tracks provided for in this ordinance.

¶ 6. **Acceptance.**] § 6. This ordinance shall be in force from and after its passage and acceptance by said Daniel Corkery of all its terms and conditions and upon the filing of the bond hereinbefore mentioned, which acceptance and bond shall be filed within thirty (30) days of the passage thereof.

CARL CORPER BREWING AND MALTING COMPANY.

§ 736. Carl Corper Brewing and Malting company.

¶ 1. Route.
¶ 2. Condition of grant.
¶ 3. Grant ten years—acceptance.
¶ 4. In effect, when.

An ordinance granting permission for a switch track across Winter street. (Passed January 5, 1893. Accepted January 19, 1893.)

¶ 1. **Route.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same is hereby granted to the Carl Corper Brewing & Malting Company to lay down, construct, maintain and operate a single railroad track in, upon and across Winter street, immediately north of where the same is crossed by the Union Stock Yards and Transit Company, from the west line of said Winter street by or on a practicable curve to the east line thereof, connecting at this point by switch with the north track of said Union Stock Yards and Transit Company, in accordance with the plat hereto attached, said track to be laid down and maintained under the direction and supervision of the department of public works.

¶ 2. **Condition of grant.**] § 2. This ordinance is passed and the permission aforesaid is granted upon the express condition that the said Carl Corper Brewing & Malting Company shall enter into a bond with said city of Chicago, with good and sufficient sureties to be approved by the mayor, within ten days of its passage, in the sum of five thousand dollars ($5,000), conditioned to comply with the provisions of this ordinance and the general railroad and all other ordi-

nances now in force or that may hereafter be passed and, also, to save, keep harmless and indemnify the city of Chicago from all damages, costs and expenses that may accrue or in any way arise from or grow out of the privileges hereby granted; Provided, that said Carl Corper Brewing & Malting Company, its successors or assigns, shall keep such portion of said street as is occupied by said track in good condition and repair, under the supervision of and as may be directed by the department of public works of said city of Chicago and, in case the said Carl Corper Brewing & Malting Company shall fail to keep the same in repair, as herein provided, as the department of public works shall direct, then the department of public works may repair the same and the expense thereof shall be paid by the said Carl Corper Brewing & Malting Company on demand.

¶ 3. **Grant ten years—acceptance.**] § 3. The rights and privileges hereby granted shall cease and determine at the expiration of ten years from the passage hereof; provided, however, that the said Carl Corper Brewing & Malting Company shall accept this ordinance within thirty days after its passage.

¶ 4. **In effect, when.**] § 4. This ordinance shall be in force from and after its passage.

CORPER & NOCKIN.

§ 737. Corper & Nockin.
¶ 1. Alley between Ward and Herndon streets, etc.—bond—repair of alley.
¶ 2. Grant ten years.
¶ 3. Subject to modification or repeal.
¶ 4. Removal of track.
¶ 5. Acceptance.

An ordinance granting permission to Corper & Nockin to lay and maintain a single railroad track. (Passed October 8, 1888. Accepted October 22, 1888.)

¶ 1. **Alley between Ward and Herndon streets, etc.—bond—repair of alley.**] Be it ordained by the city council of the city of Chicago: § 1. That permission is hereby given and granted to Corper & Nockin to lay down, construct, maintain and operate a single railroad track from and connecting with the tracks of the "Chicago & Evanston Railroad," owned and operated by the Chicago, Milwaukee & St. Paul Railroad Company, on alley between Ward street and Herndon street, commencing at a point on said alley fifty (50) feet south of the south line of Webster avenue; thence south along said alley three hundred and ten (310) feet to point of junction of two alleys (one branching from said alley in a southwestern direction to Nur-

sery street and the other in a southeastern direction to Herndon street), thence from said point of juncture south one hundred and twenty (120) feet, to ten (10) feet north of the northeast line of Nursery street, crossing lots eleven (11), twelve (12), fifteen (15) and sixteen (16), in block eleven (11), bounded by Ward street, Webster avenue, Herndon street, and Nursery street; Provided, however, that said Cörper & Nockin shall, before laying said track, enter into a bond with the city of Chicago in the sum of five thousand (5,000) dollars, to be approved by the mayor, to hold the city of Chicago harmless from all damages, costs and expenses whatsoever, in consequence of the passage of this ordinance, granting the privilege hereinbefore mentioned; Provided, further, that the privileges hereby granted shall be subject in all respects to all ordinances now in force or which may hereafter be passed concerning railroads; and that said Cörper & Nockin shall keep so much of said alley as shall be occupied by said track in such condition and repair as they may be directed by the department of public works; Provided, that said track shall be laid down and maintained under the direction and supervision of the department of public works.

¶ 2. **Grant ten years.**] § 2. The rights and privileges hereby granted shall cease and determine at the expiration of ten (10) years from the passage hereof.

¶ 3. **Subject to modification or repeal.**] § 3. This ordinance shall at any time before the expiration thereof be subject to modification, amendment or repeal, and in case of repeal, all privileges hereby granted shall cease and determine.

¶ 4. **Removal of track.**] § 4. In case of the expiration of this ordinance by lapse of time, or in case of repeal, said Cörper & Nockin shall, at their own expense, cause said track to be removed and the part of the alley so occupied by said track to be placed in such repair and condition as the department of public works may require.

And if said Cörper & Nockin shall fail to remove said track and so restore said alley as herein provided, then the city may, after ten (10) days' notice, in writing, to the said Cörper & Nockin, or their bondsmen, remove said track and restore the part of the alley so occupied by said track to such condition as it may elect, at the expense and cost of said Cörper & Nockin, which cost and expense said Cörper & Nockin in accepting this ordinance agree to pay on demand.

¶ 5. **Acceptance.**] § 5. This ordinance shall be in force from and after its passage and acceptance by said Cörper & Nockin.

WILLIAM M. CRILLY.

§ 738. William M. Crilly.

¶ 1. Route.
¶ 2. Supervision of track laying.
¶ 3. Bond.
¶ 4. Grant expires January 1, 1915.
¶ 5. When in force.

An ordinance granting permission to William M. Crilly to lay down and maintain a switch track. (Passed March 29, 1897.)

¶ 1. **Route.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted to William M. Crilly, his representatives, heirs and assigns, to lay down, maintain and operate two or more railroad switch tracks upon the property of said William M. Crilly in block three (3) in Counselman's subdivision of the north half (N. ½) of the southeast quarter (S. E. ¼) of the northwest quarter (N. W. ¼) of section fifteen (15), township thirty-nine (39) north, range thirteen (13), east of the third principal meridian, in Cook county, Illinois; said block three being bounded on the north by Jackson street; on the east by South Forty-fifth court; on the south by Van Buren street, and on the west by the alley between said block three and the right of way of the Belt Railway, in Chicago, Illinois; also to lay down, maintain and operate one railroad switch track upon and across said alley, which lies between said block three and said right of way of said Belt Railway, at a point about one hundred and twenty-five feet south of Jackson street, said track to cross said alley at a convenient angle to connect the track or tracks upon said block three with the track or tracks upon the said right of way of the said Belt Railway.

¶ 2. **Supervision of track laying.**] § 2. That the said William M. Crilly shall lay and maintain such tracks under the supervision of the commissioner of public works of the city of Chicago, and shall in all respects comply with the ordinances of said city.

¶ 3. **Bond.**] § 3. This permission and authority is granted to said William M. Crilly upon the condition that he shall give a bond in the sum of five thousand dollars ($5,000) with good and sufficient surety, to be approved by the mayor, conditioned to keep the city of Chicago harmless of and from all damages whatsoever arising from this grant.

¶ 4. **Grant expires January 1, 1915.**] § 4. The rights and privileges hereby granted shall cease and determine on the 1st day of January, A. D. 1915.

¶ 5. **When in force.**] § 5. This ordinance shall be in full force and effect from and after its passage.

WILLIAM DEERING.

§ 739. William Deering.

¶ 1. Clybourn avenue—cars not to stand—flagman.
¶ 2. Authority over street—termination of grant.

An ordinance to permit William Deering to change one of his side-tracks crossing Clybourn avenue in the town of Lake View. (Passed and approved October 2, 1882.)

¶ 1. Clybourn avenue—cars not to stand—flagman.] § 1. Be it ordained by the board of trustees of the town of Lake View, that permission be and the same is hereby granted to William Deering to change the present position of one of his side-tracks near the Chicago & Northwestern railway tracks to a position nearly parallel crossing Clybourn avenue, about two hundred and fifty feet to the northwest of the present position of said side-track, upon the condition, however, that said side-track or tracks and the operation thereof shall in no manner obstruct said highway, and upon the further condition that no car or cars shall stand upon said street or crossing, and upon the further condition that the said William Deering will at all times, when any car or train is about to cross the street, to keep and maintain there a flagman to give warning of the approach of such car or train.

¶ 2. Authority over street—termination of grant.] § 2. The town of Lake View hereby reserves full right, power and control over said street and crossings and may at any time withdraw the permission hereby granted.

WILLIAM DEERING & CO.

§ 740. William Deering & Co.

¶ 1. Fullerton avenue—two tracks—Wrightwood avenue.
¶ 2. Street repair—condition of tracks.
¶ 3. Indemnity clause.
¶ 4. Subject to amendment or repeal after ten years.
¶ 5. When in force.

An ordinance granting to William Deering & Co. the right to maintain and operate certain railroad tracks. (Passed and approved March 3, 1884.)

¶ 1. Fullerton avenue—two tracks—Wrightwood avenue.] Be it ordained by the board of trustees of the town of Lake View: § 1. That permission and authority be, and they are hereby granted to William Deering & Co., a corporation organized under the laws of the state of Illinois, to maintain and operate a railroad track across the north half of Fullerton avenue, where the same has already been constructed connecting the reaper factory of said corporation, situated on Deering's Addition to Chicago, with the tracks of the Chicago and

Northwestern Railway, also to maintain and operate two (2) railroad tracks upon and across the portion of Clybourn avenue and Wrightwood avenue, where the same have been already constructed, connecting said reaper factory with the tracks of said Chicago & Northwestern Railway, together with all necessary switches and connections along the lines of said railroad tracks that may be required for the transaction of the business of said reaper factory.

¶ 2. **Street repair—condition of tracks.**] § 2. The privileges hereby granted by this ordinance are upon the express condition that said William Deering & Co., their successors and assigns, shall so maintain and operate said tracks and switches that they shall interfere as little as practicable with the use of said streets; and shall at all times keep them in such condition as to allow the free use and easy passage of vehicles along and over them, on said Fullerton and Clybourn avenues, and shall fill, grade, pave, macadamize or improve the said last named streets so used by said corporation, William Deering & Co., for said tracks, and three feet of the street outside of the same, whenever ordered or directed by the board of trustees of the town of Lake View, and in such manner as said board shall direct. All of which work shall be done under the supervision of the proper town authorities or their successors in such authority.

¶ 3. **Indemnity clause.**] § 3. The permission aforesaid is granted upon the further condition that said William Deering & Co., their successors and assigns, shall save and keep the town of Lake View harmless from all damages, costs and expenses whatever arising out of the occupation or use of any of said streets in the manner aforesaid; and that said permission is granted subject to all the general ordinances of the town concerning railroads now in force, or that may be hereafter passed.

¶ 4. **Subject to amendment or repeal after ten years.**] § 4. The permission hereby granted is upon the further express condition that this ordinance shall be subject to amendment or repeal by the board of trustees or their successors in authority at any time after ten years from its passage; and the rights and privileges hereby granted shall cease and determine upon such repeal thereof.

¶ 5. **When in force.**] § 5. This ordinance shall take effect and be in force from and after its passage.

§ 741. William Deering & Co.

¶ 1. Route—repair of portion of Clybourn avenue.
¶ 2. Maintenance of sidewalk.
¶ 3. Compensation.
¶ 4. Subject to all ordinances.
¶ 5. Grant ten years.
¶ 6. Bond.
¶ 7. Acceptance.

An ordinance granting permission to William Deering & Co. to lay down and operate a railroad track. (Passed April 9, 1891. Accepted April 17, 1891.)

¶ 1. **Route—repair of portion of Clybourn avenue.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be, and the same are, hereby granted to William Deering and Company, a corporation created and existing under and by virtue of the laws of the state of Illinois, its successors and assigns, to lay down, maintain and operate a railroad track in part upon the southwesterly six (6) feet in width of Clybourn avenue, and extending along and in front of its property from a point nine hundred (900) feet southeasterly of the intersection of the south line of Diversey street and the west line of Clybourn avenue to and to connect, in the most practical manner with, the switch track of the Chicago & Northwestern Railway Company now crossing said Clybourn avenue nearest the main tracks of said railway; Provided, said track shall be laid down upon and occupy only the westerly six (6) feet in width of said Clybourn avenue and provided, also, the said track shall be laid down and maintained under the direction and supervision of the commissioner of public works of the city of Chicago, and that the said William Deering and Company, its successors and assigns, shall keep such portion of said Clybourn avenue as shall be occupied by said track, and by the sidewalk hereinafter provided for, in good condition and repair under the supervision of and as it may be directed by the said, the commissioner of public works.

¶ 2. **Maintenance of sidewalk.**] § 2. The permission and authority hereby granted are with the express understanding and agreement that said William Deering and Company, its successors and assigns, shall, as soon as said tracks are laid, erect along the entire line of said tracks, and during the continuance of the franchise hereby granted, keep and maintain in good condition and repair, under the supervision of and as it may be directed by the commissioner of public works, a board or plank sidewalk eight (8) feet wide.

¶ 3. **Compensation.**] § 3. The rights and privileges herein granted are upon the further express condition that said company, its successors or assigns, shall pay in to the city treasury of Chicago, annually, at the rate of fifteen hundred (1,500) dollars per mile, for such proportion of a mile of railroad track as may be constructed under the provisions of this ordinance, such payment to be made on or before the first day of April, during each and every year of the continuance of the rights and privileges hereby granted.

¶ 4. **Subject to all ordinances.**] § 4. This ordinance is accepted by the said Deering and Company, subject to all ordinances, now in force or which may hereafter be in force, respecting railroad tracks and subject to repeal and modification at any time.

¶ 5. **Grant 10 years—street restored.**] § 5. The rights and privileges hereby granted shall cease and determine at the end of ten (10) years from the passage hereof and this ordinance, at any time before the expiration of said ten (10) years, shall be subject to modification or repeal and, in case of repeal, or in case of the expiration

of this ordinance by the lapse of time, all privileges hereby granted shall cease and determine and the said William Deering and Company, its successors or assigns, shall at its own expense cause said track and sidewalk to be removed, as directed by the commissioner of public works of the city of Chicago, and put said street, along which said tracks and said walks are laid, in the same condition as regards repairs and improvements as the balance of said street may be in at that time.

¶ 6. **Bond.**] § 6. That, before laying such track, and within seventy days from the passage hereof, the said William Deering and Company shall enter into a bond to the city of Chicago in the sum of twenty thousand (20,000) dollars, to be approved by the mayor of said city, conditioned to indemnify and save harmless the city of Chicago from all damages, costs and expenses that may accrue in consequence of the passage of this ordinance, or that may in any way arise or grow out of the exercise by said William Deering and Company, their successors or assigns, of the privileges hereby granted and to faithfully keep and perform all conditions required to be kept and performed by said Deering and Company under this ordinance.

¶ 7. **Acceptance.**] § 7. This ordinance shall be in force and operation from and after its passage and acceptance by said William Deering and Company.

DETROIT STOVE WORKS.

§ 742. Detroit Stove Works.
¶ 1. Route.
¶ 2. Track, how laid.
¶ 3. Bond.
¶ 4. Subject to all general ordinances.
¶ 5. Grant 20 years.

An ordinance granting permission to the Detroit Stove Works to construct and operate a single railroad track. (Passed September 25, 1893.)

¶ 1. **Route.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same is, hereby granted to the Detroit Stove Works to lay down, maintain and operate a single railroad switch track from the tracks now laid between Twenty-ninth and Thirtieth streets and operated by the Chicago, Rock Island & Pacific Railroad Company, commencing at a point on said right of way of said Chicago, Rock Island & Pacific Railroad about three hundred and fifty (350) feet north of the north line of Thirtieth street; thence, northerly and westerly, across the alley west of and adjoining the tracks of said Chicago, Rock Island & Pacific Rail-

road Company on to said lots fifty-one (51), fifty-two (52), fifty-three (53), fifty-four (54), fifty-five (55) and fifty-six (56), in block six (6) of Charles H. Walker's subdivision of that part south of the north thirty (30) acres of the east half (½) of the southeast quarter (S. E. ¼) of section twenty-eight (28), township thirty-nine (39) north, range fourteen (14) east of the third principal meridian, being one hundred and fifty (150) feet east front on the alley.

¶ 2. **Track, how laid.**] § 2. The said Detroit Stove Works, its successors and assigns, are hereby required and this grant is made upon the express condition that it shall so lay down and maintain said track that it shall interfere as little as practicable in the use of said alley and shall, at all times, keep said track in such condition as to allow the free use and easy passage of vehicles along and over it; all of which shall be done under the superintendence of the commissioner of public works.

¶ 3. **Bond.**] § 3. This permission or grant is made upon the further condition that said Detroit Stove Works, its successors and assigns, shall keep and save the city of Chicago harmless from all damages, costs and expenses whatsoever arising out of the use and acceptance of said alley by said Detroit Stove Works, and the said Detroit Stove Works shall give a bond, with one or more sureties to be approved by the mayor, in the penal sum of $5,000 for the fulfillment of the conditions of this grant or permission.

¶ 4. **Subject to all general ordinances.**] § 4. This permission is granted subject to all general ordinances, now or hereafter in force, concerning railroads, and shall be subject to amendment or repeal at any time for a failure to comply with any order of the commissioner of public works concerning the proper construction or maintenance of said track.

¶ 5. **Grant 20 years.**] § 5. This grant or permission is hereby expressly limited to a period of twenty years from the passage hereof and, at the expiration of said twenty years, or sooner if this ordinance should be repealed, the said Detroit Stove Works, its successors or assigns, shall take up and remove said track within five days after notice by the commissioner of public works and, in case of failure or refusal to comply with said notice, then, the city may remove the same at the expense of said Detroit Stove Works, its successors or assigns.

Note.—See ordinance following for elevation of this track.

§ 743. Detroit Stove Works.

¶ 1. Elevation of track.
¶ 2. Bond.

An ordinance authorizing the Detroit Stove Works to elevate its side or switch track. (Passed December 9, 1895.)

¶ 1. **Elevation of track.**] Be it ordained by the city council of the city of Chicago: § 1. That authority and permission are hereby

given to the Detroit Stove Works (a corporation organized under the laws of the state of Michigan) to elevate its side or switch track, from the tracks of the Chicago, Rock Island & Pacific Railway across the alley adjoining said railway company's right of way on the west, between 29th and 30th streets, in the city of Chicago, to the storehouse or place of business of said Detroit Stove Works, immediately adjoining and west of said alley. Said elevation, where it crosses such alley, shall be ten feet in the clear above the present grade of such alley; and may be constructed of a substantial wood or frame structure for that purpose.

¶ 2. **Bond.**] § 2. Said Detroit Stove Works shall, before building such structure across said alley, enter into a good and sufficient bond in the penal sum of ten thousand dollars ($10,000) to the city of Chicago, with sureties, to be approved by the mayor of said city, which bond shall be conditioned that the said Detroit Stove Works will indemnify and hold harmless the city of Chicago from any and all loss, damage or injury which may arise or result to said city through or by means of the construction, maintenance or operation of said switch track.

DOLESE & SHEPARD.

§ 744. Dolese & Shepard.

¶ 1. Grant ten years.
¶ 2. Conditions.
¶ 3. Acceptance.

An ordinance granting permission to Dolese & Shepard to lay a railroad track across Wallace street. (Passed December 29, 1890. Accepted February 2, 1891.)

¶ 1. **Grant ten years—route.**] Be it ordained by the city council of the city of Chicago: § 1. That a right of way be and the same is hereby granted, for a period of ten years from the passage of this ordinance, to John Dolese and Jason H. Shepard, doing business under the firm name of Dolese & Shepard, of the city of Chicago, county of Cook and state of Illinois, to lay a railroad track, as follows: Commencing at a point west of Wallace street, connecting with the south track of the Union Stock Yard and Transit Company's track and running east parallel with said south track, at a proper distance therefrom to allow cars to pass with safety to and across Wallace street to land owned and occupied by said Dolese & Shepard, lying east and adjoining Wallace street and south and adjoining the said south track of the said Union Stock Yard and Transit Company's railroad.

¶ 2. **Conditions.**] § 2. That said railroad track, when laid as provided in section 1, shall be on a grade with the tracks of the said

railroad company now crossing Wallace street; Provided that, before laying such track, said John Dolese and Jason H. Shepard shall enter into a bond to the city of Chicago, with two or more sureties to be approved by the mayor, in the penal sum of ten thousand dollars ($10,000), conditioned to save the said city harmless from any and all damages which may arise from or grow out of the privileges hereby granted, or the laying or operating of said track; Provided further, that said John Dolese and Jason H. Shepard, or their assign, shall plank the said street between the tracks hereby authorized to be laid, and keep the same in good repair, under the direction of the proper city authorities.

¶ 3. **Acceptance.**] § 3. This ordinance shall be in force from and after its acceptance by the said parties named in section 1 hereof.

WILLIAM DOUGLAS.

§ 745. William Douglas.

¶ 1. Route—two tracks—grant ten years.
¶ 2. Bond—conditions.
¶ 3. In effect.

An ordinance granting permission to William Douglas to put in and operate on Bloomingdale road a side track. (Passed January 25, 1892.)

¶ 1. Route—two tracks—grant ten years—second track across Fairfield avenue.] Be it ordained by the city council of the city of Chicago: § 1. That permission is hereby given to William Douglas, upon complying with the terms of this ordinance, to cause to be put in, constructed and operated upon and along Bloomingdale road and the property adjoining thereto, within the city of Chicago, a side track to be connected with the tracks of the Chicago, Milwaukee & St. Paul Railroad Company and to be located as follows: Said side track shall have its junction with the tracks of said Chicago, Milwaukee & St. Paul Railroad at a point not further east than the east line of the alley running north and south in the middle of the block lying between Fairfield avenue and Washtenaw avenue, and shall extend westward along and adjacent to said street on the south side of said main tracks not further west than the east line of California avenue. A second track, constituting a part of said switch, may, also, be constructed and operated, having its junction with the said track above named at a point between the above named alley and Fairfield avenue and extending westward parallel with the side track above named and likewise on the south side of the said main tracks to a point not further west than the east line of California avenue and, for such purpose, said double side track may be built across Fairfield avenue at a point not

more than four feet south of its junction with the south line of Bloomingdale road. Such side tracks may be used and operated by said William Douglas, or his assigns, for a period of not more than ten years from the passage of this ordinance.

¶ 2. **Bond—conditions.**] § 2. This ordinance shall have no force or effect until said William Douglas shall make and execute a bond, to be approved by the comptroller, payable to the city of Chicago, in the penal sum of five thousand (5,000) dollars, conditioned that he will indemnify and save harmless the city of Chicago from any and all loss or damage of every kind which it may sustain by reason of the passage of this ordinance and by reason of the exercising and enjoyment, by said Douglas and his assigns, of the privileges and benefits by this ordinance conferred. And it is further understood and agreed that neither said William Douglas nor his assigns shall permit any cars to stand upon said side track so as to impede or obstruct public travel, and this ordinance is hereby granted upon the further condition that said Douglas shall keep the space occupied by said tracks in said street properly planked or paved in such manner that public travel can freely pass over the same at all times, and in all directions.

¶ 3. **In effect.**] § 3. This ordinance shall be in force and take effect from and after its passage and approval of said bond.

DOWDLE & McWHIRTER.

§ 746. Dowdle & McWhirter.

¶ 1. North Halsted street.
¶ 2. Maintenance of track—repair of sidewalk—removal for failure.
¶ 3. Standing cars prohibited.
¶ 4. Bond.
¶ 5. Amendment or repeal—grant ten years.
¶ 6. Acceptance.

An ordinance granting permission to Dowdle & McWhirter to lay down and operate a switch track. (Passed May 13, 1889.)

¶ 1. **North Halsted street.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby granted to John Dowdle and James McWhirter, doing business under the name and style of Dowdle & McWhirter, to lay down and operate a switch track across North Halsted street, from block 82, Elston addition to lots 5 and 6, block 97, Elston addition, and connecting with the railroad tracks now on said block 82, belonging to the Chicago, Milwaukee and St. Paul Railroad Company.

¶ 2. **Maintenance of track—repair of sidewalk—removal for failure.**] § 2. The said Dowdle and McWhirter are hereby required, and this grant is made on the express condition that they shall so lay down and maintain said track, that it shall interfere as little as practicable in the use of said Halsted street, and shall at all times keep said track in such condition as to allow the free use and easy passage of vehicles along and over the same, and that they will also keep the sidewalk across said track in good condition and repair so as not to endanger the passage of pedestrians over the same, all of which shall be done under the directions of the department of public works, and whenever the department of public works shall order said track to be repaired or placed in a safe condition for travel over the same, then said Dowdle and McWhirter shall comply with such order within ten (10) days thereafter, and in case of a refusal to comply with such order, then the department of public works may, without further notice, take up and remove such track, and all rights hereunder shall then cease and determine.

¶ 3. **Standing cars prohibited.**] § 3. Said Dowdle and McWhirter shall not, at any time, permit any car or cars to stand upon said track across Halsted street.

¶ 4. **Bond.**] § 4. This permission and authority is made upon the further condition that said John Dowdle and James McWhirter shall keep and save the city of Chicago harmless from all damages, costs and expenses whatsoever arising out of this grant, and said John Dowdle and James McWhirter shall give a bond, with one or more sureties, to be approved by the mayor, in the penal sum of five thousand dollars for the fulfillment of the conditions of this grant or permission.

¶ 5. **Amendment or repeal—grant 10 years—removal.**] § 5. This ordinance shall be subject to amendment or repeal at any time, and is expressly limited to a period of ten years from the passage hereof, and at the expiration of said ten (10) years, or sooner if this ordinance should be repealed, then said Dowdle and McWhirter shall take up and remove said track from Halsted street within five (5) days after notice by the department of public works, and in case of failure, or in case said Dowdle and McWhirter, or either of them, do not use said track, then the city may remove the same and place the street where occupied by said track in such condition as it may see fit so as to correspond to the other parts of the street, and the expense of such removal, or of any removal, of said track shall be paid by said John Dowdle and James McWhirter, their heirs, executors and administrators, jointly or severally.

¶ 6. **Acceptance.**] § 6. This ordinance shall be in force from and after its acceptance by said Dowdle and McWhirter, and the filing of and approval of the bond, provided for in section four hereof, which shall be done within thirty (30) days from the passage hereof, and in such acceptance said Dowdle and McWhirter shall expressly agree

to all the conditions of this ordinance and expressly agree to pay to the city of Chicago all moneys it may be compelled to pay for or by reason of granting this permission.

JOHN J. DUNN.

§ 747. John J. Dunn.

¶ 1. Elevation of track across alley adjoining L. S. & M. S. Ry.
¶ 2. Bond.
¶ 3. When in force.

An ordinance granting permission to John J. Dunn to elevate his switch track.
(Passed July 13, 1896.)

¶ 1. Elevation of track across alley adjoining L. S. & M. S. Ry.] Be it ordained by the city council of the city of Chicago: § 1. That authority and permission are hereby given to John J. Dunn to elevate his side or switch track, which is now connected with the tracks of the Lake Shore and Michigan Southern Railroad Company, across the alley adjoining said railroad company's right of way on the east, between 51st and 52nd streets, in the city of Chicago. The said switch track connects the said railroad with the place of business of the said John J. Dunn, immediately adjoining and east of said alley, and otherwise described as follows: Lots 1 to 10, Block 3, Baierley's Subdivision of Lots 1 to 5 of Turner's Subdivision of east part of northeast ¼, southeast ¼, section 9, township 38 north, range 14 east of the third principal meridian. Said elevation where it crosses said alley shall be ten feet in the clear above the present grade of said alley, and may be constructed of substantial wood or frame structure for that purpose. Said work to be done under the supervision of the commissioner of public works.

¶ 2. Bond.] § 2. Said John J. Dunn shall, before commencing the work of elevating said side track across said alley, enter into a good and sufficient bond in the penal sum of $5,000 to the city of Chicago, with sureties to be approved by the mayor of said city, which bond shall be conditioned that the said John J. Dunn will indemnity and hold harmless the city of Chicago from any and all loss, damage and injuries which may arise or result to said city through or by means of the construction, maintenance or operation of said side track.

¶ 3. When in force.] § 3. This ordinance shall be in force from and after its passage.

Note.—Original privilege granted by trustees of town of Lake. See petition on file in city clerk's office.

JAMES G. DWEN.

§ 748. James G. Dwen.

¶ 1. Grant twenty years—Grove and Twentieth streets, and in alley, etc.—repair of entire alley.
¶ 2. When in force.

An ordinance granting permission to James G. Dwen to lay down and construct a single railroad track. (Passed February 1, 1886.)

¶ 1. Grant 20 years—Grove and 20th streets, and in alley, etc.—repair of entire alley.] Be it ordained by the city council of the city of Chicago: § 1. That permission is hereby given and granted to the Chicago and Western Indiana Railway Company and the Chicago, Alton and St. Louis Railway Company, and James G. Dwen, to lay down, construct and maintain a single railroad track for a period of twenty (20) years, from the tracks of the Chicago and Western Indiana Railway Company, and the Chicago, Alton and St. Louis Railway Company, in Grove street, to the south line of lot 4, block 41, Canal Trustees' new subdivision of S. E. ¼ of section 21, T. 39 N., R. 14 E. Said side track to commence at the nearest practical point in front of lot 8, 9 or 10, block 42, in said subdivision; from thence across the west end of Twentieth street and from thence to occupy the east half of the alley, west of and adjoining said lot 4 in said block 41.

Provided, said track shall be laid down and maintained under the supervision of the department of public works.

Provided, further, that said Chicago and Western Indiana Railway Company and the Chicago, Alton and St. Louis Railway Company and James G. Dwen shall improve and keep in good repair during the entire term of this grant, twenty (20) years, the entire alley west of and adjoining said lot 4 in said block 41; and

Provided, further, that the privileges hereby granted shall be subject to all ordinances now in force concerning railroads, or which may hereafter be passed, and upon further express conditions that the city of Chicago may at any time repeal this ordinance.

¶ 2. When in force.] § 2. This ordinance shall be in force from and after its passage.

PATRICK EDGEWORTH.

§ 749. Patrick Edgeworth.

¶ 1. Grant—term ten years—route—bond.
¶ 2. Subject to all ordinances.
¶ 3. Cessation of grant—duty of grantee.
¶ 4. In effect.

An ordinance authorizing Patrick Edgeworth to construct and operate a switch or railroad track in and across Stewart avenue. (Passed September 25, 1893.)

¶ 1. **Grant—term 10 years—route—bond.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted to Patrick Edgeworth and his assigns to lay down, maintain and operate for a period of ten (10) years from the date of the passage hereof a switch or railroad track in Stewart avenue from the tracks of the Pittsburg, Fort Wayne & Chicago Railroad Company over the following line, to wit: Commencing on the east track of the P., F. W. & C. R. R. Company about one hundred and twenty-five (125) feet north of the north line of Twenty-seventh street produced, thence on a curve in a southeasterly direction in and across Stewart avenue in to the stone yard on the east side of said Stewart avenue, the said track to be used in connection with said stone yard, as shown on the plat attached hereto; Provided, that said track shall be laid down, maintained and operated under the direction and supervision of the commissioner of public works; Provided, further, that the said Patrick Edgeworth or his assigns shall, before laying said track, enter into a good and sufficient bond with the city of Chicago in the sum of ten thousand dollars ($10,000), conditioned to hold said city harmless from all damages, costs and expenses whatever which may result from or arise out of the passage of this ordinance or the exercise of any of the privileges herein granted.

¶ 2. **Subject to all ordinances.**] § 2. The privileges hereby conferred shall be exercised and enjoyed subject to all ordinances now in force or which may hereafter be passed concerning railroads.

¶ 3. **Cessation of grant—duty of grantee.**] § 3. At the expiration of said ten (10) years the said Patrick Edgeworth or his assigns shall cause said track to be removed and, in default thereof, the same shall be removed by the city of Chicago at the expense of the said Edgeworth, or of his assigns, and the said Edgeworth and his assigns, upon the removal of said tracks, shall place said avenue in such repair and condition as the department of public works may require.

¶ 4. **In effect.**] § 4. This ordinance shall be in force and take effect from and after its passage and the filing of the bond required herein.

W. EVERETT & SON.

§ 750. W. Everett & Son.
¶ 1. Grant five years—route—bond.
¶ 2. Acceptance.

An ordinance authorizing W. Everett & Son to construct and maintain a single side track. (Passed June 5, 1893. Accepted June 12, 1893.)

¶ 1. Grant 5 years—route—bond.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby granted to W. Everett & Son, for a period of five (5) years from the passage of this ordinance, to lay down and operate a private single side-track, from and connecting with the main tracks of the Lake Shore and Michigan Southern Railway, commencing at a point about eight hundred (800) feet southeast of the south line of Seventy-sixth street, and thence northwesterly along the north line of said railroad company's right of way and across an alley to the leased property of W. Everett & Son, as shown on plat herewith attached; Provided, that before laying such track said W. Everett & Son shall enter into a bond to the city of Chicago, with good and sufficient sureties, in the penal sum of one thousand dollars ($1,000), to be approved by the commissioner of public works, conditioned to save the said city harmless from any and all damages which may arise from or grow out of the privileges hereby granted, or the laying or operating of said track.

¶ 2. Acceptance.] § 2. This ordinance shall be in force and takes effect when it shall have been accepted by said W. Everett & Son and said bond filed and approved; Provided, said acceptance and bond shall be filed with the city clerk within thirty (30) days from passage thereof.

FELIX & MARSTON.

§ 751. Felix & Marston.

¶ 1. Term ten years—West Sixteenth and Arthur streets—conditions.
¶ 2. Bond—condition as to elevation.
¶ 3. In effect.

An ordinance authorizing Felix & Marston to maintain and operate certain switch tracks. (Passed July 2, 1894.)

¶ 1. Term 10 years—West Sixteenth and Arthur streets—conditions.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and they are hereby given, for the period of ten (10) years, to the firm of Felix and Marston, their successors, heirs and assigns, to lay down, maintain and operate or cause to be operated, two railroad tracks near the corner of West 16th street and Arthur street, more particularly descibed as follows: A single track from a connection with the track of the Chicago, Burlington and Quincy Railroad Company now situated upon said West

16th street near the intersection thereof by Canal street, thence with proper curves along the south side of 16th street to the east line of Arthur street, thence curving southeasterly across the south line of 16th street on to adjoining private property. Also, a single railroad track beginning at a point on the north line of West 16th street, about 200 feet east of the east line of Canal street, running southeasterly on a curve across said West 16th street on to private property owned or controlled by said Felix and Marston, on the southwest corner of 16th street and Arthur street.

The location of said proposed tracks are more specifically placed on a plat hereto attached.

Said tracks shall be laid and maintained under the supervision of the commissioner of public works; and said company shall keep such portion of the street as is occupied by said tracks in good condition and repair, so as not to interfere with public travel, under like supervision.

At the expiration of the time herein limited all rights under this ordinance shall absolutely cease and determine without any act on the part of the city, and the said tracks shall be, at once, removed and the street placed in good condition and repair at the expense of said company.

¶ 2. **Bond—condition as to elevation.**] § 2. This ordinance is passed and the permission aforesaid granted upon the express condition that the said Felix and Marston shall enter into bonds with the said city of Chicago, signed by sureties to be approved by the mayor, within ten days from its passage, in the sum of ten thousand dollars, conditioned to comply with the conditions of this ordinance, and the general railroad ordinances now in force or that may hereafter be passed, also, to save, keep harmless and indemnify the city of Chicago from all damages, costs and expenses that may accrue or in any wise arise from or grow out of the privileges hereby granted, and upon further express condition that the city of Chicago may, at any time, repeal this ordinance. This ordinance is passed and the permission aforesaid is granted with the further condition that in case the tracks of any railroad or railroads with which the aforesaid switch tracks shall be connected shall be elevated above the surface of 16th street, the aforesaid switch tracks shall also be elevated and removed from the surface of said street with the said railroad, with which it shall be connected, without expense to the city of Chicago, and that the railroad company with whose tracks the same shall be so connected and the said Felix and Marston shall pay all damages, costs and expenses that may accrue, result or in any wise arise from or grow out of such elevation of such switch tracks and save and keep harmless and indemnify the city therefrom.

This ordinance shall not give to said Felix and Marston any authority to interfere with the railroad tracks in said street nor to obstruct the transportation of cars thereon, but said switch tracks, being for the special benefit of said company, shall be laid, cared for and

operated in such a manner as will not interfere with the public service rendered by the railroads occupying part of said street; and the commissioner of public works shall take care that these restrictions be obeyed by said Felix and Marston, and in default of such obedience he shall cause said switch tracks to be removed.

¶ 3. **In effect.**] § 3. This ordinance shall be in force from and after its passage and due publication.

LAWRENCE J. FITZGERALD.

§ 752. Lawrence J. Fitzgerald.

¶ 1. Grant ten years—bond.
¶ 2. Conditions.
¶ 3. Expiration of grant—duty of lessee.
¶ 4. Acceptance.

An ordinance authorizing Lawrence J. Fitzgerald to construct and maintain a single side track across Eighty-first street and Wallace street. (Passed July 16, 1891.)

¶ 1. **Grant ten years—bond.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted to Lawrence J. Fitzgerald to construct, maintain and operate, for a period of ten (10) years from the passage hereof (unless the permission and authority shall be sooner revoked by the city council), a private single side track, commencing at a point in the west main track of the Chicago & Western Indiana Railroad Company ten (10) feet north of the north line of 82d street, thence in a northwesterly direction across Wallace and 81st streets to a point three (3) feet west of the northwest corner of 81st and Wallace street; Provided, however, that said Fitzgerald shall first execute and deliver to the city of Chicago a bond, with good and sufficient sureties to be approved by the commissioner of public works, in the penal sum of ten thousand (10,000) dollars, conditioned for the faithful performance by the said Fitzgerald of all of the provisions and conditions of this ordinance, and shall indemnify and save harmless the city of Chicago from all expenses, costs and damages it may sustain by reason of the construction, maintenance or operation of said track and of the exercise by the said Fitzgerald of the provisions herein granted; and, provided, further, that the privileges hereby conferred shall be exercised and enjoyed subject to all railroad or other ordinances now in force or which may be hereafter passed by the city council.

¶ 2. **Conditions.**] § 2. Said track shall be laid down and maintained under the direction of the commissioner of public works and in

such manner as to interfere as little as possible with the use of said Wallace and 81st streets, and the space between the rails of said track shall be planked so as to allow the free passage of persons, teams and vehicles along and over the same at all times, and no locomotive or car shall be allowed to stand upon said Wallace or said 81st streets, nor shall any car load or unload thereon. And if said Fitzgerald shall violate any of the provisions of this ordinance the commissioner of public works may, without notice to said Fitzgerald, cause said track to be removed from said streets and the streets to be restored to their former condition at the expense of said Fitzgerald.

¶ 3. **Expiration of grant—duty of lessee.**] § 3. At the expiration of said ten (10) years, or as much sooner as the city council shall order, the said Fitzgerald shall cause said track to be removed and said streets to be restored to the same condition in which they were before the construction of said track, and, in default thereof, the said track may be removed and the said streets restored to their former condition by the commissioner of public works and at the expense of said Fitzgerald.

¶ 4. **Acceptance.**] § 4. This ordinance shall be in force and take effect when it shall have been accepted by said Fitzgerald and said bond filed and approved; Provided, said acceptance and bond shall be filed within thirty (30) days from the passage hereof, otherwise this ordinance shall be null and void.

P. J. FLYNN.

§ 753. P. J. Flynn.
- ¶ 1. Route.
- ¶ 2. Grant ten years.
- ¶ 3. Bond.
- ¶ 4. Acceptance.

An ordinance authorizing P. J. Flynn to construct and operate a switch track. (Passed October 26, 1891. Accepted November 7, 1891.)

¶ 1. **Route.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same are hereby granted to P. J. Flynn to lay down and operate a private single switch track commencing at a point immediately south of the south line of 67th street, connecting with the tracks of the Chicago & Western Indiana R. R. (and now crossing said 67th street at this place) and extending northerly along the east line of the south one-half of lot 28, as per attached plat.

¶ 2. **Grant 10 years.**] § 2. The rights and privileges hereby

granted shall cease at the end of ten years from the passage hereof, and this ordinance at any time shall be subject to repeal.

¶ 3. **Bond.**] § 3. That, before laying such track and within sixty days from the passage of this ordinance, P. J. Flynn shall enter into a bond to the city of Chicago in the sum of ten thousand (10,000) dollars, conditioned to indemnify and save harmless the city of Chicago from all damages, costs or expenses that may accrue in consequence of the passage of this ordinance, or that may in any way arise or grow out of the exercise by P. J. Flynn, his successors or assigns, of the privileges hereby granted, and to faithfully keep and perform all conditions required to be kept and performed by said P. J. Flynn under this ordinance.

¶ 4. **Acceptance.**] § 4. This ordinance shall be in force and operation from and after its passage and acceptance by said P. J. Flynn.

J. S. FORD, JOHNSON & CO.

§ 754. J. S. Ford, Johnson & Co.

¶ 1. Across Indiana avenue near Sixteenth street.
¶ 2. Use of street—repair of, etc.—removal for failure.
¶ 3. Cars not to stand on track.
¶ 4. Bond.
¶ 5. Grant ten years—removal—restoration of street.
¶ 6. Acceptance.

An ordinance granting permission to J. S. Ford, Johnson & Co. to lay down and maintain a switch track. (Passed June 17, 1889. Accepted June 24, 1889.)

¶ 1. **Across Indiana avenue near 16th street.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby granted to John S. Ford, Henry W. Johnson and Reuben A. Hitchcock, doing business under the firm name and style of J. S. Ford, Johnson & Co., to lay down, maintain and operate a switch track across Indiana avenue, near 16th street, commencing at the switch track about 270 feet north of the north line of 16th street, thence in a southwesterly direction parallel with the main line of the St. Charles Air Line Railroad to the east line of the alley west of Indiana avenue and immediately north of 16th street.

¶ 2. **Use of street—repair of, etc.—removal for failure.**] § 2. That the said parties named in section one are hereby required, and this grant is made on the express condition, that they shall so lay down and maintain the said track that it shall interfere as little as practical in the use of said Indiana avenue, and shall at

all times keep said track in such condition as to allow the free use and easy passage of vehicles along and over the same, and that they will also keep the sidewalks across the same in good condition and repair, so as not to endanger the passage of pedestrians over the same, all of which shall be done under the direction of the department of public works. And whenever the department of public works shall order said track to be repaired or placed in a safe condition for travel over the same, then said parties named in section one shall comply with such order within ten (10) days thereafter, and in case of refusal to comply with such order, then the department of public works may, without further notice, take up and remove such track, and all rights hereunder shall then cease and determine. And said parties named in section one shall cause the gate now at Indiana avenue, south of the railroad track now on Indiana avenue at said point, to be replaced south of the track hereby authorized to be laid.

¶ 3. **Cars not to stand on track.**] § 3. Said parties named in section one shall not at any time permit any car or cars to stand upon said tracks across Indiana avenue.

¶ 4. **Bond.**] § 4. This permission and authority is made upon the further condition that said parties named in section one shall keep and save the city of Chicago harmless from all damages, costs and expenses whatsoever arising out of this grant, and shall enter into a bond, with one or more sureties, to be approved by the mayor, in the penal sum of five thousand (5,000) dollars, for the faithful performance of all the conditions of this ordinance.

¶ 5. **Grant 10 years—removal—restoration of street.**] § 5. This ordinance shall be subject to amendment or repeal at any time, and it is expressly limited to a period of ten (10) years from the passage hereof, and at the expiration of said ten (10) years, or sooner, if this ordinance shall be repealed, then said parties named in section one shall take up and remove said track from Indiana avenue within five (5) days after notice by the department of public works, and in case of failure or refusal to comply with such notice, or in case said parties do not use said track, or shall violate any of the terms or conditions of this ordinance, then the city may remove or cause to be removed said track, and place the street where occupied by said track in such condition as it may see fit, so as to correspond to the other parts of the street adjoining the same, and the expense of such removal, or of any removal of said track, shall be paid by the said parties named in section one, their heirs, executors, administrators or assigns, jointly and severally.

¶ 6. **Acceptance.**] § 6. This ordinance shall be in force from and after its acceptance by said parties named in section one, and the filing of and approval of the bond provided for in section four hereof, all of which shall be done within thirty (30) days from the passage hereof, and in such acceptance said parties named in section one shall expressly agree to pay to the city of Chicago all moneys that it may

be compelled to pay for or on account of or by reason of granting this permission.

HENRY FRERK.

§ 755. Henry Frerk.

¶ 1. Grant ten years—bond—street repair.
¶ 2. Subject to all ordinances.
¶ 3. In effect.

An ordinance granting permission to Henry Frerk to lay a switch or side track running parallel with the right of way of the Chicago & Northwestern Railroad company at the intersection of Wallace street and Lee avenue, in the city of Chicago. (Passed December 4, 1890.)

¶ 1. Grant ten years—bond—street repair.] Be it ordained by the city council of the city of Chicago: § 1. Permission and authority is hereby granted to Henry Frerk, for a period of ten (10) years from the passage hereof, to lay down and operate a railroad track from a point at the intersection of the west line of Wallace street and the northeast line of the right of way of the Chicago and Northwestern Railroad, and thence southwest and parallel with the said right of way at a distance of not more than six feet northeast of the north line of said right of way, to the property of the said Henry Frerk, as shown by the plat hereto annexed and made a part of this ordinance; Provided, that before laying such track said Henry Frerk shall enter into a bond to the city of Chicago, with two or more sureties to be approved of by the mayor, in the penal sum of $5,000, and conditioned to save the city harmless from any and all damages, costs and expenses which may arise from or grow out of the privilege hereby granted, or the laying or operating of said track; and provided, further, that the said Henry Frerk, or his assigns, shall plank the said street between the tracks, hereby authorized to be laid, and keep the same in good repair, under the direction of the proper city authorities.

¶ 2. Subject to all ordinances.] § 2. The privelege hereby granted shall be subject to all ordinances concerning railroads now in force or which may be hereafter passed.

¶ 3. In effect.] § 3. This ordinance shall be in force and take effect from and after its passage.

H. D. FULTON.

§ 756. H. D. Fulton.

¶ 1. Route.
¶ 2. Bond—grade—alley repair.
¶ 3. Elevate track if required.
¶ 4. Acceptance.

An ordinance granting permission to H. D. Fulton to lay down a railroad track. (Passed November 18, 1895. Accepted November 23, 1895.)

¶ 1. Route.] Be it ordained by the city council of the city of Chicago: § 1. That a right of way be and the same is hereby granted for the period of ten (10) years from the passage of this ordinance to H. D. Fulton, of Chicago, to lay a railroad track as follows: Commencing at the south line of the Englewood connecting line of the Pan Handle Railroad at a point directly west of the west line of Ashland avenue and connecting with the track of said Pan Handle Railroad, and running thence in a southwesterly direction to land owned and occupied by the said H. D. Fulton, being lots one to six (1 to 6) inclusive in block one (1) of Chittick's subdivision; thence directly west across alley running north and south between Fifty-ninth street and the aforesaid Pan Handle Railroad, being first alley west of Ashland avenue, so as to allow cars to pass with safety across aforesaid alley to block of land owned and occupied by said H. D. Fulton, said land being bounded on the east by the west line of said alley, running south from the south line of Pan Handle Railroad right-of-way one hundred and fifty (150) feet, thence west to the east line of Paulina street, thence north to the right-of-way of the Pan Handle Railroad and thence east to place of commencing, situated in Chittick's subdivision of the east one-half of the south three hundred and twenty-three feet of the east half of the northeast quarter of section eighteen (18) town thirty-eight (38) north, range fourteen (14), east of third principal meridian, in Cook county, Illinois.

¶ 2. Bond—grade—alley repair.] § 2. That said railroad track when made as provided in section one shall be laid and kept upon the same grade as said alley, provided that before laying such tracks said H. D. Fulton shall enter into a bond to the city of Chicago with two or more sureties to be approved by the mayor in the penal sum of five thousand dollars, conditioned to save the city harmless from any and all damages which may arise from or grow out of the privileges hereby granted or the laying or operating of said track; Provided further, that said H. D. Fulton or his assigns shall plank the said alley between the tracks hereby authorized to be laid and to keep the same in good repair under the direction of the proper city authorities.

¶ 3. Elevate track if required.] § 3. Also that the said H. D. Fulton or assigns agree to elevate said switch track whenever the Pan Handle Railroad, to which it is connected, elevate its tracks as the city may direct.

¶ 4. Acceptance.] § 4. This ordinance shall be in force from and after its acceptance by the said party in section one (1) hereof.

GAHAN & BYRNE

§ 757. Gahan & Byrne.

¶ 1. Route.
¶ 2. Duty as to laying tracks.
¶ 3. Bond.
¶ 4. Subject to all ordinances.
¶ 5. Failure to comply with conditions.
¶ 6. Grant twenty years—expiration of grant—duty of lessee.

An ordinance granting permission to Gahan & Byrne to lay down and maintain a railroad switch track on Wallace street. (Passed July 20, 1891.)

¶ 1. Route.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same are hereby granted to Thomas Gahan and Thomas Byrne, doing business as Gahan & Byrne, and their assigns, to lay down, construct and operate a railroad switch track to connect with the tracks of the Chicago & Western Indiana Railway Company on Wallace street, commencing at a point at about one hundred (100) feet south of the south line of Fifty-fourth court, thence running in a northwesterly direction to lot one (1), at the northwest corner of Fifty-fourth court and Wallace street. (The said proposed track is indicated by red dotted lines shown on plat hereto annexed.)

¶ 2. Duty as to laying tracks.] § 2. That said Gahan & Byrne, their heirs and assigns, are hereby required and this grant is made on the express condition that they shall so lay down and maintain said track that it shall interfere as little as practicable in the use of said streets and shall, at all times, keep said track in such condition as to allow the free use and easy passage of vehicles along and over it; all of which shall be done under the superintendence of the commissioner of public works.

¶ 3. Bond.] § 3. This permission and grant is made upon the further condition that said Gahan & Byrne, their heirs and assigns, shall keep and save (the city) harmless from all damages, costs and expenses whatsoever arising out of the use and acceptance of said street by said Gahan & Byrne, and said Gahan & Byrne shall give a bond to be approved by the mayor, in the penal sum of ten thousand dollars ($10,000), for the fulfillment of the conditions of this grant or permission.

¶ 4. Subject to all ordinances.] § 4. This permission is grant-

ed subject to all general ordinances concerning railroads now in force or that may hereafter be passed.

¶ 5. **Failure to comply with conditions.**] § 5. This ordinance shall be subject to amendment or repeal, at any time, for failure to comply with any of the conditions hereof or with any order of the commissioner of public works concerning the proper maintenance of said tracks.

¶ 6. **Grant 20 years—expiration of grant—duty of lessees.**] § 6. This grant or permission is hereby expressly limited to a period of twenty years from the passage hereof and at the expiration of said twenty years or sooner, if this ordinance shall be repealed the said Gahan & Byrne, their heirs and assigns, shall take out and remove said tracks within twenty days after notice by the commissioner of public works, and in case of failure or refusal to comply with said notice then the city may remove the same at the expense of said Gahan & Byrne, their heirs and assigns.

GAIL, BURMILLER & UNZIEKER.

§ 758. Gail, Burmiller & Unzieker.

¶ 1. Hawthorne avenue and Willow street.
¶ 2. Repair of track and sidewalk on Hawthorne avenue.
¶ 3. Cars not to stand on track.
¶ 4. Bond.
¶ 5. Grant ten years—removal of track.
¶ 6. Acceptance.

An ordinance granting permission to Gail, Burmiller & Unzieker to lay down and operate a switch track. (Passed May 20, 1889. Accepted June 3, 1889.)

¶ 1. **Hawthorne avenue and Willow street.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby granted to Carl Gail, Emil Burmiller and Hermann Unzieker, doing business under the firm name and style of Gail, Burmiller and Unzieker, the proprietors of the Chicago Iron Works, to lay down and operate a switch track, from and connecting with the tracks of the Chicago and Evanston Railroad, owned and operated by the C., M. & St. P. R. R. Co., on Hawthorne avenue, at a point near the intersection of said tracks with Willow street, running thence southeasterly to a point 150 feet southeasterly of the southeast corner of Willow street.

¶ 2. **Repair of track and sidewalk on Hawthorne avenue.**] § 2. The said Gail, Burmiller and Unzieker are hereby required, and this grant is made on the express condition that they shall so lay down

and maintain said track that it shall interfere as little as practicable in the use of said Hawthorne avenue, and shall at all times keep said track in such condition as to allow the free use and easy passage of vehicles along and over the same, and that they will also keep the sidewalk across said track in good condition and repair so as not to endanger the passage of pedestrians over the same, all of which shall be done under the direction of the department of public works, and whenever the department of public works shall order said track to be repaired or placed in a safe condition for travel over the same, then said Gail, Burmiller and Unzieker shall comply with such order within ten (10) days thereafter; and in case of a refusal to comply with such order then the department of public works may, without further notice, take up and remove such track, and all rights hereunder shall then cease and determine.

¶ 3. **Cars not to stand on track.**] § 3. Said Gail, Burmiller and Unzieker shall not at any time permit any car or cars to stand upon said track.

¶ 4. **Bond.**] § 4. This permission and authority is made upon the further condition that said Gail, Burmiller and Unzieker shall keep and save the city of Chicago harmless from all damages, costs and expenses whatsoever arising out of this grant, and said Carl Gail, Emil Burmiller and Hermann Unzieker, shall give a bond, with one or more sureties, to be approved by the mayor, in the penal sum of five thousand dollars for the fulfillment of the conditions of this grant or permission.

¶ 5. **Grant 10 years—removal of track.**] § 5. This ordinance shall be subject to amendment or repeal at any time, and is expressly limited to a period of ten years from the passage hereof, and at the expiration of said ten (10) years, or sooner, if this ordinance should be repealed, then said Gail, Burmiller and Unzieker shall take up and remove said track from Hawthorne avenue within five (5) days after notice by the department of public works, and in case of failure of or refusal to comply with said notice, or in case said Gail, Burmiller and Unzeiker, or either of them, do not use said track, then the city may remove the same and place the street which is occupied by said track in such condition as it may see fit, so as to correspond to the other parts of the street, and the expense of such removal, or of any removal of said track by the city, shall be paid by said Carl Gail, Emil Burmiller and Hermann Unzieker, their heirs, executors and administrators, jointly or severally.

¶ 6. **Acceptance.**] § 6. This ordinance shall be in force from and after its acceptance by said Gail, Burmiller and Unzieker, and the filing of and approval of the bond, provided for in section four hereof, which shall be done within thirty (30) days from the passage hereof, and in such acceptance said Gail, Burmiller and Unzeiker shall expressly agree to all the conditions of this ordinance and expressly agree to pay to the city of Chicago all moneys it may be compelled to pay for, or by reason of granting this permission.

JAMES B. GALLOWAY.

§ 759. James B. Galloway.

¶ 1. Route.
¶ 2. Construction, etc., of track.
¶ 3 Culverts, etc.—street and alley repair.
¶ 4. Hours for operating—standing cars.
¶ 5. Grant ten years.
¶ 6. Subject to modification or repeal.
¶ 7. Subject to all ordinances.
¶ 8. Expiration of grant—removal of track.
¶ 9. Acceptance.

An ordinance granting permission to James B. Galloway to lay down and maintain a switch track. (Passed April 7, 1888. Accepted April 24, 1888.)

¶ 1. **Route—bond.**] Be it ordained by the city council of the city of Chicago: § 1. That permission is hereby given to James B. Galloway, his successors and assigns, to lay down, construct, maintain and operate a single railroad track with necessary turn-outs and switches to accommodate abutting property on the east side of Fleetwood street, upon the terms and conditions hereinafter specified. Said single railroad track shall commence at a point on the easterly line of the right-of-way of the Chicago and North-Western railway, about one hundred feet north of Blackhawk street, running thence on a curve of about three hundred feet radius across the alley to the east of said right-of-way and across Blackhawk street in such a way that the north rail of said track may be as nearly as practicable coincident with the south curb line of said Blackhawk street, and running thence along said curb line to a point from which said track can be run on a curve of about three hundred feet radius, across Elston road as near at right angles as may be to a point on the easterly side of Fleetwood street in such a way that the west rail shall be on the easterly curb line, leaving all the sidewalk space east of the track,running thence to the south line of Rawson street; Provided, however, that the said James B. Galloway, his successors or assigns, shall, before laying said track, enter into a bond with the city of Chicago in the sum of twenty-five thousand dollars, to be approved by the mayor, to hold the city harmless from any and all damages, costs and expenses of every kind whatever which it may suffer or which may be recovered or obtained against said city, for or by reason of the granting of such privilege and authority, or for or by reason of, or growing out of, or resulting from the passage of this ordinance, or from any acts or act of the said James B. Galloway, his successors and assigns, by virtue of the privileges of this ordinance.

¶ 2. **Construction, etc., of track.**] § 2. The said James B. Galloway, his successors and assigns, is hereby required, and this ordinance is given on the express condition that the said track, switches and turnouts, shall be so laid and constructed that it shall interfere as little as practicable with the use of said streets, and that said track shall at all times be kept in such a condition as to allow the free use

and easy passage of vehicles along and over said streets. The said track to be laid under the supervision of the commissioner of public works.

¶ 3. **Culverts, etc.—street and alley repair.**] § 3. The said James B. Galloway, his successors and assigns, shall construct, lay down and keep in good repair all culverts and sidewalks where said track crosses any alley or street on the line aforesaid, and shall also keep all sidewalks in good repair where the same are crossed by any switch or turnout into adjoining property. And shall also conform to such rules and regulations as the commissioner of public works may make for the grading, paving and keeping in repair the portion of streets and sidewalks occupied by said track, turn-outs and switches, and shall maintain and keep the portion of said streets and sidewalks occupied by said tracks in good repair at the expense of the said James B. Galloway, his successors and assigns. If the said James B. Galloway, his successors or assigns, shall fail to build, complete or repair any sidewalk, or shall fail to pave any portion of the said track as herein required, then after five days' notice being given to said James B. Galloway, his successors or assigns, the city of Chicago may build, complete and repair any such sidewalk or street and collect the same from the said James B. Galloway, his successors and assigns.

¶ 4. **Hours for operating—standing cars.**] § 4. Said track and switches shall not be operated by engines and cars save between the hours of eight o'clock p. m. and five o'clock a. m. of each day. And no car or cars shall be permitted to stand on said streets for a longer space than ten minutes, nor shall any car or cars be loaded or unloaded upon said Blackhawk street or Fleetwood street.

¶ 5. **Grant ten years.**] § 5. The rights and privileges hereby granted shall wholly cease and determine at the expiration of ten (10) years from the passage hereof.

¶ 6. **Subject to modification or repeal.**] § 6. This ordinance shall at any time before the expiration thereof be subject to modification, amendment or repeal, and, in case of repeal, all privileges hereby granted shall cease and determine.

¶ 7. **Subject to all ordinances.**] § 7. This permission is given subject to all general ordinances concerning railroads now in force or that may hereafter be passed.

¶ 8. **Expiration of grant—removal of track.**] § 8. In case of the expiration of this ordinance by lapse of time, or in case of repeal, the said James B. Galloway, his successors and assigns, shall, at his or their own expense, cause said track to be removed and the part of the streets so occupied by said track to be placed in such repair and condition as the department of public works may require; and if the said James B. Galloway, his successors and assigns, shall fail to so remove said track and so restore said streets as herein provided, then the city of Chicago may within ten (10) days after notice

to the said James B. Galloway, his successors and assigns, or his bondsmen, remove said track and restore the part of the street so occupied by said track to such condition as it may elect at the expense and cost of said James B. Galloway, his successors and assigns, which cost and expense the said James B. Galloway, his succesesors and assigns, in accepting this ordinance, agrees to pay on demand.

¶ 9. **Acceptance.**] § 9. This ordinance shall be in force from and after its passage and acceptance by said James B. Galloway, his successors and assigns.

Note.—See following amendatory ordinance.

§ 760. James B. Galloway.

¶ 1. Amendatory.
¶ 2. Operation of cars—hours.
¶ 3. Term twenty years.
¶ 4. Subject to alteration, etc.

An ordinance amending an ordinance of April 7, 1888, authorizing James B. Galloway to lay down and maintain a switch track. (Passed November 16, 1891.)

¶ 1. **Amendatory.**] Be it ordained by the city council of the city of Chicago: That the ordinance granted to James B. Galloway on April 7th, 1888, be and the same is hereby amended as follows:

¶ 2. **Operation of cars—hours.**] § 4. Said track and switches shall not be operated by engines save between the hours of eight o'clock a. m. and five o'clock p. m. of each day, and no car or cars shall be permitted to stand on Blackhawk street for a longer period than ten minutes, nor shall any car or cars be loaded or unloaded upon said Blackhawk street, and no car shall be allowed to stand upon said track upon Fleetwood street so as to interfere with the passage of teams on said street or of persons upon the sidewalk on said street.

¶ 3. **Term 20 years.**] § 5. The rights and privileges hereby granted shall wholly cease and determine at the expiration of twenty years from the passage hereof.

¶ 4. **Subject to alteration, etc.**] § 6. This ordinance shall, at any time before the expiration thereof, be subject to alteration, amendment and repeal upon the request of the owners of a majority of the frontage on said Fleetwood street, and in case of repeal all privileges hereby granted shall cease and determine.

JAMES GALVIN.

§ 761. James Galvin.

¶ 1. Grant ten years—route—bond.
¶ 2. Conditions.
¶ 3. Expiration of grant—duty of lessee.
¶ 4. Acceptance.

An ordinance authorizing James Galvin to construct and operate a single side track on Stewart avenue. (Passed December 4, 1890.)

¶ 1. **Grant 10 years—route—bond.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted to James Galvin to construct, maintain and operate, for a period of ten (10) years from the passage hereof (unless the permission and authority shall be sooner revoked by the city council), a private single side track commencing at a point in the east main track of the Pittsburgh, Fort Wayne and Chicago Railway ten (10) feet north of the north line of Root street, thence on a curve in a southeasterly direction, within a radius of one hundred and fifty (150) feet, crossing Stewart avenue at a point forty-six (46) feet south of the south line of said Root street to a point on the south line of lot twenty-one (21) of block three (3), of superior court partition of the south three-fourths of the northeast quarter of section four (4), in township thirty-eight (38) north, range fourteen (14), east of the third principal meridian; Provided, however, said Galvin shall first execute and deliver to the city of Chicago a bond, with good and sufficient sureties, to be approved by the commissioner of public works, in the penal sum of ten thousand (10,000) dollars, conditioned for the faithful performance by the said Galvin, of all the provisions of this ordinance and for indemnifying and saving harmless the city of Chicago from all expenses, costs and damages it may sustain by reason of the construction, maintenance or operation of said track and of the exercise by said Galvin of the privileges herein granted; and provided, further, the privileges hereby conferred shall be exercised and enjoyed subject to all railroad or other ordinances now in force or which may be hereafter passed by the city council.

¶ 2. **Conditions.**] § 2. Said tracks shall be laid down and maintained under the direction of the commissioner of public works and in such manner as to interfere as little as possible with the use of said Root street, and the space between said tracks shall be planked so as to allow the free passage of teams and vehicles along and over the same at all times and no locomotive or car shall be allowed to stand on said Root street, nor shall any car be loaded or unloaded upon said street; and if said Galvin shall violate any of the provisions of this ordinance, the commissioner of public works may, without notice to said Galvin, cause said track to be removed from said Root street and said street to be restored to its present condition, all at the expense of said Galvin.

¶ 3. **Expiration of grant—duty of lessee.**] § 3. At the ex-

piration of said ten years, or as much sooner as the city council shall order, the said Galvin shall cause said tracks to be removed and, in default thereof, they shall be removed by the city of Chicago at the expense of said Galvin.

¶ 4. **Acceptance.**] § 4. This ordinance shall be in force and take effect when it shall have been accepted by said Galvin and said bonds filed and approved; provided, said acceptance and bond be filled within thirty days from the passage hereof.

GARDEN CITY SAND COMPANY.

§ 762. Garden City Sand company.
¶ 1. Rockwell street—grant ten years—bond—modification or repeal.
¶ 2. When in force.

An ordinance granting permission to Garden City Sand company to lay down and operate a railroad track. (Passed May 16, 1885.)

¶ 1. **Rockwell street—grant 10 years—bond—modification or repeal.**] Be it ordained by the city council of the city of Chicago: § 1. That permission is hereby given and granted to the Garden City Sand Company to lay down and operate a railroad track, from the tracks now land on said Rockwell street, operated by the Pittsburg, Cincinnati and St. Louis Railroad Company, to connect with their works on lots 22 to 29, inclusive, block 4, in Carter H. Harrison's addition to Chicago, for the period of ten years; Provided, that said Garden City Sand Company shall, before laying said track, enter into a bond with the said city of Chicago, in the sum of ten thousand dollars, to be approved by the mayor, to hold and save the city harmless from all damages, costs and expenses whatever, in consequence of the passage of this ordinance, and the granting of the privilege hereinbefore mentioned; and provided, that said track shall be laid down and maintained under the direction and supervision of the department of public works; and provided, that the privilege hereby granted shall be subject to all ordinances now in force concerning railroads, or which may be hereafter passed; and provided, that this ordinance shall, at all times, be subject to modification, amendment or repeal, and in case of repeal, all privileges hereby granted shall cease and determine.

¶ 2. **When in force.**] § 2. This ordinance shall be in force from and after its passage.

§ 763. Garden City Sand company.

¶ 1. Lexington street and across alley—grant ten years—bond—modification or repeal.
¶ 2. When in force.

An ordinance granting permission to the Garden City Sand company to lay down and operate a double railroad track. (Passed December 20, 1886.)

¶ 1. Lexington street and across alley—grant 10 years—bond—modification or repeal.] Be it ordained by the city council of the city of Chicago: § 1. That permission is hereby granted to the Garden City Sand Company to lay down and operate a double railroad track from their present tracks on lot 26, block 4, Carter H. Harrison's addition to Chicago, in and across Lexington street, and in and across the alley in block 5, in said Carter H. Harrison's addition to Chicago, to lot 26, in said block 5, Carter H. Harrison's addition to Chicago, for the period of ten years: Provided, that said Garden City Sand Company shall, before laying said track, enter into a bond with the city of Chicago in the sum of ten thousand dollars ($10,000), to be approved by the mayor, to hold and save the city harmless from all damages, costs and expenses whatever, in consequence of the passage of this ordinance, granting the privilege hereinbefore mentioned: and provided, that said tracks shall be laid down and maintained under the direction and supervision of the department of public works and provided, that the privileges hereby granted shall be subject to all ordinances now in force concerning railroads, or which may hereafter be passed and provided, that this ordinance shall at all times be subject to modification, amendment or repeal, and, in case of repeal, all privileges hereby granted shall cease and determine.

¶ 2. When in force.] § 2. This ordinance shall be in force from and after its passage.

P. W. GATES AND OTHERS.

§ 764. P. W. Gates and others.

¶ 1. West Water street—grant ten years—repair of street.
¶ 2. Bond.
¶ 3. When in force.

An ordinance granting permission to P. W. Gates and others to construct and maintain a railroad track from Madison street to Washington street midway between the present railroad tracks and the sidewalk on the west side of West Water street. (Passed July 10, 1876.)

¶ 1. West Water street—grant 10 years—repair of street.] Be it ordained by the city council of the city of Chicago: § 1. That

permission is hereby given and granted to P. W. Gates and others, their successors and assigns, to lay down, construct and maintain a single railroad track, for a period of ten years, from the track of the Pittsburg, Ft. Wayne Railroad Company, commencing at West Madison street and running about midway between the present railroad tracks and the sidewalk on the west side of West Water street to West Washington street; Provided, the said track shall be laid down and maintained under the direction and supervision of the board of public works; and further provided, that said P. W. Gates and others, their successors and assigns, shall keep such portion of said West Water street as shall be occupied by said track in good condition and repair, and as they may be directed by the board of public works.

¶ 2. **Bond.**] § 2. This ordinance is passed and the permission aforesaid is granted upon the express condition that the said P. W. Gates shall enter into bond with the city of Chicago, to be approved by the mayor within twenty days from its passage, in the sum of $5,000, conditioned to comply with the conditions of this ordinance and the general railroad ordinance now in force, or that may hereafter be passed, and also to save, keep harmless and indemnify the said city of Chicago from all damages, costs and expenses that may accrue, or that may in anywise arise or grow out of the privileges hereby granted, and upon the further express condition that the city of Chicago may at any time repeal this ordinance.

¶ 3. **When in force.**] § 3. This ordinance shall be in force from and after its passage.

Note.—See two following ordinances.

P. W. GATES (AND P. FT. W. & C. R. R. CO.)

§ 765. P. W. Gates and P. Ft. W. & C. R. R. Co.
¶ 1. West Water street—grant ten years—street repair—subject to ordinances—repeal.
¶ 2. When in force.

An ordinance granting permission to P. W. Gates (and P. Ft. W. & C. R. R. Co.) to lay down and maintain a single railroad track. (Passed March 31, 1895.)

¶ 1. **West Water street—grant 10 years—street repair—subject to ordinances—repeal.**] Be it ordained by the city council of the city of Chicago: § 1. That permission is hereby given and granted to P., Ft. W. R. R. Co. and P. W. Gates, his successors and assigns, to lay down, construct and maintain a single railroad track, for a period of ten years, from the track of the Pittsburg, Fort Wayne and Chicago Railroad Company, commencing at a point thirty-three feet

north of the south line of West Washington street, and running thence south on a line parallel with the said track of the Pittsburg, Fort Wayne & Chicago Railroad Company, and east of and adjoining the line of telegraph poles, on the west side of West Water street, one hundred and seventy feet:

Provided, the said track shall be laid down and maintained under the direction and supervision of the board of public works;

And further provided, that said P. & Ft. W. R. R. and P. W. Gates, his successors and assigns, shall keep such portion of said West Water street, as shall be occupied by said track, in good condition and repair, and as they may be directed by the board of public works;

Provided, further, that the privilege hereby granted shall be subject to all ordinances now in force concerning railroads, or which may hereafter be passed, and upon the further express condition that the city of Chicago may at any time repeal this ordinance.

¶ 2. **When in force.**] § 2. This ordinance shall be in force from and after its passage.

P. W. GATES AND OTHERS

§ 766. P. W. Gates and others.
¶ 1. Preamble.
¶ 2. West Water street—grant ten years—street repair.
¶ 3. Bond.
¶ 4. When in force.

An ordinance extending sundry grants for railroad track in West Water street.
(Passed November 4, 1889.)

¶ 1. **Preamble.**] Whereas, on the 10th day of July, A. D. 1876, the city council of the city of Chicago passed an ordinance granting permission to P. W. Gates and others to construct and maintain a railroad track from Madison street to Washington street midway between the present railroad tracks and the sidewalk on the west side for a period of ten years from said date; and

Whereas, the said period of ten years having expired on the 10th day of July, 1886, P. W. Gates and others are desirous of maintaining the tracks described in said ordinance of July 10, 1876, for another period of ten years; therefore,

¶ 2. **West Water street—grant 10 years—street repair.**] Be it ordained by the city council of the city of Chicago: § 1. That permission is hereby given and granted to P. W. Gates and others, their successors and assigns, to use and maintain said railroad track for a period of ten years from the track of the Pittsburg, Ft. Wayne Railroad Company, commencing at West Madison street and running

about midway between the present railroad tracks and the sidewalk on the west side of West Water street to West Washington street; Provided, that said P. W. Gates and others, their successors and assigns, shall keep such portion of said West Water street as shall be occupied by said track in good condition and repair, and as they may be directed by the board of public works.

¶ 3. **Bond.**] § 2. This ordinance is passed and the permission aforesaid is granted upon the express condition that the said P. W. Gates shall enter into another bond with the city of Chicago, to be approved by the mayor, within twenty days from its passage, in the sum of ten thousand ($10,000) dollars, conditioned to comply with the conditions of this ordinance and the general railroad ordinance now in force, or that may hereafter be passed, and also to save, keep harmless and indemnify the said city of Chicago from all damages, costs and expenses that may accrue, or that may in anywise arise or grow out of the privileges hereby granted, and upon the further express condition that the city of Chicago may at any time repeal this ordinance.

¶ 4. **When in force.**] § 3. This ordinance shall be in force from and after its passage.

GEIST BROTHERS AND LYENDECKER BROTHERS & MATT.

§ 767. Geist Brothers and Lyendecker Brothers & Matt.
¶ 1. Grant—route—bond—repair of street, etc.
¶ 2. Grant ten years.
¶ 3. Amendment or repeal.
¶ 4. Expiration of term—duty of grantees.
¶ 5. Acceptance.

An ordinance granting permission to Geist Bros. and others to construct and operate a switch track. (Passed July 21, 1892.)

¶ 1. **Grant—route—bond—repair of street, etc.**] Be it ordained by the city council of the city of Chicago: § 1. That permission is hereby given and granted to Geist Brothers and to Henry and John Lyendecker and Joseph Matt, the last named composing the firm of Lyendecker Brothers and Matt, and their successors and assigns, to lay down, construct, maintain and operate a single railway switch track, connecting with the track of the Pittsburgh, Fort Wayne and Chicago Railway Company on Stewart avenue, from the north line of Thirty-third street and across intervening street and alleys to the lots in the east half of sub-block two (2) and three (3) in block four (4) in the Canal Trustees' subdivision of Sec. 33, township 39

north, range 14 east of the third principal meridian; Provided, however, that said Geist Brothers and Lyendecker Brothers and Matt shall, before laying said track, enter into a bond with the city of Chicago in the sum of five thousand ($5,000) dollars, to be approved by the mayor, to hold and save the city of Chicago harmless from all damages, costs and expenses whatsoever in consequence of the passage of this ordinance granting the privileges hereinbefore mentioned; Provided, further, that the privileges hereby granted shall be subject in all respects to all ordinances now in force or which may hereafter be passed concerning railroads, and that said Geist Brothers and Lyendecker Brothers and Matt, their successors and assigns, shall keep so much of said 33rd street and the alleys as shall be occupied by said tracks in good condition and repair as may be directed by the department of public works, and provided, that said track shall be laid down and maintained under the direction and supervision of the department of public works.

¶ 2. **Grant 10 years.**] § 2. The rights and privileges hereby granted shall cease and determine at the expiration of ten (10) years from the passage hereof.

¶ 3. **Amendment or repeal.**] § 3. This ordinance shall, at any time before the expiration thereof, be subject to modification and amendment or repeal, and in case of repeal all privileges hereby granted shall cease and determine.

¶ 4. **Expiration of term—duty of grantees.**] § 4. Upon the expiration of this ordinance, by lapse of time or otherwise, the said Geist Brothers and Lyendecker Brothers and Matt, their successors or assigns, shall at their own expense cause said track to be removed and the streets and alleys so occupied by said tracks to be placed in such repair and condition as the department of public works may require and, upon their failure so to do in every of the foregoing requirements, the city of Chicago may upon ten (10) days' notice to said Geist Brothers or to Lyendecker Brothers and Matt, or their sureties, remove said track and restore said street and alleys at the cost and expense of the obligors named in said bond.

¶ 5. **Acceptance.**] § 5. This ordinance shall be in force from and after the acceptance thereof and the filing of the bond required in section one (1).

GLOVER & CO.

§ 768. Glover & Co.

¶ 1. Route.
¶ 2. Bond and conditions.
¶ 3. Grant ten years.
¶ 4. In effect.

An ordinance granting permission to Glover & Co. to lay down and operate a switch track upon and across Sixty-sixth street. (Passed November 5, 1891. Accepted December 9, 1891.)

¶ 1. Route.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same is hereby granted to Glover and Company to lay down, construct, maintain and operate a single railroad side track upon and across Sixty-sixth street, such side track to cross said street at right angles and not more than fifteen feet, center to center, west of the main track of the Chicago and Western Indiana Railroad. Said track to be laid down and maintained under the direction and supervision of the department of public works.

¶ 2. Bond and conditions.] § 2. This ordinance is passed and the permission aforesaid is granted upon the express condition that said Glover and Company shall enter into bonds with said city of Chicago, with good and sufficient sureties to be approved by the mayor, within ten days from its passage, in the sum of five thousand dollars, conditioned to comply with the provisions of this ordinance and of the general railroad and all other ordinances now in force, or that may hereafter be passed; and, also, to save, keep harmless and indemnify the city of Chicago from all damages, costs and expenses that may accrue or in any way arise from or grow out of the privileges hereby granted; Provided, that said Glover and Company, its successors or assigns, shall keep such portion of said street as is occupied by said track in good condition and repair, under the supervision of and as may be directed by the department of public works of said city of Chicago, and in case the said Glover and Company shall fail to keep the same in repair, as herein provided, as the department of public works shall direct, then the department of public works may repair same, and the expense thereof shall be paid by the said Glover and Company on demand.

¶ 3. Grant 10 years.] § 3. The rights and privileges hereby granted shall cease and determine at the expiration of ten (10) years from the passage hereof.

¶ 4. In effect.] § 4. This ordinance shall be in force from and after its passage.

M. GOTTFRIED.

§ 769. M. Gottfried.

¶ 1. Alexander street—subject to ordinances—repair of street.
¶ 2. When in force.

An ordinance granting permission to M. Gottfried to construct and maintain a railroad track across Alexander street, from Stewart avenue to the alley next east of said Stewart avenue connecting with said Alexander street. (Passed November 20, 1876.)

¶ 1. Alexander street—subject to ordinances—repair of street.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby granted to M. Gottfried to lay down, construct and maintain a railroad track in and across Alexander street, from Stewart avenue to the alley next east of said Stewart avenue, connecting with said Alexander street, said track to be laid down and maintained under the direction and supervision of the department of public works:

Provided, that the privilege hereby granted shall be subject to all ordinances now in force concerning railroads, or which may hereafter be passed; and

Provided, further, that said M. Gottfried, his heirs or assigns, shall keep such portion of said street as is occupied by said track in good condition and repair, under the supervision of, and as may be directed by, the department of public works of said city.

¶ 2. When in force.] § 2. This ordinance shall be in force from and after its passage.

LEO M. HAMLINE.

§ 770. Leo M. Hamline.

¶ 1. Bloomingdale road—bond—conditions.
¶ 2. Grant ten years.
¶ 3. Expiration of term—duty of grantee.
¶ 4. Acceptance.

An ordinance granting permission to Leo M. Hamline to lay down and maintain a single railroad track on Bloomingdale street or road. (Passed September 21, 1891. Accepted October 10, 1891.)

¶ 1. Bloomingdale road—bond—conditions.] Be it ordained by the city council of the city of Chicago: § 1. That permission is hereby granted to Leo M. Hamline to lay down, construct, maintain and operate a single railroad track from and connecting with the tracks of the Chicago, Milwaukee and St. Paul Railroad Company, commencing at a point in the center of Bloomingdale [road] street at the intersection of the east line of Rockwell street, thence on a gradual

curve northeasterly across the north half of Bloomingdale road twelve (12) feet east of the west line of lot thirty-eight (38) in Daniel's subdivision of the east ½ of block 3 in Johnston's subdivision of the east ½ of the S. E. ¼, Sec. 36, T. 40 north, range 13 E. of the 3rd P. M., to the private property of said Leo M. Hamline; Provided, however, that said Leo M. Hamline shall, before laying said track, enter into a bond with the city of Chicago in the sum of ten thousand ($10,000) dollars, to be approved by the mayor, to hold and save the city of Chicago harmless from all damages, costs and expenses whatsoever in consequence of the passage of this ordinance granting the privileges hereinbefore mentioned; Provided, further, that the privileges hereby granted shall be subject, in all respects, to all ordinances now in force or which may hereafter be passed concerning railroads, and that said Leo M. Hamline shall keep so much of said Bloomingdale street as shall be occupied by said track in such condition and repair as may be directed by the department of public works; no cars shall be permitted to stand on the street, nor shall any car be unloaded or loaded upon the street occupied by said track; provided, the said track shall be laid down and maintained under the direction and supervision of the department of public works, and provided, if said Leo M. Hamline shall violate any of the provisions or conditions of this section, then the department of public works may tear up and remove the track hereby authorized to be laid, and the costs thereof to the city shall be paid by said Leo M. Hamline.

¶ 2. **Grant 10 years.**] § 2. The rights and privileges hereby granted shall cease and determine at the expiration of ten years from the passage hereof, and this ordinance shall, at all times before the expiration thereof, be subject to modification, amendment or repeal, and, in case of repeal, the privileges hereby granted shall cease and determine.

¶ 3. **Expiration of term—duty of grantee.**] § 3. In case of the expiration of this ordinance by lapse of time, or in case of repeal, said Leo M. Hamline shall, at his own expense, cause said track to be removed and the part of the street so occupied by said track to be placed in such repair and condition as the depratment of public works may require, and if the said Leo M. Hamline shall fail to remove said tracks and so restore said street, as herein provided, then the city of Chicago may, within ten days after notice to the said Leo M. Hamline or his bondsmen, remove said track and restore the part of the street so occupied by such track to such condition as it may elect, at the expense and cost of said Leo M. Hamline, which cost and expense said Leo M. Hamline, in accepting this ordinance, agrees to pay on demand.

¶ 4. **Acceptance.**] § 4. This ordinance shall be in force from and after its passage and acceptance by said Leo M. Hamline.

P. C. HANFORD OIL COMPANY.

§ 771. P. C. Hanford Oil company.

¶ 1. Sixteenth street west of Arnold street.
¶ 2. Bond.
¶ 3. Repair of street.
¶ 4. Grant ten years.
¶ 5. Subject to modification or repeal.
¶ 6. Expiration of term—duty of grantee.
¶ 7. Acceptance.

An ordinance granting permission to the P. C. Hanford Oil company to lay down and maintain a switch track. (Passed July 2, 1888.)

¶ 1. **Sixteenth street, west of Arnold street.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby granted to the P. C. Hanford Oil Company, a corporation existing under and by virtue of the laws of Illinois, to lay down, construct, maintain and operate a single railroad track from and connecting with the tracks of the Lake Shore & Michigan Southern Railroad Company, at a point not exceeding 60 feet north of 16th street, and thence across 16th street at a point not exceeding 60 feet west of the west line of Arnold street.

¶ 2. **Bond.**] § 2. This permission is granted on the express condition that said P. C. Hanford Oil Company shall keep and save the city of Chicago harmless from all damages, costs and expenses whatsoever arising out of the use and occupation of said 16th street for the purposes aforesaid, and, provided, that said P. C. Hanford Oil Company shall, before laying said track, enter into a bond with the city of Chicago in the sum of five thousand ($5,000) dollars, to be approved by the mayor, conditioned to hold and save the city of Chicago harmless from all damages, costs and expenses whatsoever in consequence of the passage of this ordinance granting the privileges hereinbefore mentioned, and conditioned to fully comply and abide by all the conditions, restrictions and obligations imposed by this ordinance on said P. C. Hanford Oil Company.

¶ 3. **Repair of street.**] § 3. The privileges hereby granted shall be subject in all respects to all ordinances now in force, or which may hereafter be passed concerning railroads, and that said P. C. Hanford Oil Company shall keep so much of said 16th street as shall be occupied by said track, including a space of one foot to either side of the same, in good condition and repair, and in such condition and repair as it may be directed by the department of public works, and said track shall be laid and maintained under the direction and supervision of the department of public works, and in case said P. C. Hanford Oil Company shall fail to keep in repair or place said street as aforesaid in such condition and repair as the department of public works shall direct, then the department of public works may repair the same, or place the said street as aforesaid in proper repair, and the expense thereof shall be paid by said P. C. Hanford Oil Company.

¶ 4. **Grant 10 years.**] § 4. The rights and privileges hereby granted shall cease and determine at the expiration of ten (10) years from the passage hereof.

¶ 5. **Subject to modification or repeal.**] § 5. This ordinance is also passed with the express reservation that it shall at any time before the expiration of said ten (10) years be subject to modification, amendment or repeal, and in case of repeal all privileges hereby granted shall cease and determine.

¶ 6. **Expiration of term—duty of grantee.**] § 6. In case of the expiration of this ordinance by lapse of time, or in case of repeal of this ordinance, said P. C. Hanford Oil Company shall, at its own expense, cause said track to be removed and the part of 16th street so occupied by said track to be placed in such repair and condition as the department of public works may require, and if said P. C. Hanford Oil Company shall fail to so remove said track and so restore said street as herein provided, then the city of Chicago, by its department of public works, may remove said track and restore the part of the street so occupied by said track to such condition as it may elect, at the expense and cost of said P. C. Hanford Oil Company, which cost and expense of removing said track and so restoring said street, said P. C. Hanford Oil Company in accepting this ordinance shall agree to pay on demand.

¶ 7. **Acceptance.**] § 7. This ordinance shall be in force from and after its passage and acceptance by said P. C. Hanford Oil Company, and the filing of its bond as aforesaid, such acceptance and bond to be filed within thirty (30) days after passage hereof.

EDWIN S. HARTWELL

§ 772 Edwin S. Hartwell.

¶ 1. Chester street—bond—repair of street.
¶ 2. Grant ten years.
¶ 3. Subject to modification or repeal.
¶ 4. Removal of track—restoration of street.
¶ 5. Acceptance.

An ordinance granting permission to Edwin S. Hartwell to lay down and maintain a single railroad track. (Passed May 28, 1888.)

¶ 1. **Chester street—bond—repair of street.**] Be it ordained by the city council of the city of Chicago: § 1. That permission is hereby given and granted to Edwin S. Hartwell to lay down, construct, maintain and operate a single railroad track from and connecting with the tracks of the Chicago & Northwestern Railroad Company at a point fifty (50) feet north of the north line of Chester street,

running thence southerly across Chester street to and into the property of the said Edwin S. Hartwell; Provided, however, that said Edwin S. Hartwell shall, before laying said track, enter into a bond with the city of Chicago, in the sum of five thousand ($5,000) dollars, to be approved by the mayor, to hold and save the city of Chicago harmless from all damages, costs and expenses whatsoever, in consequence of the passage of this ordinance, granting the privilege hereinbefore mentioned; Provided, further, that the privileges hereby granted shall be subject in all respects to all ordinances now in force or which may hereafter be passed concerning railroads, and that said Edwin S. Hartwell shall keep so much of said Chester street, as shall be occupied by said track in such condition and repair as he may be directed by the department of public works; Provided, that said track shall be laid down and maintained under the direction and supervision of the department of public works.

¶ 2. **Grant 10 years.**] § 2. The rights and privileges hereby granted shall cease and determine at the expiration of ten (10) years from the passage hereof.

¶ 3. **Subject to modification or repeal.**] § 3. This ordinance shall at any time before the expiration thereof be subject to modification, amendment or repeal, and in case of repeal all privileges hereby granted shall cease and determine.

¶ 4. **Removal of track—restoration of street.**] § 4. In case of the expiration of this ordinance by lapse of time, or in case of repeal, said Edwin S. Hartwell shall, at his own expense, cause said track to be removed and the part of the streets so occupied by said track to be placed in such repair and condition as the department of public works may require; and if the said Edwin S. Hartwell shall fail to so remove said track and so restore said streets as herein provided, then the city of Chicago may, within ten (10) days after notice to the said Edwin S. Hartwell, or his bondsmen, remove said track and restore the part of the street so occupied by said track to such condition as it may elect, at the expense and cost of said Edwin S. Hartwell, which cost and expense said Edwin S. Hartwell, in accepting this ordinance, agrees to pay on demand.

¶ 5. **Acceptance.**] § 5. This ordinance shall be in force from and after its passage and acceptance by said Edwin S. Hartwell.

J. J. HAYES.

§ 773. J. J. Hayes.

¶ 1. Mailler street and an alley.
¶ 2. Bond—subject to ordinances—repair of street, etc.—amendment or repeal—grant ten years.
¶ 3. Acceptance.

An ordinance granting permission to J. J. Hayes to lay a switch track connecting with the Chicago & Western Indiana railway, crossing Mailler street and the alley between lots 14 and 15, in block 5, in the subdivision of that part of the east ½ of the southwest ¼, north of Colorado avenue, of section 15, township 39 north, range 13. (Passed November 11, 1895.)

¶ 1. **Mailler street and an alley.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby given to J. J. Hayes to lay down, maintain and operate a single switch track connecting with the Chicago and Western Indiana Railway, from a point where the easternmost track of said railway crosses the north line of Mailler street, thence southeasterly across Mailler street, to the northwest corner of lot 15, in block 5, in the subdivision of that part of the east ½ of the southwest ¼, north of Colorado avenue, of section 15, township 39 north, range 13, east of the 3d principal meridian, thence southeasterly and easterly over and across said lot 15, and over and across the alley between said lot 15 and lot 14, in the same subdivision, and over and across said lot 14 to the north line of Towner street.

¶ 2. **Bond—subject to ordinances—repair of street, etc.—amendment or repeal—grant 10 years.**] § 2. The permission hereby given is upon the following express conditions, towit:

The said J. J. Hayes shall, before laying said switch track, give a bond to the city of Chicago in the sum of $5,000, to be approved by the mayor, conditioned to hold and save harmless and to indemnify the city of Chicago from all damages, costs and expenses of every nature and description in consequence of the passage of this ordinance, or which shall in anywise grow out of the construction and operation of said switch track.

2nd—The privilege herein granted shall be subject to all ordinances now in force concerning railroads and switch tracks, or which may be hereafter passed regulating the said switch track laid in conformity herewith.

3rd—Said switch track shall be laid, constructed and maintained in such manner as shall be approved by the commissioner of public works and under his direction and supervision, and the said J. J. Hayes shall improve and keep in good repair at his own expense that portion of said Mailler street and of said alley between said lots 14 and 15, as shall be occupied by said switch track, and as shall be between said track and the tracks of the Chicago and Western Indiana Railway Company under the direction and in the manner prescribed by the commissioner of public works.

4th—This ordinance shall at all times be subject to amendment or repeal, and is expressly limited to a period of ten years from its passage. At the expiration of said ten years, or sooner, if this ordinance shall be repealed, the said Hayes shall take up and remove said track from said street and alley upon five days' notice by the department of public works, and shall thereupon place that portion of said street and alley theretofore occupied by said track in condition to cor-

respond with the other parts of said street and alley as then improved, in default whereof the city may remove said track and repair said street and alley and the expense thereof shall be paid by the said J. J. Hayes.

¶ 3. **Acceptance.**] § 3. This ordinance shall be in force from and after its acceptance by the said Hayes and the filing and approval of the bond above provided for; Provided, said acceptance shall be made and said bond filed and approved within thirty days from the passage hereof.

JOHN W. AND JAMES W. HEDENBERG.

§ 774. John W. and James W. Hedenberg.

¶ 1. Route—grant ten years—bond.
¶ 2. When in effect.

An ordinance granting permission to John W. Hedenberg and James W. Heden berg and their grantees to lay down and operate certain railroad switch tracks. (Passed March 21, 1892. Accepted April 6, 1892.)

¶ 1. **Route—grant 10 years—bond.**] Be it ordained by the city council of the city of Chicago: § 1. Permission is hereby granted to John W. Hedenberg and James W. Hedenberg and their grantees, to lay down and operate a railroad track from a point on the north line of lot thirty-nine (39) of Silverman's West Twelfth street subdivision of the south nine and three-quarter (9¾) acres of the west half of the southeast quarter of the southeast quarter of section thirteen (13), township thirty-nine (39) north, range thirteen (13) east of the third principal meridian, upon and across Grenshaw street, Fillmore street and Taylor street, to the north line of lot 17, block one (1) of J. H. Leather's and others' subdivision of the north ten and a quarter (10¼) acres of the west half of the southeast quarter of the southeast quarter of section thirteen (13), township thirty-nine (39) north, range thirteen (13) east of the third principal meridian; also, upon and across the east and west alley between Grenshaw street and Fillmore street in said Silverman's subdivision, and upon and across the east and west alley in block two (2) and upon and across the east and west alley of block one (1) of said J. H. Leather's and others' subdivision. The permission and privileges hereby given to continue ten years; Provided, that the said John W. Hedenberg and James W. Hedenberg shall, before laying such tracks, enter into a bond in the penal sum of ten thousand ($10,000) dollars to the city of Chicago, to be approved by the mayor, conditioned to save the city harmless of all damages, costs and expenses whatever in consequence of the passage of this ordinance or the laying down and operating such tracks, and

provided, further, that the privileges hereby granted shall be enjoyed, subject to all ordinances now in force concerning railroads or which may be hereafter passed.

¶ 2. **When in effect.**] § 2. This ordinance shall be in force from and after its passage.

ERNST HELDMAIER.

§ 775. Ernst Heldmaier.

¶ 1. Lumber street—bond—repair of street—cars not to stand.
¶ 2. Grant ten years.
¶ 3. Removal of track—restoration of street.
¶ 4. Acceptance.

An ordinance authorizing Ernst Heldmaier to lay a switch track across Lumber street. (Passed March 10, 1890. Accepted March 29, 1890.)

¶ 1. **Lumber street—bond—repair of street—cars not to stand.**] Be it ordained by the city council of the city of Chicago: § 1. That permission is hereby granted to Ernst Heldmaier to lay down, construct and maintain and operate a single railroad track from and connecting with the tracks of the Pittsburgh, Fort Wayne and Chicago Railroad, commencing at a point on the west side of Lumber street 94 5-10 feet north of West Eighteenth street; thence on a gradual curve northeasterly across Lumber street to a point in the east line of Lumber street, 30 feet south of the north line of lot 5, block 4, Canal Trustees' subdivision of W. ½ section 21, T. 39 N., R. 14 E., and so much of the S. E. ¼ as lies west of the south branch of Chicago river, to the private property of said Ernst Heldmaier; Provided, however, that said Ernst Hdlmeyer (Heldmaier) shall, before laying said track, enter into a bond with the city of Chicago in the sum of ten thousand dollars ($10,000), to be approved by the mayor, to hold and save the city of Chicago harmless from all damages, costs and expenses whatsoever, in consequence of the passage of this ordinance, granting the privileges hereinbefore mentioned; Provided, further, that the privileges hereby granted shall be subject in all respects to all ordinances now in force or which may hereafter be passed concerning railroads, and that said Ernst Heldmaier shall keep so much of said Lumber street as shall be occupied by said track in such condition and repair as may be directed by the department of public works. No cars shall be permitted to stand on the street, nor shall any car be unloaded or loaded upon the street occupied by said track; Provided, that said track shall be laid down and maintained under the direction and supervision of the department of public works; and provided, if said Ernst Heldmaier shall violate any of the pro-

visions or conditions of this section, then the department of public works may tear up and remove the track hereby authorized to be laid, and the cost thereof to the city shall be paid by said Ernst Heldmaier.

¶ 2. **Grant 10 years.**] § 2. The rights and privileges hereby granted shall cease and determine at the expiration of ten (10) years from the passage thereof, and this ordinance shall at any time before the expiration thereof be subject to modification, amendment or repeal, and in case of repeal all privileges hereby granted shall cease and determine.

¶ 3. **Removal of track—restoration of street.**] § 3. In case of the expiration of this ordinance by lapse of time, or in case of repeal, said Ernst Heldmaier shall, at his own expense, cause said track to be removed and the part of the street so occupied by said track to be placed in such repair and condition as the department of public works may require, and if the said Ernst Heldmaier shall fail to remove said track and so restore said street as herein provided, then the city of Chicago may, within ten (10) days after notice to the said Ernst Heldmaier or his bondsmen, remove said track and restore the part of said street so occupied by said track to such condition as it may elect, at the expense and cost of said Ernst Heldmaier, which cost and expense said Ernst Heldmaier in accepting this ordinance agrees to pay on demand.

¶ 4. **Acceptance.**] § 4. This ordinance shall be in force from and after its passage and acceptance, provided, said acceptance shall be filed in the office of the city clerk within thirty days from the passage hereof.

JEFFERSON HODGKINS.

§ 776. Jefferson Hodgkins.
¶ 1. Route.
¶ 2. Subject to all ordinances.
¶ 3. When in force.

An ordinance granting permission and authority to Jefferson Hodgkins to construct and maintain a switch track. (Passed April 3, 1889.)

¶ 1. **Route.**] Be it ordained by the president and board of trustees of the town of Lake, as follows: § 1. That permission and authority be and the same are hereby granted to Jefferson Hodgkins, his heirs, executors, administrators and assigns, to construct, maintain and operate a single railroad side-track in the town of Lake in, along and upon the following described route, to wit:

In, along and upon the twelve foot alley lying immediately west of

the right of way of the Chicago, Rock Island & Pacific Railway Company, and immediately east of, opposite and adjacent to lots 1, 4, 5, 8, 9, 12, 13, 16, 17 and 20 in block 1, and lots 1, 4, 5, 8, 9, 12, 13, 16, 17 and 20 in block 4, of Peter Shimp's subdivision of that part of the southeast quarter of the southeast quarter of section 9, township 38 north, range fourteen east of the third principal meridian, west of the Chicago, Rock Island & Pacific Railroad, commencing at the south line extended of said lot 20 in block 4 aforesaid, and extending northward in and along said alley to the north line extended of said lot 1, in block 1, aforesaid.

¶ 2. **Subject to all ordinances.**] § 2. It is hereby provided that said Jefferson Hodgkins, his heirs, executors, administrators and assigns, may use and operate said railway track with locomotive engines and cars under such general regulations concerning railroads as the president and board of trustees of said town may, from time to time, impose and make; and the rights and privileges hereby granted shall be enjoyed subject to all general ordinances that now are, or hereafter may be, in force concerning railroads in said town.

¶ 3. **When in force.**] § 3. This ordinance shall take effect and be in force from and after its passage.

J. N. HOSTETTER.

§ 777. J. N. Hostetter.

¶ 1. Grant ten years—California avenue—bond—repair of street.
¶ 2. Duty of grantee as to removal of track.
¶ 3. Acceptance.

An ordinance granting J. N. Hostetter privilege and authority to construct and operate a private switch. (Passed October 26, 1896.)

¶ 1. **Grant 10 years—California avenue—bond—repair of street.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby granted to J. N. Hostetter, or his assigns, to construct, maintain and operate a private single railroad switch, for a period of ten years, from and connecting with the track of the Chicago and Northwestern Railway Company, said track to cross the east line of California avenue at a point about 422 feet north of the center of Fulton street and thence running west across said California avenue about 400 feet, more or less, on private property, in accordance with plat hereto attached.

Provided, however, that said J. N. Hostetter shall, before laying any part of said track, enter into a bond with the city of Chicago in the penal sum of $5,000, to be approved by the mayor, to hold and

save the city of Chicago harmless from all damages caused by the passage of this ordinance.

Provided, further, that the privilege hereby granted shall be subject in all respects to all ordinances now in force or which may hereafter be passed concerning railroads and the elevation of railroad tracks, and that said J. N. Hostetter and his assigns shall keep so much of said California avenue as shall be occupied by said switch in such condition and repair as may be directed by the department of public works.

And provided, further, that said switch shall be constructed and maintained under the direction and supervision of the department of public works.

¶ 2. **Duty of grantee as to removal of track.**] § 2. This ordinance shall be subject to amendment or repeal at any time for failure to comply with any order of the department of public works concerning the proper construction and maintenance of said switch, and upon the expiration of this ordinance, said J. N. Hostetter, or his assigns, shall remove said switch after notice from the department of public works, and in case of failure or refusal to comply with said notice, then the city of Chicago may remove the same at the expense of said J. N. Hostetter or his assigns.

¶ 3. **Acceptance.**] § 3. This ordinance shall be in force from and after its passage and acceptance by J. N. Hostetter.

GEORGE R. H. HUGHES.

§ 778. George R. H. Hughes.

¶ 1. Grant ten years—route—bond.
¶ 2. Subject to all railroad or other ordinances.
¶ 3. Duty of grantee as to removal of tracks.
¶ 4. In effect from and after passage.

An ordinance authorizing George R. H. Hughes to maintain and operate a switch or railroad track. (Passed January 23, 1893.)

¶ 1. **Grant 10 years—route—bond.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted to George R. H. Hughes to lay down, maintain and operate, for a period of ten (10) years from the passage hereof, a switch or railroad track, commencing on the west track of the Chicago & Indiana State Line Railroad Company at its intersection with the north line of 35th street, thence northwesterly on a curve with a radius of about two hundred (200) feet for a distance of one hundred and seventy (170) feet, and across Iron street to the east line of block eleven (11) of the partition of lots thirty-one (31) and thirty-two

(32) of the assessor's division of part of the northwest quarter, and the west half of the northeast quarter of section thirty-two (32), township 39, range 14 east of the 3rd principal meridian; Provided, that said track shall be laid down and maintained under the direction and supervision of the commissioner of public works; Provided, further, that said George R. H. Hughes shall enter into a bond to the city of Chicago, to be approved by the commissioner of public works, in the penal sum of five thousand dollars ($5,000), conditioned to hold the city harmless from any and all damages, costs and expenses whatsoever in consequence of the passage of this ordinance or that may accrue or in any way grow out of the privileges hereby granted.

¶ 2. **Subject to all railroad or other ordinances.**] § 2. The privileges hereby conferred shall be exercised and enjoyed subject to all railroad or other ordinances now in force or which may be hereafter passed by the city council.

¶ 3. **Duty of grantee as to removal of tracks.**] § 3. At the expiration of said ten (10) years the said Hughes shall cause said tracks to be removed and, in default thereof, they shall be removed by the city of Chicago at the expense of said Hughes.

¶ 4. **In effect from and after passage.**] § 4. This ordinance shall be in force from and after its passage

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ILLINOIS STEEL COMPANY.

(Successors to Union Iron & Steel company.)

§ 779. Illinois Steel company.

¶ 1. Grant ten years—Ashland avenue—operation of mills—other conditions.

An ordinance granting to the Illinois Steel company the privilege of continuing use of certain railroad tracks. (Passed May 13, 1895)

¶ 1. **Grant 10 years—Ashland avenue—operation of mills—other conditions.**] Be it ordained by the city council of the city of Chicago: § 1. That the Illinois Steel Company, its successors and assigns, are hereby granted the privilege and right to continue to use and occupy, for the space of ten (10) years from the passage of this ordinance, and no longer, the railroad tracks and connections now being on Ashland avenue, between the point where the Chicago and Alton Railroad crosses Ashland avenue, and a point on said Ashland avenue, at or near Thirty-second street, which said tracks connect the property of the Illinois Steel Company with the Chicago and Alton Railroad, and to maintain said tracks for the time above; Provided, that the mills of the said Illinois Steel Company shall be in full

operation eight months after the passage of this ordinance, otherwise the rights and privileges granted by this ordinance shall cease and be null and void; Provided, however, and the privileges and rights in this ordinance granted and contained are upon the express condition and agreement that, before the same shall be in force, the said Illinois Steel Company shall file with the city clerk of the city of Chicago a relinquishment and waiver in writing, which shall be acceptable to the mayor and law department of the city, of any right the said Illinois Steel Company has or claims to have, by estoppel resting upon any grant, investment of capital, location of manufactories or mills, lapse of time, or from any other reason or cause whatsoever, in and to the use or occupation of said street by said tracks on Ashland avenue between the points above; and provided, further, that the privileges and rights hereby granted in this ordinance are upon the express understanding and agreement that at the expiration of said ten (10) years from the passage of this ordinance, all of said tracks on Ashland avenue at the place between the points designated shall be absolutely removed and taken from said street, without cost or expense to the city of Chicago, leaving said Ashland avenue between the points above free and clear of said railroad tracks; and if said Illinois Steel Company, its successors or assigns, shall fail or refuse to remove said tracks immediately on the expiration of said ten (10) years, then the city may remove the same without further or any notice.

ILLINOIS WIRE NAIL COMPANY.

§ 780. Illinois Wire Nail company.

¶ 1. Route—grant ten years—bond—conditions.
¶ 2. Termination of grant—duty of grantee.
¶ 3. Acceptance.

An ordinance authorizing the Illinois Wire Nail company to lay down and operate a single side track on Front street. (Passed February 24, 1891.)

¶ 1. Route—grant 10 years—bond—conditions.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted to the Illinois Wire Nail Co. to construct, lay down and operate, for a period of ten years from the passage hereof (unless said permission and authority are sooner revoked by the city council), a private single side-track on the south side of Front street, next to and adjoining lots 1 and 2 in block 11, Wight's addition to Chicago, and to connect the same by a single switch track with the main tracks of the Chicago & Northwestern Railway Company on said Front street at a point no further east than

the east line of said lot No. 1; Provided, however, that the said Illinois Wire Nail Co. shall first execute a bond to the city of Chicago, with good and sufficient sureties, in the penal sum of five thousand ($5,000) dollars, to be approved by the commissioner of public works, conditioned for the faithful performance by said Illinois Wire Nail Co. of all the provisions of this ordinance, and for indemnifying and saving harmless the city of Chicago from all expenses, costs and damages it may sustain by reason of the construction, maintenance or operation of said road and of the exercise by said Illinois Wire Nail Company of the privileges herein granted; and provided, further, that the privileges hereby granted shall be exercised and enjoyed subject to all railroad or other ordinances now in force or which may be passed by the city council.

¶ 2. **Termination of grant—duty of grantee.**] § 2. At the expiration of said ten years, or as much sooner as the city council shall order, the said Illinois Wire Nail Company shall cause said tracks to be removed and, in default thereof, they shall be removed by the city of Chicago at the expense of the said Illinois Wire Nail Company.

¶ 3. **Acceptance.**] § 3. This ordinance shall be in force and take effect when it shall have been accepted by said Illinois Wire Nail Company and said bonds filed and approved; Provided, said acceptance and bond be filed within thirty days from the passage hereof.

INTER STATE COAL COMPANY.

§ 781. Inter State Coal company.
¶ 1. Alley between Fullerton and Belmont avenues—bond—repair of alley.
¶ 2. Grant ten years.
¶ 3. Modification or repeal.
¶ 4. Removal of track and restoration of alley.
¶ 5. Acceptance.

An ordinance granting permission to the Inter State Coal company to lay down and maintain a switch track. (Passed February 20, 1888. Accepted August 6, 1888.)

¶ 1. **Alley between Fullerton and Belmont avenues—bond—repair of alley.**] Be it ordained by the city council of the city of Chicago: § 1. That permission is hereby given and granted to the Inter State Coal Company to lay down, construct, maintain and operate a single railroad track, from and connecting with the tracks of the Chicago, Evanston & Lake Superior Railway Company at the south line of Fullerton avenue, thence in a southwesterly direction across

the alley between Fullerton and Belden avenues, to a point 333 feet from said Fullerton avenue; Provided, however, that said Inter State Coal Company shall, before laying said track, enter into a bond with the city of Chicago, in the sum of five thousand ($5,000) dollars, to be approved by the mayor, to hold and save the city of Chicago harmless from all damages, costs and expenses whatsoever, in consequence of the passage of this ordinance granting the privilege hereinbefore mentioned; Provided, further, that the privileges hereby granted shall be subject in all respects to all ordinances now in force or which may hereafter be passed concerning railroads, and that said Inter State Coal Company shall keep so much of said alley as shall be occupied by said track in such condition and repair as it may be directed by the department of public works; Provided, that said track shall be laid down and maintained under the direction and supervision of the department of public works.

¶ 2. **Grant 10 years.**] § 2. The rights and privileges hereby granted shall cease and determine at the expiration of ten (10) years from the passage hereof.

¶ 3. **Modification or repeal.**] § 3. This ordinance shall at any time before the expiration thereof be subject to modification, amendment or repeal and, in case of repeal, all privileges hereby granted shall cease and determine.

¶ 4. **Removal of track and restoration of alley.**] § 4. In case of the expiration of this ordinance by lapse of time or in case of repeal, said Inter State Coal Company shall, at its own expense, cause said track to be removed and the part of the alley so occupied by said track to be placed in such repair and condition as the department of public works may require; and if the said Inter State Coal Company shall fail to so remove said tracks and so restore said alley as herein provided, then the city of Chicago may, within ten (10) days after notice to the said Inter State Coal Company, or its bondsmen, remove said track and restore the part of the alley so occupied by said track to such condition as it may elect, at the expense and cost of said Inter State Coal Company, which cost and expense said Inter State Coal Company in accepting this ordinance agrees to pay on demand.

¶ 5. **Acceptance.**] § 5. This ordinance shall be in force from and after its passage and acceptance by said Inter State Coal Company.

Note.—See amendatory ordinance following.

ELIJAH C. HARPOLD AND JAMES P. SAYERS.

(Successors to Inter State Coal company.)

§ 782. Inter State Coal company.—Amendment.

¶ 1. Amending ordinance granting rights to Inter State Coal company.

¶ 2. When in force.

An ordinance amending an ordinance granting certain rights to the Inter State Coal company, so that same shall read to "Elijah C. Harpold and James P Sayers." (Passed July 9, 1888.)

¶ 1. Amending ordinance granting rights to Inter State Coal Company.] Be it ordained by the city council of the city of Chicago: § 1. That the ordinance passed February 20, 1888, be and the same is hereby amended that the words and name "Inter State Coal Company" wherever the same appears be stricken out and the names "Elijah C. Harpold and James P. Sayers" be inserted.

¶ 2. When in force.] § 2. This ordinance shall be in force from and after its passage.

JONES & LAUGHLIN.

§ 783. Jones & Laughlin.

¶ 1. Fulton street—grant ten years—bond—modification or repeal.

¶ 2. When in force.

An ordinance granting permission to Jones & Laughlin to lay down and operate a railroad track across Fulton street. (Passed September 10, 1880.)

¶ 1. Fulton street—grant 10 years—bond—modification or repeal.] Be it ordained by the city council of the city of Chicago: § 1. That permission is hereby given and granted to Jones & Laughlin to lay down and operate a railroad track over and across Fulton street, from the track now laid on North Canal street operated by the Pittsburgh, Ft. Wayne & Chicago and the Chicago, Milwaukee & St. Paul Railroad Companies, to the iron and nail warehouse between Canal, Lake and West Water streets, belonging to the said Jones & Laughlin, for the period of ten years; Provided, that the said Jones & Laughlin shall, before laying said track, enter into bond with said city in the sum of ten thousand dollars, to be approved by the mayor, to hold and save the city harmless from all damages, costs and expenses whatever in consequence of the passage of this ordinance, and the granting of the privilege herein mentioned; and provided, that said track shall be laid down and maintained under the direction and supervision of the department of public works; and provided, that the privilege hereby granted shall be subject to all ordinances now

in force concerning railroads, or which may be hereafter passed; and provided, that this ordinance shall at all times be subject to modification, amendment or repeal, and in case of repeal all privileges hereby granted shall cease and determine.

¶ 2. **When in force.**] § 2. This ordinance shall be in force from and after its passage.

KEELEY BREWING COMPANY.

§ 784. Keeley Brewing company.

¶ 1. Route—grant ten years.
¶ 2. Bond.
¶ 3. Obstruction of alley prohibited—other conditions.
¶ 4. Expiration of term—duty of grantees.
¶ 5. In effect, when.

An ordinance authorizing the Keeley Brewing company to lay down and operate a single side or switch track. (Passed July 14, 1893.)

¶ 1. **Route—grant 10 years.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby given to the Keeley Brewing Company to lay down, maintain and operate, for the period of ten years from and after the passage of this ordinance, a single side or switch track from the tracks of the Lake Shore and Michigan Southern Railroad, over, upon and across the alley lying northeast of and abutting upon the right of way of said railroad company, in, to and upon its premises known as lots 8, 9, 10 and 11 in block 48, in South Chicago.

¶ 2. **Bond.**] § 2. This ordinance shall not take effect until such time as said Keeley Brewing Company shall make, execute and deliver to the city of Chicago a bond, with securities to be approved by the mayor, in the sum of ten thousand dollars, conditioned that said company will indemnify and save harmless the city of Chicago from any and all loss, damages, expenses and costs of every kind and nature whatsoever in any way growing out of the passage of this ordinance or growing out of the maintenance and use of said switch track.

¶ 3. **Obstruction of alley prohibited—other conditions.**] § 3. Neither said Keeley Brewing Company or any other person or corporation using said track shall permit any cars to be or remain motionless or standing upon said side track within the limits of said alley. And said alley shall at all times be kept free from cars and unobstructed for the passage of the public, except during such reasonable time as shall be occupied in running cars from the right of way of said railroad company to and upon the premises of said Keeley

Brewing Company. Said Keeley Brewing Company shall, also, keep said crossing in a good and safe condition for travel by the general public so that vehicles can pass at all times and in all directions over said track. Said track shall be so constructed that the tops of the rails shall not be elevated above the general level of the surface of the alley adjacent.

Upon any violation of the requirements imposed by this section this ordinance shall thereupon cease to have any force and effect, and it shall be the duty of the commissioner of public works to proceed to remove the tracks from said alley and to restore the same to a proper condition for public travel; and it shall be competent for the city council at any time after such violation of this section to entirely repeal and annul this ordinance.

¶ 4. **Expiration of term—duty of grantees.**] § 4. At the expiration of said period of ten years it shall be and is hereby made the duty of said Keeley Brewing Company to remove said tracks and to pave or otherwise improve the portion of said alley theretofore occupied by said railroad tracks, in the same manner and in as good condition as the portions of said alley adjacent thereto.

¶ 5. **In effect, when.**] § 5. This ordinance shall be in force and effect as soon after its passage as the bond in section 2 hereof required shall be presented and approved by the mayor.

THOMAS KELLY.

§ 785. Thomas Kelly.

¶ 1. Lockport street—grant ten years—bond.
¶ 2. When in force.

An ordinance granting permission to Thomas Kelly to lay down and maintain a railroad track. (Passed June 26, 1890.)

¶ 1. **Lockport street—grant 10 years—bond.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted to Thomas Kelly to lay down, maintain and operate a railroad track from and connecting with the tracks of the Chicago, Alton and St. Louis Railroad Company at some point on the line of said Chicago, Alton and St. Louis Railroad, between Boardman street and Lockport street, and running thence southwesterly across Lockport street at some point not exceeding twenty (20) feet southeasterly from the southeasterly line of the right of way of said Chicago, Alton and St. Louis Railroad to such point between Lockport street and Western avenue boulevard as the said Thomas Kelly shall designate, the permission and authority hereby given to

continue for ten (10) years; Provided, however, that the said Thomas Kelly shall enter into bonds with the said city of Chicago, to be approved by the commissioner of public works, in the penal sum of five thousand ($5,000) dollars, to hold and save harmless the said city of Chicago from all damages, costs and expenses whatever in any way arising from or growing out of the privileges hereby granted; Provided, further, that the privileges hereby granted shall be subject in all respects to all ordinances now in force or which may hereafter be passed concerning railroads; and provided, further, that such tracks shall be laid down and maintained under the direction and supervision of the department of public works.

¶ 2. **When in force.**] § 2. This ordinance shall be in force from and after its passage.

KNICKERBOCKER ICE COMPANY.

§ 786. Knickerbocker Ice company.

¶ 1. Route—bond—street repair.
¶ 2. Term ten years.
¶ 3. Modification or repeal.
¶ 4. Removal of track, restoration of streets.
¶ 5. Acceptance.

An ordinance granting permission to Knickerbocker Ice company to lay down and maintain a switch track. (Passed October 24, 1887.)

¶ 1. **Route—bond—street repair.**] Be it ordained by the city council of the city of Chicago: § 1. That permission is hereby given and granted to the Knickerbocker Ice Company to lay down, construct, maintain and operate a single railroad track, from and connecting with the tracks of the Pittsburgh, Ft. Wayne and Chicago Railroad Company, on Stewart avenue, at a point (150 feet) one hundred and fifty feet north of the north line of Elgin street, thence in a southeasterly direction to the south line of Elgin street at its intersection with the east line of Stewart avenue; Provided, however, that said Knickerbocker Ice Company shall, before laying said track, enter into a bond with the city of Chicago, in the sum of five thousand ($5,000) dollars, to be approved by the mayor, to hold and save the city of Chicago harmless from all damages, costs and expenses whatsoever, in consequence of the passage of this ordinance, granting the privilege hereinbefore mentioned.

Provided, further, that the privileges hereby granted shall be subject in all respects to all ordinances now in force or which may hereafter be passed concerning railroads, and that said Knickerbocker Ice Company shall keep so much of said Stewart avenue and Elgin street,

as shall be occupied by said track, in such condition and repair as it may be directed by the department of public works; Provided, that said track shall be laid down and maintained under the direction and supervision of the department of public works.

¶ 2. **Term 10 years.**] § 2. The rights and privileges hereby granted shall cease and determine at the expiration of ten (10) years from the passage hereof.

¶ 3. **Modification or repeal.**] § 3. This ordinance shall at any time before the expiration thereof be subject to modification, amendment or repeal, and in case of repeal all privileges hereby granted shall cease and determine.

¶ 4. **Removal of track—restoration of streets.**] § 4. In case of the expiration of this ordinance by lapse of time, or in case of repeal, said Knickerbocker Ice Company shall, at its own expense, cause said track to be removed and the part of the streets so occupied by said track to be placed in such repair and condition as the department of public works may require; and if the said Knickerbocker Ice Company shall fail to so remove said track and so restore said streets as herein provided, then the city of Chicago may, within ten (10) days after notice to the said Knickerbocker Ice Company, or its bondsmen, remove said track and restore the part of the street so occupied by said track to such condition as it may elect, at the expense and cost of said Knickerbocker Ice Company, which cost and expense said Knickerbocker Ice Company in accepting this ordinance agrees to pay on demand.

¶ 5. **Acceptance.**] § 5. This ordinance shall be in force from and after its passage and acceptance by said Knickerbocker Ice Company.

P. E. LANE.

§ 787. P. E. Lane.

¶ 1. Permission to extend—conditions as to track and repair of alley.
¶ 2. Bond—power to repeal.

An ordinance granting permission to P. E. Lane to extend his side track.
(Passed July 28, 1890. Accepted August 16, 1890.)

¶ 1. **Permission to extend—conditions as to track and repair of alley.**] Be it ordained by the city council of the city of Chicago: § 1. That permission is hereby given and granted to P. E. Lane to extend his side-track at the bridge and iron works at 57th street and Stewart avenue, from the point at the end of said tracks in the alley between 57th street and Rosanmerkle street, thence to extend one hundred (100) feet west along the side and across said alley, said

extension to begin one hundred and thirty (130) feet west of the west line of Stewart avenue, in accordance with the plat hereto attached; Provided, the said track shall be laid down and maintained under the supervision of the commissioner of public works; and provided, further, that said P. E. Lane, his successors and assigns, shall keep said portion of said alley as shall be occupied by said track in good condition and repair, as they may be directed, from time to time, by the commissioner of public works.

¶ 2. **Bond—power to repeal.**] § 2. The rights and privileges herein granted are upon the further condition that P. E. Lane shall give a good and sufficient bond to the city of Chicago, to be approved by the mayor, within twenty (20) days from the passage hereof, in the sum of five thousand ($5,000) dollars, conditioned to comply with the provisions of this ordinance and the general ordinances now in force or that may hereafter be passed, and also to save and keep harmless and indemnify the said city of Chicago from all damages, costs and expenses which may accrue, or that may in any way arise or grow out of the privileges hereby granted; and said rights are granted upon the further express condition that the city of Chicago may at any time repeal this ordinance.

¶ 3. **In effect.**] § 3. This ordinance shall be in force and take effect from and after its passage.

MILWAUKEE & ST. PAUL RAILWAY COMPANY.

§ 788. Milwaukee & St. Paul Railway company.

¶ 1. Clybourn avenue.
¶ 2. Tracks, how laid.
¶ 3. Paving—repair.
¶ 4. Subject to ordinances and to repeal.

An ordinance granting permission to the Chicago, Milwaukee & St. Paul Railway company, in the town of Lake View, to construct a side track to bridge works of M. Lassig. (Passed and approved August 2, 1886.)

¶ 1. **Clybourn avenue.**] Be it ordained by the board of trustees of the town of Lake View: § 1. That permission and authority be and the same are hereby granted to the Chicago, Milwaukee and St. Paul Railway Company, to lay down, construct, maintain and operate a railroad track across and upon Clybourn avenue at or near the intersection of Wrightwood avenue, in the town of Lake View, running from the main tracks of said railroad company to the premises occupied by the bridge works of M. Lassig.

¶ 2. **Tracks—how laid.**] § 2. The said tracks shall be laid

down and maintained under the direction and supervision of the superintendent of public works of this town, and shall not be elevated in said avenue above the surface of the streets and shall be laid in modern improved rails in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction.

¶ 3. **Paving—repair.**] § 3. The said company as to the part of said avenue upon which its said track may be laid shall keep eight feet in width in good condition and repair during all the time to which the privileges hereby granted shall extend in accordance with whatever order, ordinance or regulation may be passed or adopted by the board of trustees of the town of Lake View in relation to such repair; and if the said company shall refuse or fail so to do the same may be done by the town, and the company shall be liable to the town for cost thereof.

¶ 4. **Subject to ordinances and to repeal.**] § 4. The privileges hereby granted shall be subject to all ordinances concerning railroads or which may hereafter be passed, and are granted upon the express condition that the board of trustees may at any time repeal this ordinance.

MORITZ LASSIG.

§ 789. Moritz Lassig.

¶ 1. Diversey street.
¶ 2. Alley north of lot 32, block 1, manufacturers' addition.
¶ 3. Grade—vehicles may cross.
¶ 4. Repair of crossings—failure to.
¶ 5. Sixteen feet of alley to be kept clear.
¶ 6. Bond.
¶ 7. Subject to ordinances—repeal or modification.
¶ 8. Repeal of ordinances granted to C. & N. W. Ry. Co.

An ordinance granting to Moritz Lassig a right of way across Diversey street and an alley south, to accommodate his bridge works. (Passed December 5, 1887. Approved December 10, 1887.)

¶ 1. **Diversey street.**] Be it ordained by the city council of the city of Lake View: § 1. That permission and authority be, and the same is hereby granted, to Moritz Lassig, his heirs, executors, administrators and assigns, to lay down, construct, maintain and operate a single railway track upon Diversey street, the center line of which track shall begin at a point in the north line of Diversey street, two hundred and fifty-one (251) feet west of the northwest corner of said Diversey street, and in the right of way of the Chicago and North-

western Railway Company, and extend southwesterly to a point in the south line of the said street two hundred and seventy-nine (279) feet west of the southwest corner of said street and the said right of way.

¶ 2. **Alley north of lot 32, block 1, Manufacturers' addition.**] § 2 Said Moritz Lassig, his heirs, executors, administrators or assigns, is also hereby granted permission and authority to lay down, construct, maintain and operate a railroad track on the alley north of lot thirty-two (32), in block 1, in Manufacturers' addition to Chicago, southeast quarter, section 30, township 40 north, range 14, east of the third principal meridian, the center line of which track shall begin at a point in the north line of said alley two hundred and sixty-eight (268) feet west of the west line of the right of way of the said railway company, and extend southeasterly to a point in the east line of the alley east of the said lot 32, thirty (30) feet south of the northeast corner of said two alleys.

¶3. **Grade—vehicles may cross.**] § 3. The said tracks shall be laid down and maintained under the direction and supervision of the commissioner of public works of this city, and shall not be elevated in said street or alley above the surface thereof, and shall be laid with modern improved rails, in such manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction.

¶ 4. **Repair of crossings—failure to.**] § 4. The said Lassig, his heirs, executors, administrators or assigns, shall construct, maintain and keep in good condition and repair the crossings of the said track on Diversey street, during all the time the privileges hereby granted shall extend, in accordance with whatever order, ordinance or regulation now in force or which may hereafter be adopted by the city council of the city of Lake View, in relation to such repair, and if the said Lassig, his heirs, executors, administrators or assigns, shall refuse or fail so to do the same may be done by the said city, and the said Moritz Lassig his heirs, executors, administrators or assigns, shall be liable to the city for the cost thereof.

¶ 5. **Sixteen feet of alley to be kept clear.**] § 5. The permission and authority hereby granted are upon the express condition that the said Lassig, his heirs, administrators, executors or assigns, shall at all times keep and maintain an area of at least sixteen feet in width westerly of the said track where the same extends across or along the said alley, free and clear of its tracks, to the end that the width of the said alley for the purposes of public use may not be diminished or impaired.

¶ 6. **Bond.**] § 6. This permission or grant is made upon the further condition that said Moritz Lassig, his heirs, executors, administrators or assigns, shall keep and save the city of Lake View harmless from all damages, costs and expenses whatsoever arising out of

the use and acceptance of the privileges hereby granted, and said Moritz Lassig shall give a bond with one or more sureties to be approved by the mayor in the penal sum of five thousand dollars, for the fulfillment of the conditions of this grant or permission.

¶ 7. **Subject to ordinances—repeal or modification.**] § 7. This permission is granted subject to all general ordinances concerning railroads now in force or that may hereafter be passed, and upon the express further condition that the city council may at any time repeal or modify this ordinance.

¶ 8. **Repeal of ordinance granted to C. & N. W. Railway Co.**] § 8. An ordinance entitled "An ordinance granting to the Chicago and Northwestern Railway Company right of way across Diversey street and an alley south to accommodate M. Lassig's Bridge Works," adopted August 22nd, 1887, is hereby repealed.

A. A. LIBBY, JR.

§ 790 A. A. Libby, Jr.

¶ 1. Haynes court and an alley.
¶ 2. In effect, when.

An ordinance granting permission to A. A. Libby, Jr., to lay down, construct, maintain and operate a railroad track across Haynes court and in, along and upon a certain alley in south part of original lot 2, block 19, canal trustees' subdivision, S. Frac. section 29, T. 29, R. 14 E., to north line of Short street. (Passed April 7, 1892.)

¶ 1. **Haynes court and an alley.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby granted to A. A. Libby, Jr., to lay down, construct, maintain and operate a railroad track over and across the street known as Haynes court and from thence in, upon and along a certain alley in the south part of original lot 2, block 19, Canal Trustees' subdivision of south fractional section 29, township 39 north, range 14 east, to north line of Fuller street. Said track to be laid down and maintained under the direction and supervision of the department of public works; Provided, that the privilege hereby granted shall be subject to all ordinances now in force concerning railroads or which may be hereafter passed.

¶ 2. **In effect, when.**] § 2. This ordinance shall be in force from and after its passage.

THOMAS LYNCH.

§ 791. Thomas Lynch.

¶ 1. Hawthorne avenue—ten years—bond.
¶ 2. Condition as to track.
¶ 3. Expiration of grant—duty of lessee.
¶ 4. Acceptance.

An ordinance authorizing Thomas Lynch to lay down and operate a single side track. (Passed July 7, 1890.)

¶ 1. **Hawthorne avenue—ten years—bond.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted to Thomas Lynch to construct, lay down and operate, for a period of ten years from the passage hereof (unless said permission and authority are sooner revoked by the city council), private single side track on the west side of Hawthorne avenue next to and adjoining lots one (1), two (2), three (3), four (4) and five (5), in block ninety-five (95), in Elston's addition to Chicago and to connect the same by a single switch track with the main tracks of the Chicago, Evanston and Lake Superior Railway Company on said Hawthorne avenue at a point no further north than the north line of said lot one (1); Provided, however, that the said Lynch shall first execute a bond to the city of Chicago, with good and sufficient sureties, in the penal sum of ten thousand ($10,000) dollars, to be approved by the commissioner of public works, conditioned for the faithful performance by said Lynch of all the provisions of this ordinance and for indemnifying and saving harmless the city of Chicago from all expenses, costs and damages it may sustain by reason of the construction, maintenance or operation of said road and of the exercise by said Lynch of the privileges herein granted; and, provided, further, that the privileges hereby granted shall be exercised and enjoyed subject to all railroad or other ordinances now in force or which may hereafter be passed by the city council.

¶ 2. **Condition as to track.**] § 2. Said tracks shall be laid down and maintained under the direction of the commissioner of public works and in such manner as to interfere as little as possible with the use of said Hawthorne avenue and the space between said tracks shall be planked so as to allow the free passage of teams and vehicles along and over the same at all times.

¶ 3. **Expiration of grant—duty of lessee.**] § 3. At the expiration of said ten years, or as much sooner as the city council shall order, the said Lynch shall cause said tracks to be removed and in default thereof they shall be removed by the city of Chicago, at the expense of said Lynch.

¶ 4. **Acceptance.**] § 4. This ordinance shall be in force and take effect when it shall have been accepted by said Lynch and said bond filed and approved; Provided said acceptance and bond be filed within thirty days from the passage thereof.

THOMAS R. LYON.

§ 792. Thomas R. Lyon.

¶ 1. Fortieth street.
¶ 2. Grade of tracks—bond.
¶ 3. Grant ten years.
¶ 4. Provision as to elevation.
¶ 5. Ordinance construed.
¶ 6. When in force.

An ordinance for switch track across Fortieth street, between Wabash avenue and State street. (Passed April 8, 1897. Accepted April 15, 1897, by the South Side Elevated Railroad company as lessee.)

¶ 1. **Fortieth street.**] Be it ordained by the city council of the city of Chicago: § 1. That a right of way be, and the same is hereby granted, for the period of ten years from the passage of this ordinance, to Thomas R. Lyon, his lessees and assigns, to lay down and operate a switch track on 40th street, between Wabash avenue and State street, to connect the railroad tracks now on 40th street with lots 13, 14 and 15, in block 3, of Prior & Hopkins' subdivision of west half of northwest quarter of section 3, township 38 N., R. 14, east of the third principal meridian.

¶ 2. **Grade of tracks—bond.**] § 2. That said railroad track, when laid, as provided in section 1, shall be on a grade with the tracks of said railroad now located on said 40th street; and before laying said switch track, said Lyon, his lessees or assigns, shall furnish to the city of Chicago a bond, to be approved by the mayor, in the penal sum of $5,000, to be conditioned to save the said city harmless from all damages which may arise, or grow out of the privileges hereby granted, or out of the laying or operating of said switch track.

¶ 3. **Grant ten years.**] § 3. The rights and privileges hereby granted shall cease and determine at the expiration of ten (10) years from the passage hereof.

¶ 4. **Provision as to elevation.**] § 4. The permission and authority hereby granted are upon the express agreement and understanding that if within said ten years said main tracks on said 40th street, with which said switch is to connect, shall be elevated, then said Lyon, his lessees or assigns, shall and will either surrender and abandon said switch or will at their own expense elevate the same to the level of said main tracks, and will in such case keep the roadway under said switch clear and free (except of the necessary supporting columns) for passage of the public; and further, that said switch shall be used, not for general business purposes, but only for the delivery of coal and fuel to and for the buildings, and plant to be located on said parcels of land.

¶ 5. **Ordinance construed.**] § 5. Nothing in this ordinance contained shall be construed as confirming, recognizing or in any wise affecting the right or claim of right on the part of any person

or company to maintain or operate said railroad tracks in said 40th street; and said switch track shall be removed if and whenever said railroad tracks in said 40th street shall be required by any competent authority to be removed.

¶ 6. When in force.] § 6. This ordinance shall be in force from and after its passage.

McCORMICK HARVESTING MACHINE COMPANY.

§ 793. McCormick Harvesting Machine company.
¶ 1. Western avenue and Twenty-sixth street—bond—cars not to stand.
¶ 2. Grant ten years.
¶ 3. Removal—restoration of streets.
¶ 4. Acceptance.

An ordinance authorizing the McCormick Harvesting Machine company to construct and operate a railroad track. (Passed April 30, 1888.)

¶ 1. Western avenue and Twenty-sixth street—bond—cars not to stand.] Be it ordained by the city council of the city of Chicago: § 1. That permission be and is hereby granted to the McCormick Harvesting Machine Company, and its successors and assigns, to lay down, construct, maintain and operate a railroad track, to connect the premises now occupied by said company at and near the corner of Western avenue and Twenty-sixth street with the railroad track of the Atchison, Topeka & Santa Fe Railroad Company in Chicago now existing in and along 26th street. Said track shall cross Western avenue immediately south of the existing track of the Chicago, Burlington & Quincy Railroad Company, and shall connect with the track of said Atchison, Topeka & Santa Fe Railroad Company in Chicago, in Twenty-sixth street, at a point not more than three hundred (300) feet west of the west line of Western avenue; Provided, however, that within thirty days after the approval of this ordinance and before any track shall be laid under the authority hereby conferred, the said McCormick Harvesting Machine Company shall enter into a bond to the city, in the sum of ten thousand dollars, with security to be approved by the mayor, to indemnify and save harmless the city from all damages, costs and expenses whatsoever in consequence of the passage of this ordinance, or the laying, maintaining or operating said track and provided, further, that the privilege hereby granted shall be subject in all respects to all ordinances now in force, or which may hereafter be passed, concerning railroads, and that said McCormick Harvesting Machine Company and its successors shall keep such portion of Western avenue and Twenty-sixth street as shall be

occupied by said track in such condition and repair as may be directed by the department of public works of said city. No cars shall be permitted to stand on the streets, nor shall any cars be unloaded or loaded upon the streets occupied by said track; Provided, that said track shall be laid down and maintained under the direction and supervision of the department of public works.

¶ 2. **Grant 10 years.**] § 2. The rights and privileges hereby granted shall cease and determine at the expiration of ten (10) years from the passage hereof, and this ordinance shall at any time before the expiration thereof be subject to modification, amendment or repeal, and in case of repeal all privileges hereby granted shall cease and determine.

¶ 3. **Removal—restoration of streets.**] § 3. In case of the expiration of this ordinance by lapse of time, or in case of repeal, said McCormick Harvesting Machine Company shall, at its own expense, cause said track to be removed and the part of the streets so occupied by said track to be placed in such repair and condition as the department of public works may require; and if the said McCormick Harvesting Machine Company shall fail to so remove said track and so restore said streets as herein provided, then the city of Chicago may, within ten (10) days after notice to the said McCormick Harvesting Machine Company, or its bondsmen, remove said track and restore the part of the street so occupied by said track to such condition as it may elect, at the expense and cost of said McCormick Harvesting Machine Company, which cost and expense said McCormick Harvesting Machine Company in accepting this ordinance agrees to pay on demand.

¶ 4. **Acceptance.**] § 4. This ordinance shall be in force from and after its passage and acceptance by said McCormick Harvesting Machine Company.

FERDINAND MACCULLOCH AND OTHERS.

§ 794. Ferdinand MacCulloch and others.

¶ 1. Main street near Cologne street—planking roadway—bond.
¶ 2. When in force.

An ordinance granting permission to MacCulloch and others to construct certain tracks. (Passed March 22, 1880.)

¶ 1. **Main street, near Cologne street—planking roadway—bond.**] Be it ordained by the common council of the city of Chicago: § 1. That permission is hereby granted to Ferdinand MacCulloch, Elizabeth Bryer, W. H. Mitchell, John J. Mitchell, Benjamin

E. Galup, Frances B. Peabody and the National Life Insurance Company of Vermont, to lay down and maintain for a period of ten years a railroad track across Main street, at a point northerly of and near Cologne street; Provided, the same be laid down and maintained under the direction and supervision of the department of public works; and provided, that said grantees shall plank and keep planked, and in good condition, the roadway between the rails; and provided, that said grantees shall first execute a bond to the city of Chicago in the penal sum of five thousand dollars, conditioned to save the city harmless from all costs, damages and expenses in consequence of the passing of this ordinance, said bond to be approved by the mayor; and provided, further, that the privilege hereby granted shall be subject to all ordinances now in force or which may be hereafter passed regulating railroads.

¶ 2. **When in force.**] § 2. This ordinance shall be in force from and after its passage.

Note.—See ordinance following for extension of grant.

§ 795. Ferdinand MacCulloch and others.

¶ 1. Extension ten years.
¶ 2. In effect.

An ordinance extending the grant of switch track privileges to Ferdinand MacCulloch and others of March 22, 1880. (Passed December 22, 1893.)

¶ 1. **Extension 10 years.**] Be it ordained by the city council of the city of Chicago: § 1. That the rights and privileges granted and conferred to Ferdinand MacCulloch, Elizabeth Bryer, W. H. Mitchell, August Gindelle, Benjamin E. Galup, Francis B. Peabody and the National Life Insurance Company of Vermont to lay down and maintain, for a period of ten years, a railroad track across Main street and Deering street, at a point northerly of and near Cologne street, by ordinance passed by the city council of the city of Chicago, March twenty-second, 1880, be and the same are hereby extended for the further period of ten years. This extension is granted under the same conditions as in said ordinance expressed.

¶ 2. **In effect.**] § 2. This ordinance shall be in force from and after its passage.

MICHAEL C. McDONALD

§ 796. Michael C. McDonald.

¶ 1. Harrison street.
¶ 2. Compliance with ordinances.
¶ 3. Bond.
¶ 4. When in force.

An ordinance granting permission to Michael C. McDonald to lay down and operate a switch track from the terminus of the Wisconsin Central railroad, in block 88, school section addition to Chicago, to connect with the property in block 89 in same addition. (Passed February 24, 1896.)

¶ 1. **Harrison street.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and are hereby granted to Michael C. McDonald, his successors, heirs and assigns, to lay down and operate, for the period of ten years, a single railroad track across Harrison street, at a point not over fifty (50) feet east of the eastern abutment of the bridge over the river, said track running from block eight-eight (88) in School Section addition to Chicago, to the property in block eighty-nine (89) in same addition, both being in section sixteen (16), township 39 north, range 14, east of the third principal meridian.

¶ 2. **Compliance with ordinances.**] § 2. The said Michael C. McDonald shall lay and maintain such track under the supervision of the commissioner of public works of the city of Chicago, and shall, in all respects, comply with the ordinances of said city.

¶ 3. **Bond.**] § 3. This permission and authority is granted the said Michael C. McDonald upon the condition that he shall give a bond of five thousand ($5,000) dollars, with good and sufficient surety, to be approved by the mayor, conditioned to keep the city of Chicago harmless of and from all damages whatsoever arising from this grant.

¶ 4. **When in force.**] § 4. This ordinance shall be in full force and effect from and after its passage.

WILLIAM McGREGOR COMPANY.

§ 797. William McGregor company.
¶ 1. Route—bond.
¶ 2. Grant ten years.
¶ 3. Acceptance.

An ordinance authorizing William McGregor company to construct and operate a single railroad track. (Passed March 16, 1891. Accepted April 13, 1891.)

¶ 1. **Route—bond.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted to the William McGregor Company, a corporation organized under the laws of the state of Illinois, to lay down, maintain and operate a single railroad track, from the northeast corner of lot six (6) in block three (3) in James Morgan's subdivision of part of the east thirty-three (33) acres of the south half of the south-east quarter of section twelve (12), township thirty-nine (39), range thirteen (13) east

of the third principal meridian, in the city of Chicago, extending thence, in a northeasterly direction, to and connecting with the tracks of the Chicago and Northwestern Railway Company at the west line of Francisco street, extended, and crossing all intervening streets and alleys; Provided, however, that the said William McGregor Company shall, before laying said track, enter into a bond with the city of Chicago, in the sum of ten thousand ($10,000) dollars, to be approved by the mayor, conditioned to indemnify and save harmless the city of Chicago from all damages, costs and expenses that may accrue in consequence of the passage of this ordinance or that may in any way grow out of the exercise of the privileges hereby granted; and provided, further, that said track shall be laid down and maintained under the direction and supervision of the department of public works and provided, further, that the privileges hereby granted shall be subject to all ordinances now in force or which may hereafter be passed concerning railroads.

¶ 2. **Grant 10 years.**] § 2. The rights and privileges hereby granted shall cease and determine at the expiration of ten (10) years from the passage hereof. And this ordinance shall, at any time before the expiration of said period of ten (10) years, be subject to modification, amendment or repeal; and in case of repeal all privileges hereby granted shall cease and determine.

¶ 3. **Acceptance.**] § 3. This ordinance shall be in force from and after its passage and acceptance by the said William McGregor Company and the filing of its bond as aforesaid; such acceptance and bond to be filed within thirty (30) days after the passage hereof.

MAHLA & CHAPPELL.

§ 798. Mahla & Chappell.

¶ 1. Route—bond—repair of streets.
¶ 2. Term ten years.
¶ 3. Modification or amendment.
¶ 4. Removal—failure to remove after notice.
¶ 5. Acceptance.

An ordinance granting permission to Mahla & Chappell to lay down and maintain a single railroad track in Stewart avenue and Elgin street. (Passed December 16, 1887.)

¶ 1. **Route—bond—repair of streets.**] Be it ordained by the city council of the city of Chicago: § 1. That permission is hereby given and granted to Mahla and Chappell to lay down, construct, maintain and operate a single railroad track from and connecting with the tracks of the Pittsburgh, Fort Wayne and Chicago Railroad

Company on Stewart avenue, at a point one hundred and fifty (150) feet south of the south line of Elgin street; thence in a northeasterly direction to the north line of Elgin street, extended; thence north along the east side of Stewart avenue to the south line of Twenty-first street; Provided, however, that said Mahla and Chappell shall, before laying said track, enter into bond with the city of Chicago in the sum of five thousand dollars ($5,000), to be approved by the mayor, to hold the city of Chicago harmless from all damages, costs and expenses whatsoever in consequence of the passage of this ordinance, granting the privilege hereinbefore mentioned; Provided, further, that the privileges hereby granted shall be subject, in all respects, to all ordinances now in force or which may hereafter be passed concerning railroads; and that said Mahla and Chappell shall keep so much of said Stewart avenue and Elgin street, as shall be occupied by said track, in such condition and repair as they may be directed by the department of public works; Provided, that said track shall be laid down and maintained under the direction and supervision of the department of public works.

¶ 2. **Term 10 years.**] § 2. The rights and privileges hereby granted shall cease and determine at the expiration of ten (10) years from the passage hereof.

¶ 3. **Modification or amendment.**] § 3. This ordinance shall, at any time before the expiration thereof, be subject to modification, amendment or repeal, and in case of repeal all privileges hereby granted shall cease and determine.

¶ 4. **Removal—failure to remove after notice.**] § 4. In case of the expiration of this ordinance by lapse of time, or in case of repeal, said Mahla and Chappell shall, at their own expense, cause said track to be removed, and the part of the streets so occupied by said track to be placed in such repair and condition as the department of public works may require. And if said Mahla and Chappell shall fail to remove said track and so restore said streets as herein provided, then the city may, after ten (10) days' notice in writing to the said Mahla and Chappell, or their bondsmen, remove said track and restore the part of the streets so occupied by said track to such condition as it may elect, at the expense and cost of said Mahla and Chappell, which cost and expense said Mahla and Chappell in accepting this ordinance agree to pay on demand.

¶ 5. **Acceptance.**] § 5. This ordinance shall be in force from and after its passage and acceptance by said Mahla and Chappell.

§ 799. Mahla & Chappell.

¶ 1. Route.
¶ 2. Grant ten years and other conditions.
¶ 3. Acceptance.

An ordinance authorizing Mahla & Chappell to construct and operate a switch track across Twenty-first street. (Passed January 5, 1893. Accepted January 17, 1893.)

¶ 1. **Route.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby given and granted to Mahla and Chappell, and their assigns, to construct, maintain and operate a single switch track across 21st street, between Stewart avenue and Purple street, said switch track to extend in a northerly dirction, the center line of said switch track at the south line of 21st street to be about eight (8) feet west from the east line of lot three (3) in the subdivision of lot five (5) in block forty-three (43) in the Canal Trustees' new subdivision of blocks in the east fraction of the southeast quarter (S. E. ¼) of section twenty-one (21), township thirty-nine (39) north, range fourteen (14) east of the third (3rd) principal meridian, in Chicago, Cook county, Illinois.

¶ 2. **Grant 10 years, and other conditions.**] § 2. The permission hereby granted to said Mahla and Chappell and their assigns is upon the following express conditions:

1st. A bond in the sum of five thousand ($5,000) dollars, with approved security, shall be given by said Mahla and Chappell to the city of Chicago, which said bond shall be approved by the mayor of said city, and conditioned to hold the city of Chicago harmless from all damages, costs and expenses in consequence of the passing of this ordinance.

2nd. The privilege hereby granted shall be enjoyed subject to all ordinances now in force concerning railroads, or which may be hereafter passed regulating or in any manner concerning the track laid in conformity with this ordinance.

3rd. That this ordinance shall be subject to amendments or repeal and it is expressly limited to a period of ten (10) years from the passage hereof, and at the expiration of ten (10) years, or sooner, if this ordinance shall be repealed, then said Mahla and Chappell and their assigns shall take up and remove said track within five (5) days after notice by the department of public works, and in case of refusal to comply with said notice the city may remove the same and place the street occupied by said track in condition to correspond with other parts of the street, and the expense of such removal by the city shall be paid by said Mahla and Chappell or their assigns.

¶ 3. **Acceptance.**] § 3. This ordinance shall be in force from and after its passage and acceptance by the said Mahla and Chappell and the filing and approving of the bond herein provided for, provided the same be so filed and approved within thirty (30) days from the passage of this ordinance.

WILLIAM J. MOXLEY.

§ 800. William J. Moxley.

¶ 1. Hawthorne avenue—grant ten years—bond—provision for elevation—repair of street.
¶ 2. Subject to amendment, etc.—removal of track.
¶ 3. When in force.

An ordinance granting William J. Moxley the privilege and authority to construct and operate a private switch. (Passed May 25, 1896.)

¶ 1. Hawthorne avenue—grant 10 years—bond—provision for elevation—repair of street.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby granted to William J. Moxley, or his assigns, to construct, maintain and operate a private single railroad switch, for a period of ten years, from and connecting with the track of the Chicago, Milwaukee and St. Paul Railroad Company, at a point upon Hawthorne avenue about one hundred and fifty (150) feet southeast of the south line of Clay street, produced, in a southeasterly direction parallel with the tracks of the Chicago, Milwaukee and St. Paul Railroad Company, for about three hundred (300) feet, in accordance with the plat hereto attached.

Provided, however, that said William J. Moxley shall, before laying any part of said track, enter into a bond with the said city of Chicago in the penal sum of five thousand ($5,000) dollars, to be approved by the mayor, to hold and save the city of Chicago harmless from all damages caused by the passage of this ordinance.

Provided, further, that the privileges hereby granted shall be subject in all respects to the ordinances now in force or which may be hereafter passed concerning railroads and the elevation of railroad tracks, and that the said William J. Moxley, and his assigns, shall keep so much of said Hawthorne avenue as shall be occupied by said switch in such condition and repair as may be directed by the department of public works.

And provided, further, that said switch shall be constructed and maintained under the direction and supervision of the department of public works.

¶ 2. Subject to amendment, etc.—removal of track.] § 2. This ordinance shall be subject to amendment or repeal at any time for failure to comply with any order of the department of public works concerning the proper construction and maintenance of said switch; and upon the expiration of this ordinance said William J. Moxley, or his assigns, shall remove said switch after notice from the department of public works; and, in case of failure or refusal to comply with said notice, then the city of Chicago may remove the same at the expense of said William J. Moxley, or his assigns.

¶ 3. When in force.] § 3. This ordinance shall be in force from and after its passage.

L. NEWBERRY & CO.

§ 801. L. Newberry & Co.

¶ 1. North Market and Carroll streets—bond—subject to repeal.

An ordinance to allow a connection between the Galena & Chicago Union railroad track, and the warehouse of L. Newberry & Co. (Passed February 10, 1862.)

¶ 1. North Market and Carroll streets—bond—subject to repeal.] Be it ordained by the common council of the city of Chicago: § 1. That permission and authority are hereby given to L. Newberry & Co. to lay down, maintain and operate a railroad track in, upon and along North Market street, from the track of the Galena and Chicago Union Railroad to Carroll street; thence on Carroll street to connect with the elevator of L. Newberry & Co., in block 14, original town of Chicago; Provided, said Newberry & Co. shall enter into bonds with said city, to be approved by the mayor, to hold and save the city harmless from all damages in consequence of this act; and provided, the privilege hereby granted shall be enjoyed subject to all ordinances now in force concerning railroads, or which may be hereafter passed regulating or in any way concerning the track laid in conformity with this ordinance; Provided, that this ordinance shall at all times be subject to repeal by the common council, and if so repealed, all the privileges hereby granted shall cease and determine.

NORTH-WESTERN LEATHER COMPANY.

§ 802. North-Western Leather company.

¶ 1. Robinson street and across Thirty-first street.
¶ 2. Use of street.
¶ 3. Indemnity clause.
¶ 4. Subject to ordinances.
¶ 5. Repeal or amendment after five years.

An ordinance authorizing the North-Western Leather company to lay a railroad track on Robinson street. (Passed September 7, 1877.)

¶ 1. Robinson street and across Thirty-first street.] Be it ordained by the city council of the city of Chicago: § 1. That the North-Western Leather Company is hereby authorized to lay down a railroad track (with necessary turn-outs and switches to connect the adjoining lots) and operate the same, in and along Robinson street, in the city of Chicago, from the Illinois and Michigan canal across Thirty-first street, to the Joliet and Chicago Railroad.

¶ 2. Use of street.] § 2. The said company is hereby required, and this grant is made on the express condition that it shall

so lay down and maintain its track, turn-outs and switches that they shall interfere as little as practicable in the use of said street, and shall at all times keep them in such condition as to allow the free use and easy passage of vehicles along and over it. All of which shall be done under the supervision of the proper city authorities.

¶ 3. **Indemnity clause.**] § 3. This permission or grant is made upon the further condition that said company shall keep and save the city harmless from all damages, costs and expenses whatever arising out of the use and occupation of said street by said company.

¶ 4. **Subject to ordinances.**] § 4. This permission is granted subject to all the general ordinances concerning railroads now in force, or that may hereafter be passed.

¶ 5. **Repeal or amendment after five years.**] § 5. This ordinance shall be subject to amendment or repeal by said council at any time after five years from its passage.

NORTHWESTERN YEAST COMPANY.

§ 803. Northwestern Yeast company.

¶ 1. Grant ten years—Bloomingdale road.
¶ 2. Authority conferred as to use.
¶ 3. Indemnity clause.
¶ 4. Bond.
¶ 5. City to supervise work.
¶ 6. Acceptance.

An ordinance granting permission to the Northwestern Yeast company to construct, maintain and operate a switch track upon the south side of Bloomingdale road from the west line of Edgar street, produced, to the west line of Ashland avenue, produced, in the city of Chicago. (Passed January 3, 1894. Accepted January 6, 1894.)

¶ 1. **Grant ten years—Bloomingdale road.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same is hereby granted to the Northwestern Yeast Company to construct, maintain and operate a switch track, for the period of ten (10) years from the passage hereof, upon the south side of Bloomingdale road, to connect with the switch track of the Chicago and Pacific Railroad Company at the west line of Edgar street, produced, and to extend eastward upon said Bloomingdale road to the west line of Ashland avenue, produced, as shown upon the plat hereunto attached.

¶ 2. **Authority conferred as to use.**] § 2. That said Northwestern Yeast Company may receive upon the track authorized by sec-

tion 1 of this ordinance all cars delivered to it by the Chicago, Milwaukee and St. Paul Railway Company, operating the said Chicago and Pacific Railroad as lessees, for the purpose of unloading or loading said cars, subject, however, to all general ordinances of the city of Chicago concerning railroads, now in force or which may hereafter be in force.

¶ 3. **Indemnity clause.**] § 3. The permission and authority hereby granted are upon the express condition that the said Northwestern Yeast Company shall and will, for ever, indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs and expenses of the same which it may suffer or which may be recovered or obtained against said city for or by reason of the granting of such privileges and authority, or for or by reason or growing out of, or resulting from the passage of this ordinance, or any matter or thing connected herewith, or with the exercise by said company of the privileges hereby granted.

¶ 4. **Bond.**] § 4. Said Northwestern Yeast Company shall before laying said track enter into a bond with the city of Chicago in the sum of five thousand ($5,000) dollars, to be approved by the mayor, to hold and save the city of Chicago harmless from all damages, costs and expenses whatsoever in consequence of the passage of this ordinance granting the privileges hereinbefore mentioned.

¶ 5. **City to supervise work.**] § 5. All work which shall be done under and by authority of the privileges or under the conditions of this ordinance shall be done under the direction of the commissioner of public works, and shall be done in a manner satisfactory to him and at the sole cost and expense of the said Northwestern Yeast Company.

¶ 6. **Acceptance.**] § 6. This ordinance shall take effect and be in force from and after its passage and approval and its acceptance by said Northwestern Yeast Company; Provided, however, that such acceptance shall be filed with the city clerk within thirty (30) days after the approval of this ordinance.

O'CONNOR & LEESON.

§ 804. O'Connor & Leeson.

¶ 1. Rockwell street and alley in C. H. Harrison's Add.
¶ 2. Laying of tracks—use of street and alley—repairs.
¶ 3. Standing cars prohibited.
¶ 4. Bond.
¶ 5. Grant ten years—removal of tracks.
¶ 6. When in force—acceptance.

An ordinance authorizing O'Connor & Leeson to lay down and maintain two switch tracks. (Passed March 18, 1889.)

¶ 1. **Rockwell street and alley in C. H. Harrison's addition.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby granted to Thomas P. O'Connor and Thomas V. Leeson, doing business under the firm name and style of O'Connor & Leeson, to lay down, maintain and operate two railroad switch tracks, described as follows, commencing fifty-two (52) feet north from a point of intersection with the east track of Chicago, St. Louis and Pacific Railroad, of the north line of Harrison street produced west, thence running southeasterly across Rockwell street in a curve through the south part of lots 25 and 24, block 1, crossing alley between Harrison and Flournoy streets, thence connecting with a point in a line parallel with and 90 feet north of Flournoy street and 192 1-2 feet east of west line of block 1, in Carter H. Harrison's addition, to a terminus at the west line of resubdivision of east sixteen feet of lot 36, whole of lots 37 to 44, inclusive, in said block 1, and also lay down and operate a railroad switch track commencing at a point in above described curve in Rockwell street 65 feet south of south line of Harrison street, thence southerly across said alley and running in and along west line of lot 26, block 1, Carter H. Harrison's addition, etc., to a terminus in south line of said lot 26.

¶ 2. **Laying of tracks—use of street and alley—repairs.**] § 2. The said O'Connor & Leeson are hereby required, and this grant is made on the express condition, that they shall so lay down and maintain said tracks that they shall interfere as little as practicable in the use of said street and alley, and shall not lay or construct any switch or frog within the limits of Harrison street, and shall at all times keep said tracks in such condition as to allow the free use and easy passage of vehicles along and over the same, and that they will also keep the sidewalk across said tracks in good condition and repair so as not to endanger the passage of pedestrians over the same, all of which shall be done under the direction of the department of public works, and whenever the department of public works shall order said tracks to be repaired or placed in a safe condition for travel over the same, then said O'Connor & Leeson shall comply with such order within ten (10) days thereafter, and in case of a refusal to comply with such order, then the department of public works may, without further notice, take up and remove such tracks, and all rights hereunder shall then cease and determine.

¶ 3. **Standing cars prohibited.**]' § 3. Said O'Connor & Leeson shall not at any time permit any car or cars to stand upon said tracks across Rockwell street, or across the alley between Harrison and Flournoy streets.

¶ 4. **Bond.**] § 4. This permission and authority is made upon the further condition that said O'Connor & Leeson shall keep and

save the city of Chicago harmless from all damages, costs and expenses whatsoever arising out of this grant, and said Thomas P. O'Connor and Thomas V. Leeson shall give a bond with one or more sureties, to be approved by the mayor, in the penal sum of five thousand ($5,000) dollars, for the fulfillment of the conditions of this grant or permission.

¶ 5. **Grant ten years—removal of tracks.**] § 5. This ordinance shall be subject to amendment or repeal at any time, and is expressly limited to a period of ten (10) years from the passage hereof, and at the expiration of said ten (10) years, or sooner if this ordinance should be repealed, then said O'Connor & Leeson shall take up and remove said tracks from Rockwell street and said alley within five (5) days after notice by the department of public works, and in case of failure or refusal to comply with said notice, or in case said O'Connor & Leeson, or either of them, do not use said tracks, then the city may remove the same and place the street and alley where occupied by said tracks in such condition as it may see fit so as to correspond to the other parts of the street and alley, and the expense of such removal or of any removal of said tracks by the city shall be paid by said Thomas P. O'Connor and Thomas V. Leeson, their heirs, executors and administrators, jointly or severally.

¶ 6. **When in force—acceptance.**] § 6. This ordinance shall be in force from and after its acceptance by said O'Connor & Leeson, and the filing of and approving of the bond provided for in section four hereof, which shall be done within thirty (30) days from the passage hereof, and in such acceptance said O'Connor & Leeson shall expressly agree to all the conditions of this ordinance, and expressly agree to pay to the city of Chicago all moneys it may be compelled to pay for or by reason of granting this permission.

Note.—See following amendatory ordinance.

§ 805. O'Connor & Leeson.

¶ 1. Amendment.
¶ 2. When in force.

An ordinance amending ordinance for switch track privileges to O'Connor & Leeson passed March 18, 1889. (Passed March 27, 1889.)

¶ 1. **Amendment.**] Be it ordained by the city council of the city of Chicago: § 1. That section 1 of an ordinance granting permission and authority to O'Connor & Lesson to lay a switch track on Rockwell street, passed March 18, 1889, be amended by striking out the word "Pacific," and inserting in lieu thereof the word "Pittsburg."

¶ 2. **When in force.**] § 2. This ordinance shall be in force from and after its passage.

VAN N. OGEL.

§ 806. Van N. Ogel.

¶ 1. Across alley in Adam's addition—grant ten years.
¶ 2. Subject to ordinances, etc.—removal of track.

An ordinance granting permission to Van N. Ogel to lay down and operate a switch track across an alley in Adam's addition to Chicago. (Passed July 15, 1895.)

¶ 1. Across alley in Adams' addition—grant ten years.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same are hereby granted to Van N. Ogel, his successors and assigns, to lay down a single switch track from the tracks of the Chicago, St. Louis and Pittsburg Railroad Company, across an alley from lots one and two to lot twenty-four in Adams' addition to Chicago, in the east half of the northeast quarter of section 12, township 39 north, range 13, east of the 3rd P. M., and to operate and maintain the same for a period of ten (10) years from and after the passage hereof.

¶ 2. Subject to ordinances, etc.—removal of track.] § 2. The permission and authority hereby granted is subject to all existing ordinances of the city of Chicago, or ordinances which may hereafter be passed relating to the use and operation of switch tracks and is granted upon the express condition that the said track shall be laid down under the supervision and direction of the commissioner of public works of the city of Chicago, and upon the termination of the right herein granted the same shall be removed without expense or cost to the said city of Chicago, and upon the failure of said Ogel, his successors and assigns, to remove the same the commissioner of public works shall be and is hereby authorized to remove the same at the expense of the person or corporation then using and operating the same.

H. PAEPCKE & CO.

§ 807. H. Paepcke & Co.

¶ 1. George street—bond—repair of street.
¶ 2. Grant ten years.
¶ 3. Removal of track—restoration of street.
¶ 4. When in force—acceptance.

An ordinance authorizing H. Paepcke & Co. to construct and maintain a railroad track. (Passed October 8, 1888. Accepted October 29, 1888.)

¶ 1. George street—bond—repair of street.] Be it ordained by the city council of the city of Chicago: § 1. That permission be and is hereby granted to H. Paepcke & Company, a corporation duly

organized under the laws of the state of Illinois, and its successors and assigns, to lay down, construct, maintain and operate a railroad track in George street, between the tracks of the Chicago and Northwestern Railroad Company, and the western line of North Sangamon street, to connect the premises now occupied by said H. Paepcke & Company, at and near the corner of George and Sangamon streets, with the railroad tracks of the Chicago and Northwestern Railroad Company now crossing said George street, said track to be located fifty (50) feet from the north line of George street; Provided, however, that within thirty days after the approval of this ordinance and before any tracks shall be laid under the authority hereby conferred, the said H. Paepcke & Company shall enter into a bond to the city, in the sum of ten thousand dollars, with security to be approved by the mayor, to indemnify and save harmless the city from all damages, costs and expenses whatsoever, in consequence of the passage of this ordinance, or the laying, maintaining or operating the said tracks; and Provided, further, that the privilege hereby granted shall be subject in all respects to all ordinances now in force or which may hereafter be passed concerning railroads, and that said H. Paepcke & Company and its successors shall keep such portion of George street as shall be occupied by said track in such condition and repair as may be directed by the department of public works of said city; and, Provided further, that said track shall be laid down and maintained under the direction and supervision of the department of public works.

¶ 2. **Grant ten years.**] § 2. The right and privileges hereby granted shall cease and determine at the expiration of ten years from the passage hereof and this ordinance shall, at any time, before the expiration thereof, be subject to modification, amendment or repeal, and in case of repeal all privileges hereby granted shall cease and determine.

¶ 3. **Removal of track—restoration of street.**] § 3. In case of the expiration of this ordinance by lapse of time, or in case of repeal, said H. Paepcke & Company shall, at its own expense, cause said track to be removed and the part of the street so occupied by said track to be placed in such repair and condition as the department of public works may require, and if the said H. Paepcke & Company shall fail to so remove said track and so restore said street, as herein provided, then the city of Chicago may, within ten days after notice to the said H. Paepcke & Company, or its bondsmen, remove said track and restore the part of the street so occupied by said track to such condition as it may elect, at the expense and cost of said H. Paepcke & Company, which cost and expense said H. Paepcke & Company in accepting this ordinance, agree to pay on demand.

¶ 4. **When in force—acceptance.**] § 4. This ordinance shall be in force from and after its passage and acceptance by said H. Paepcke & Company.

PAIGE IRON WORKS.

§ 808. Paige Iron works.

¶ 1. Ontario street—bond—conditions.
¶ 2. Modification or repeal.
¶ 3. Term ten years.
¶ 4. Removal of track—restoration of streets, etc.
¶ 5. Failure to make repairs.
¶ 6. When in force—acceptance.

An ordinance granting permission to Paige Iron works to lay down and maintain a switch track. (Passed September 24, 1888. Accepted October 15, 1888, and October 22, 1888)

¶ 1. Ontario street—bond—conditions.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby given and granted to the Paige Iron Works, a corporation existing under and by virtue of the laws of the state of Illinois, to lay down, construct, maintain and operate a switch track connecting with the tracks of the Chicago, Milwaukee and St. Paul Railway Company, about fifty (50) feet north of the north line of Ontario street, thence in a southerly direction across Ontario street to the block of land between Ontario and Ohio streets, keeping within sixty-five (65) feet of the east line of Kingsbury street, as shown by the track marked "A" in red ink on the map hereto attached; Provided, however, that said Paige Iron Works shall, before laying said track, enter into a bond to the city of Chicago, in the sum of ten thousand ($10,000) dollars, to be approved by the mayor, to hold and save the city of Chicago harmless from all damages, costs and expenses whatsoever in consequence of the passage of this ordinance granting the privilege hereinbefore mentioned; Provided, further, that the privileges hereby granted shall be subject in all respects to all ordinances in force, or which may hereafter be passed concerning railroads or railroad tracks, and that said Paige Iron Works shall keep so much of the streets and alleys crossed by said track in such condition and repair as it may be directed by the department of public works, and provided that said track shall be laid down and maintained under the direction and supervision of the department of public works.

¶ 2. Modification or repeal.] § 2. This ordinance shall at any time before the expiration thereof be subject to modification, amendment or repeal, and in case of repeal all privileges hereby granted shall cease and determine.

¶ 3. Term ten years.] § 3. The rights and privileges hereby granted shall cease and determine at the expiration of ten (10) years from the passage hereof.

¶ 4. Removal of track—restoration of streets, etc.] § 4. In case of the expiration of this ordinance by lapse of time, or in case of repeal, said Paige Iron Works shall at its own expense, cause said tracks to be removed from the parts of the streets so occupied by said

track and the parts of streets or alleys so occupied shall be placed, by said Paige Iron Works, in such repair and condition as the department of public works shall require and if the said Paige Iron Works shall fail so to remove said track, and so to restore said streets, as herein provided, then the city of Chicago may, within ten (10) days after notice to remove said track to said Paige Iron Works or to its bondsmen, remove said track and restore the parts of the streets and alleys so occupied by said track to such condition as it may elect at the expense and cost of said Paige Iron Works ,which cost and expense said Paige Iron Works in accepting this ordinance agrees to pay on demand.

¶ 5. **Failure to make repairs.**] § 5. In case said Paige Iron Works shall fail to keep the parts of streets and alleys so occupied by said track in such condition and repair as the department of public works may direct, then the said department of public works is hereby authorized to tear up and remove such track from the parts of the streets and alleys so occupied at the cost and expense of said Paige Iron Works, to be paid by it on demand without further notice, and in accepting this ordinance said Paige Iron Works agrees to pay all such cost and expense and waive any claim for any damages by reason of any removal of said track provided for in this ordinance.

¶ 6. **When in force—acceptance.**] § 6. This ordinance shall be in force from and after its passage and acceptance by said Paige Iron Works of all of its terms and conditions, and of the filing of the bond hereinbefore mentioned, which acceptance and bond shall be filed within thirty (30) days of the passage hereof.

ELIJAH PEACOCK.

§ 809. Elijah Peacock.

¶ 1. Stewart avenue—bond—street repair—standing cars prohibited.
¶ 2. Grant ten years—subject to modification or repeal.
¶ 3. Removal of track—restoration of street.
¶ 4. When in force—acceptance.

An ordinance granting permission to Elijah Peacock to lay down and operate a single railroad track. (Passed January 14, 1889. Accepted January 24, 1889.)

¶ 1. **Stewart avenue—bond—street repair—standing cars prohibited.**] Be it ordained by the city council of the city of Chicago: § 1. That permission is hereby given and granted to Elijah Peacock to lay down, construct and maintain and operate a single railroad track from and connecting with the tracks of the Pittsburg, Fort Wayne and Chicago Railroad Company, on Stewart avenue at a point at least 100 feet south of and parallel with the south line of Thirty-fifth street, as extended; thence on a gradual curve southeasterly to and over the east line

of said Stewart avenue, thence over and upon private property; Provided, however, that said Elijah Peacock shall before laying said track enter into a bond with the city of Chicago, in the sum of ten thousand ($10,000) dollars, to be approved by the mayor, to hold and save the city of Chicago harmless from all damages, costs and expenses whatsoever, in consequence of the passage of this ordinance, granting the privilege hereinbefore mentioned; Provided, further, that the privileges hereby granted shall be subject in all respects to all ordinances now in force or which may hereafter be passed concerning railroads, and that said Elijah Peacock shall keep so much of Stewart avenue as shall be occupied by said track in such condition and repair as he may be directed by the department of public works. No cars shall be permitted to stand on the streets, nor shall any car be unloaded or loaded upon the streets occupied by said tracks; Provided, that said tracks shall be laid down and maintained under the direction and supervision of the department of public works; and Provided, if said Elijah Peacock shall violate any of the provisions or conditions of this section, then the department of public works may tear up and remove the track hereby authorized to be laid, and the cost thereof to the city shall be paid by said Elijah Peacock.

¶ 2. **Grant ten years—subject to modification or repeal.**] § 2. The rights and privileges hereby granted shall cease and determine at the expiration of ten years from the passage thereof, and this ordinance shall at any time before the expiration thereof be subject to modification, amendment or repeal, and in case of repeal all privileges hereby granted shall cease and determine.

¶ 3. **Removal of track—restoration of streets.**] § 3. In case of the expiration of this ordinance by lapse of time, or in case of repeal, said Elijah Peacock shall, at his own expense, cause said track to be removed and the part of the streets so occupied by said track to be placed in such repair and condition as the department of public works may require, and if the said Elijah Peacock shall fail to so remove said track and so restore said streets as herein provided, then the city of Chicago may within (10) days after notice to the said Elijah Peacock or his bondsmen, remove said track, and restore the part of the street so occupied by said track to such condition as it may elect, at the expense and cost of said Elijah Peacock, which cost and expense said Elijah Peacock, in accepting this ordinance, agrees to pay on demand.

¶ 4. **When in force—acceptance.**] § 4. This ordinance shall be in force from and after its passage and acceptance by said Elijah Peacock.

A. H. PEIRCE MANUFACTURING COMPANY.

§ 810. A. H. Peirce Manufacturing company.
¶ 1. Route.
¶ 2. Grant ten years—other conditions.
¶ 3. Acceptance.

An ordinance granting permission to the A. H. Peirce Manufacturing company to lay down and operate a switch track. (Passed June 6, 1892. Accepted July 5, 1892.)

¶ 1. **Route.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted to the A. H. Peirce Manufacturing Company to lay down, maintain and operate a railroad switch track in and upon West Kinzie street, from the east line of North Green street on the south side of said Kinzie street, to connect with the switch track now terminating on the east line of Green street, west across North Green street, and west to the west line of the property of said A. H. Peirce Manufacturing Company extended north.

¶ 2. **Grant ten years—other conditions.**] § 2. The permission hereby granted is upon the following express conditions, to wit:

First: That the said A. H. Peirce Manufacturing Company shall give a bond in the sum of five thousand ($5,000) dollars to the city of Chicago, to be approved by the mayor, to hold and save the city harmless from all damages in consequence of the passage of this ordinance.

Second. The privilege granted shall be enjoyed subject to all ordinances now in force concerning railroads, or which may be hereafter passed regulating or in any manner concerning the track laid in conformity with this ordinance.

Third. That this ordiance shall, at all times, be subject to amendment or repeal and is expressly limited to a period of ten (10) years from the passage hereof and at the expiration of said ten (10) years or sooner if this ordinance shall be repealed, then said A. H. Peirce Manufacturing Company shall take up and remove said tracks from Kinzie street and Green street within five (5) days after notice by the department of public works and, in case of refusal to comply with said notice, the city may remove the same and place the street which is occupied by said track in condition to correspond with the other parts of the street, and the expense of such removal by the city shall be paid by said A. H. Peirce Manufacturing Company.

¶ 3. **Acceptance.**] § 3. This ordinance shall be in force from and after its acceptance by said A. H. Peirce Manufacturing Company and the filing of and approval of the bond herein provided for, which shall be done within thirty (30) days of the passage hereof.

PEOPLE'S GAS LIGHT & COKE COMPANY.

§ 811. People's Gas Light & Coke company.
¶ 1. Elston avenue.
¶ 2. Erection of connecting bridge.
¶ 3. Conditions.

An ordinance permitting the People's Gas Light & Coke company to lay down and operate a railroad track. (Passed March 12, 1886.)

¶ 1. Elston avenue.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same are hereby granted to the People's Gas Light and Coke Company to lay down, maintain and operate a railroad track across Elston avenue, near the southerly line of the tract of land known as the Dieden tract, in section 5, 39, 14, connecting the said tract with the dock property opposite thereto.

¶ 2. Erection of connecting bridge.] § 2. That permission and authority be and the same are hereby granted to said company to erect, maintain and operate a bridge over said Elston avenue, at or near the point above described, at an elevation of about thirty feet above the roadway, connecting the upper stories of the buildings to be hereafter erected by said company on either side of said Elston avenue.

¶ 3. Conditions.] § 3. The authority herein conferred is expressly upon the condition that said railroad track and bridge shall be constructed under the supervision of the department of public works.

PITTSBURG, CINCINNATI, CHICAGO & ST. LOUIS RAILWAY COMPANY.

§ 812. Pittsburg, Cincinnati, Chicago & St. Louis Railway company.
¶ 1. North Elizabeth street and an alley.
¶ 2. Bond—subject to ordinances—repair of street, etc.—grant ten years—removal of track—restoration of street.
¶ 3. When in force—acceptance

An ordinance granting permission to the Pittsburg, Cincinnati, Chicago & St. Louis Railway company to lay down and maintain a single switch track. (Passed July 18, 1895. Accepted August 15, 1895.)

¶ 1. North Elizabeth street and an alley.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby given to the Pittsburg, Cincinnati, Chicago & St. Louis Railway Company to lay down, maintain and operate a single

switch track from a point where the southernmost existing track of said company north of Carroll avenue crosses the east line of North Elizabeth street, thence southwesterly over and across said North Elizabeth street, and over and along the alley running east and west near the center of block 4, of Sawyer's addition to Chicago, to a point in the north end of the west one-half of lot 15, in said block 4, of Sawyer's addition aforesaid, as shown by the plat hereto attached and made a part hereof.

¶ 2. **Bond—subject to ordinances—repair of street, etc.—grant ten years—removal of track, restoration of street.**] § 2. The permission hereby given is upon the following express conditions, to-wit:

1st. The said Pittsburg, Cincinnati, Chicago & St. Louis Railway Company shall before laying said switch track give a bond to the city of Chicago in the sum of five thousand ($5,000) dollars, to be approved by the mayor, conditioned to hold and save harmless and to indemnify the city of Chicago from all damages, costs and expenses of every nature and description in consequence of the passage of this ordinance, or which shall in any wise grow out of the construction and operation of said switch track.

2nd—The privilege herein granted shall be subject to all ordinances now in force concerning railroads, or which may be hereafter passed regulating the said switch track laid in conformity herewith.

3rd—The said switch track shall be laid, constructed and maintained in such manner as shall be approved by the commissioner of public works and under his direction and supervision; and the said Pittsburg, Cincinnati, Chicago & St. Louis Railway Company shall improve and keep in good repair, at its own expense, that portion of said street and alley occupied by said track, also that portion of North Elizabeth street, between said switch track and the main tracks of said company, and also all of said alley, from North Elizabeth street west to the point where said switch track enters the west one-half of lot 15, block 4, Sawyer's addition to Chicago as aforesaid, under the direction and in the manner prescribed by the commissioner of public works.

4th—This ordinance shall at all times be subject to amendment or repeal, and is expressly limited to a period of ten (10) years from its passage. At the expiration of said ten years, or sooner, if this ordinance shall be repealed, the said railway company shall take up and remove said track from said street and alley upon five days' notice by the department of public works, and shall immediately place that portion of said street and alley theretofore occupied by said track in condition to correspond with the other parts of said street; in default whereof the city may remove said track and repair said street and alley and the expense shall be paid by the said railway company.

¶ 3. **When in force—acceptance.**] § 3. This ordinance shall be in force from and after its acceptance by the said Pittsburg, Cin-

cinnati, Chicago & St. Louis Railway Company, and the filing and approval of the bond above provided for; Provided, said acceptance shall be made and said bond filed and approved within thirty days from the passage hereof.

A. PLAMONDON.

§ 813. A. Plamondon.

¶ 1. Grant ten years—route—bond.
¶ 2. Subject to all railroad or other ordinances.
¶ 3. Expiration of term—duty of grantee.
¶ 4. Acceptance.

An ordinance authorizing A. Plamondon to lay down and maintain a switch or railroad track. (Passed April 5, 1893. Accepted April 22, 1893.)

¶ 1. Grant 10 years—route—bond.] Be it ordained by the city council of the city of Chicago:] § 1. That permission and authority are hereby granted to A. Plamondon to lay down, maintain and operate, for a period of ten (10) years from the passage hereof, a switch or railroad track, commencing on the east track of the Chicago & Northwestern R. R. Co., about one hundred feet (100) south of Polk street, thence northeasterly across West Polk street to the private property of said A. Plamondon, as per diagram submitted herewith; Provided, that said track shall be laid down and maintained under the direction and supervision of the commissioner of public works; Provided, further, that said A. Plamondon shall enter into a bond to the city of Chicago, to be approved by the commissioner of public works, in the penal sum of five thousand dollars ($5,000), conditioned to hold the city harmless from any and all damages, costs and expenses whatsoever in consequence of the passage of this ordinance, or that may accrue or in any way grow out of the privileges hereby granted.

¶ 2. Subject to all railroad or other ordinances.] § 2. The privileges hereby conferred shall be exercised and enjoyed subject to all railroad or other ordinances now in force or which may be hereafter passed by the city council.

¶ 3. Expiration of term—duty of grantee.] § 3. At the expiration of said ten years (10) the said Plamondon shall cause said tracks to be removed, and, in default thereof, they shall be removed by the city of Chicago at the expense of said Plamondon.

¶ 4. Acceptance.] § 4. This ordinance shall be in force from and after its passage and acceptance by said A. Plamondon and the filing and approving of the bond herein provided for, providing said

bond and acceptance be filed with the city clerk of the city of Chicago within sixty (60) days from the passage of this ordinance.

Note.—See amendatory ordinance following.

§ 814. A. Plamondon.

¶ 1. Amendatory.
¶ 2. In effect, when.

An ordinance amending ordinance granting switch track privileges to A. Plamondon, passed April 5, 1893. (Passed April 10, 1893.)

¶ 1. Amendatory.] Be it ordained by the city council of the city of Chicago: § 1. That the ordinance passed April 5th, granting permission to A. Plamondon to lay down, maintain and operate a switch track be amended so as to read: "Commencing on the west track of the Chicago & Northwestern R. R. Co. about (100) one hundred feet north of Polk street, thence southwesterly across West Polk street to the private property of said A. Plamondon as per diagram submitted herewith."

¶ 2. In effect, when.] § 2. This ordinance shall be in force and take effect from and after its passage.

A. PLAMONDON COMPANY.

§ 815. A. Plamondon company.

¶ 1. Lexington street—bond.
¶ 2. Grant ten years.
¶ 3. When in force.

An ordinance granting permission and authority to the A. Plamondon company to construct and operate a railroad track. (Passed March 16, 1896.)

¶ 1. Lexington street—bond.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same are hereby granted to the A. Plamondon Company, its successors and assigns, to lay down, construct, maintain and operate a single railroad or switch track, beginning on the west track of the Chicago and Northwestern Railroad Company, about one hundred (100) feet north of Lexington street, thence on a curve in a southwesterly direction, across Lexington street, to the private property of the said A. Plamondon Company, as indicated in the diagram hereto annexed; Provided, however, that said railroad or switch track shall be laid down and maintained under the direction and supervision of the department of public works; and provided, further, that the said A. Plamondon Company shall, before laying down such track, enter into a bond in the penal sum of ten thousand ($10,000)

dollars, to be approved by the commissioner of public works, conditioned to hold the city harmless from any and all costs and damages consequent to it upon the passage of this ordinance.

¶ 2. **Grant 10 years.**] § 2. The rights and privileges hereby granted shall cease and determine at the expiration of ten (10) years from the passage of this ordinance.

¶ 3. **When in force.**] § 3. This ordinance shall be in force and effect from and after its passage and the filing of the bond herein specified, provided said bond be filed within sixty (60) days from the passage hereof.

PULLMAN PALACE CAR COMPANY.

§ 816. Pullman Palace Car company.
¶ 1. Grant in perpetuity—route.
¶ 2. Bond—damages—maintenance of crosswalks, etc.

An ordinance granting permission to the Pullman Palace Car company to lay down and maintain a line of railroad. (Passed and approved October 15, 1880.)

¶ 1. **Grant in perpetuity—route.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That permission be and is hereby granted to the Pullman Palace Car Company, and its assigns, to locate, construct, lay down and forever hereafter operate with steam power a line of railroad with one or more tracks upon the following route, viz.: Commencing on the line of the South Chicago and Western Indiana Railroad in section two (2), township thirty-seven (37), north of range fourteen (14), east of the third principal meridian, and running south and southeasterly upon sections eleven (11), fourteen (14), fifteen (15) and twenty-two (22), township thirty-seven (37), north of range fourteen (14), east of the third principal meridian, to a point of junction with the tracks of the Michigan Central Railroad Company at Kensington, Illinois, with the right on the part of said Pullman Palace Car Company, and its assigns, to occupy and cross all streets and alleys which are necessary to be occupied or crossed in the construction and maintenance of the line of railroad.

¶ 2. **Bond—damages—maintenance of crosswalks, etc.**] § 2 This ordinance shall not take effect until after said company shall have entered into a bond with or to said village of Hyde Park in the penal sum of five thousand dollars, conditioned for the payment of all damages for which said village may become liable to any person or persons by reason of said road entering or running through a portion of said village, or by reason of said company constructing, laying down, using or occupying said railroad track or tracks within said

village, and conditioned also for the payment of all damages which may arise to said village of Hyde Park, and to any person or persons whomsoever, by reason of said company constructing, laying down, using and occupying said railroad track or tracks, or crossing said streets or alleys within said village; Provided, said company shall pay any and all damages arising or in any way growing out of such taking or using such portion of said streets or alleys, or any of them, to any and all persons injured or damaged by the same, and provided that said company shall construct and maintain good and convenient crossings and sidewalks, and upon such grade or grades as may be from time to time required by the board of trustees, as well as cattle guards, culverts and warning tables across their tracks and grounds, at the intersections of all streets and alleys now existing, or which may hereafter be authorized or opened by said board, and comply with and be subject to all laws and ordinances of said village now in force, or which may hereafter be adopted.

JOHN PURCELL.

§ 817. John Purcell.

¶ 1. Washburn avenue.
¶ 2. Maintenance and operation of track.
¶ 3. Bond.
¶ 4. Right of repeal.
¶ 5. Grant ten years—removal of track.

An ordinance granting permission to John Purcell to construct and maintain a switch track across Washburn avenue. (Passed October 28, 1895.)

¶ 1. **Washburn avenue.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same are hereby granted to John Purcell, his heirs and assigns, to lay down, maintain and operate a single switch track over and across Washburn avenue, from a point on the north line of lot 12, in block 1, in Cook & Anderson's subdivision of the west half of the northeast quarter of section 24, township 39 north, range 13 east of the third principal meridian, at a point about 166 feet west of the northeast corner of the said lot 12, thence in a northwesterly direction on and across said Washburn avenue to the south line of lot 3, in said block 1, in the subdivision aforesaid, as said switch track is now located and is shown upon the plat or drawing filed herewith, marked "Exhibit A," and made a part of this ordinance.

¶ 2. **Maintenance and operation of track.**] § 2. That the rights and privileges hereby granted are upon the express condition that said track shall be laid down, maintained and operated in such

manner as shall interfere as little as practicable with the rights of the public, and shall be subject to all general ordinances now in force or hereafter to be passed, relating to the use or operation of switch tracks, and all work done in pursuance hereof shall be done under the direction and superintendence of the commissioner of public works.

¶ 3. **Bond.**] § 3. That the permission hereby granted is upon the further express condition that the said John Purcell, his heirs and assigns, using and operating the track aforesaid, shall keep and save harmless the city of Chicago from any and all damages, costs and expenses whatever arising out of the use and operation of the said track, and the said John Purcell shall give a bond with one or more sureties, to be approved by the mayor, in the penal sum of $5,000, for the fulfillment of the conditions of this grant or permission.

¶ 4. **Right of repeal.**] § 4. That this ordinance and the privilege hereby granted is accepted subject to the right of the city council to repeal the same whenever the use and maintenance of said track shall be a violation of any reasonable regulation imposed by the commissioner of public works in relation thereto, or upon a violation of any of the conditions hereof.

¶ 5. **Grant 10 years—removal of track.**] § 5. That this grant or permission is hereby expressly limited to a period of ten years from the passage hereof, and at the expiration of said ten years, or sooner, if this ordinance should be repealed, the said John Purcell, his heirs or assigns, shall take up or remove said track within ten days after notice by the commissioner of public works, and in case of failure to comply with said notice, then the city may remove the same at the expense of the person or persons, firm or corporation, then using the same.

WILLIAM H. PURDY.

§ 818. William H. Purdy.
¶ 1. Grant ten years—conditions.
¶ 2. In effect from passage.

An ordinance granting permission to William H. Purdy to construct and maintain a railroad track across Emerald avenue. (Passed April 13, 1891. Accepted April 18, 1891.)

¶ 1. **Grant 10 years—conditions.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby given and granted to William H. Purdy, and his heirs or assigns, to lay down, construct, maintain and operate, for a period of 10 years, a single railway track 490 feet long, upon the property and

right of way of the Chicago, St. Louis & Pittsburgh Railroad Company and across Emerald avenue, between Fifty-eighth and Fifty-ninth streets, commencing at a point on the right of way of said railroad company near the east side of Halsted street and running thence east along the property and right of way of said railroad company and across Emerald avenue parallel with the track of said railroad company and connecting therewith 490 feet east of the point of beginning; Provided, that said track shall be laid down and maintained under the direction and supervision of the department of public works; and provided, further, that said William H. Purdy, his heirs or assigns, shall keep such portion of said street as shall be occupied by said track in good condition and repair, as may be directed or required by said department.

¶ 2. **In effect from passage.**] § 2. This ordinance shall be in force from and after its passage.

R. RASMUSSEN.

§ 819. R. Rasmussen.

¶ 1. Bloomingdale road.
¶ 2. Laying and maintenance of tracks.
¶ 3. Bond.
¶ 4. Subject to all ordinances.
¶ 5. Amendment or repeal.
¶ 6. Grant ten years—removal of track.

An ordinance granting permission to R. Rasmussen to lay down and maintain a single switch track. (Passed October 24, 1887.)

¶ 1. **Bloomingdale road.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same is hereby granted to R. Rasmussen to lay down, maintain and operate a single railroad switch track from the main tracks now laid on the street known as the Bloomingdale road, and operated by the Chicago, Milwaukee and St. Paul Railway Company, commencing at the nearest practical point of said tracks, between Heine and Mozart streets, thence along and across said Bloomingdale road, to the center of the south line of lot number twelve (12), in block seven (7), in Hansbrough and Hess' subdivision of the east half (½) of the southwest quarter (¼) of section thirty-six (36), in township forty (40) north, range thirteen (13), east of the third (3) principal meridian, now a part of the city of Chicago.

¶ 2. **Laying and maintenance of tracks.**] § 2. The said R. Rasmussen, his heirs or assigns, are hereby required, and this grant is made on the express condition that he shall so lay down and main-

tain said track that it shall interfere as little as practicable in the use of said street, and shall at all times keep said track in such condition as to allow the free use and easy passage of vehicles along and over it; all of which shall be done under the superintendence of the commissioner of public works.

¶ 3. **Bond.**] § 3. This permission or grant is made upon the further condition that said R. Rasmussen, his heirs or assigns, shall keep and save the city harmless from all damages, costs and expenses whatsoever arising out of the use and acceptance of said street by said R. Rasmussen. And said R. Rasmussen shall give a bond, with one or more sureties, to be approved by the mayor, in the penal sum of $5,000, for the fulfillment of the conditions of this grant or permission.

¶ 4. **Subject to all ordinances.**] § 4. This permission is granted subject to all general ordinances concerning the railroads now in force or that may hereafter be passed.

¶ 5. **Amendment or repeal.**] § 5. This ordinance shall be subject to amendment or repeal at any time for a failure to comply with any of the conditions hereof, or with any order of the commissioner of public works, concerning the proper maintenance of said tracks.

¶ 6. **Grant 10 years—removal of track.**] § 6. This grant or permission is hereby expressly limited to a period of ten years from the passage hereof, and at the expiration of said ten years, or sooner, if this ordinance shall be repealed, the said R. Rasmussen, his heirs or assigns, shall take up and remove said track within five days after notice by the commissioner of public works, and in case of failure or refusal to comply with said notice, then the city may remove the same at the expense of R. Rasmussen, his heirs or assigns.

REND & HEALY.

§ 820. Rend & Healy.

¶ 1. Hoyne avenue.
¶ 2. Use of street not to be interfered with.
¶ 3. Cars not to stand, etc.
¶ 4. Bond.
¶ 5. Subject to amendment—grant 10 years—removal—restoration of street.
¶ 6. When in force—acceptance.

An ordinance granting permission to Rend & Healy to lay down and operate a switch track. (Passed November 19, 1888.)

¶ 1. **Hoyne avenue.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby grant-

ed to Ambrose J. Rend and Anthony B. Healy, doing business under the name of Rend and Healy, to lay down and operate a railroad switch track, commencing at a point about seventy-five feet west of the west line of Hoyne avenue, thence to the west line of Hoyne avenue at a point about 175 feet north of the north line of Carroll avenue, thence across Hoyne avenue touching the east line of Hoyne avenue to a point about 150 feet north of the north line of Carroll avenue.

¶ 2. **Use of street not to be interfered with.**] § 2. The said Rend and Healy are hereby required, and this grant is made on the express condition, that they shall so lay down and maintain said track that it shall interfere as little as practicable in the use of said street, and shall at all times keep said track in such condition as to allow the free use and easy passage of vehicles along and over the same, and that they will also keep the sidewalk across said track in good condition and repair so as not to endanger the passage of pedestrians over the same, all of which shall be done under the direction of the department of public works, and whenever the department of public works shall order said track to be repaired or placed in a safe condition for travel over the same, then said Rend and Healy shall comply with such order within ten (10) days thereafter, and in case of a refusal to comply with such order, then the department of public works may, without further notice, take up and remove such track, and all rights hereunder shall then cease and determine.

¶ 3. **Cars not to stand, etc.**] § 3. Said Rend and Healy shall not at any time permit any car or cars to stand upon said track across Hoyne avenue for a longer period than five minutes at any one time.

¶ 4. **Bond.**] § 4. This permission and authority is made upon the further condition that said Rend and Healy shall keep and save the city of Chicago harmless from all damages, costs and expenses whatsoever arising out of this grant, and said Ambrose J. Rend and Anthony B. Healy shall give a bond, with one or more sureties, to be approved by the mayor, in the penal sum of five thousand dollars, for the fulfillment of the conditions of this grant or permission.

¶ 5. **Subject to amendment—grant 10 years—removal—restoration of street.**] § 5. This ordinance shall be subject to amendment or repeal at any time, and it is expressly limited to a period of ten years from the passage hereof, and at the expiration of said ten (10) years, or sooner, if this ordinance should be repealed, then said Rend and Healy shall take up and remove said track from Hoyne avenue within five (5) days after notice by the department of public works, and in case of failure or refusal to comply with said notice, or in case said Rend and Healy, or either of them, do not use said track, then the city may remove the same and place the street where occupied by said track in such condition as it may see fit so as to correspond to the other parts of the street, and the expense of such removal or of any removal of said track by the city shall be paid by said Ambrose

J. Rend and Anthony B. Healy, their heirs, executors and administrators, jointly or severally.

¶ 6. When in force—acceptance.] § 6. This ordinance shall be in force from and after its acceptance by said Rend and Healy and the filing of and approval of the bond, provided for in section four hereof, which shall be done within thirty (30) days from the passage hereof, and in such acceptance said Rend and Healy shall expressly agree to all the conditions of this ordinance and expressly agree to pay to the city of Chicago all moneys it may be compelled to pay for or by reason of granting this permission.

PETER SCHOENHOFEN BREWING COMPANY.

§ 821. Peter Schoenhofen Brewing company.

¶ 1. Route—bond—other conditions.
¶ 2. Condition as to laying of track.
¶ 3. Grant ten years.
¶ 4. Expiration of grant—removal of track.
¶ 5. When in force.

An ordinance authorizing the Peter Schoenhofen Brewing company to lay down and maintain a single switch track. (Passed January 23, 1893.)

¶ 1. Route—bond—other conditions.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby given and granted to the Peter Schoenhofen Brewing Company, a corporation duly organized and existing under and by virtue of the laws of the state of Illinois, and its successors and assigns, to lay down, construct, maintain and operate a single railroad switch track from and connecting with the most southerly of the tracks of the Chicago, Burlington & Quincy Railroad Company, situated in and near West Sixteenth street, at a point due north of the northeast corner of lot four (4), in C. J. Hull's subdivision of lot two (2) in block forty-four (44) of the Canal Trustees' subdivision of the west half and so much of the southeast quarter as lies west of the south branch of the Chicago river of section twenty-one (21), township thirty-nine (39) north of range fourteen (14) east of the third principal meridian, and commencing from thence to its warehouses and other buildings connected with its plant, located between Burlington and Canal streets, along the following route, to wit: From the aforesaid point in the most southerly of the tracks of the Chicago, Burlington & Quincy Railroad Company, situated in or near West Sixteenth street; thence, southwesterly by the most practicable curve, to the northeast corner of lot one (1) in the aforesaid subdivision of block two (2); thence southerly to a turn-table located upon lots forty-

three (43), forty-four (44) and forty-five (45) in the same subdivision of block two (2) of block forty-four (44) aforesaid; thence due east from the center of said turn-table to the center line of Seward street, and at the intersection of said route in its course due east from the center of said turn-table, forking into two (2) branches on said Seward street, one branch turning to the right, by the shortest practicable curve, and running thence south through Seward street to a point in said street opposite the south boundary line of lot nineteen (19), in the subdivision of lot four (4) in block forty-four (44) aforesaid, and the other branch turning by the shortest practicable curve to the left, and running thence north through Seward street to a point fifty (50) feet south of the south line of West Sixteenth street, and thence, by a practicable curve, to the northeast corner of lot thirty-one (31), in the subdivision of lot one (1), in block forty-four (44) aforesaid, passing across, through and over intervening streets and alleys along said route, as indicated upon the map or plat of said track hereto appended and marked "Exhibit A." Provided, however, that said track shall be laid down and maintained under the direction and supervision of the department of public works; provided, further, that the said Peter Schoenhofen Brewing Company shall, before laying said track, enter into a bond with the city of Chicago in the sum of ten thousand dollars ($10,000), to be approved by the mayor, conditioned to hold and save harmless the city of Chicago from all damages, costs and expenses whatever which may result from the passage of this ordinance, or the exercise of any of the privileges herein granted; and provided, further, that the privileges hereby granted shall be subject to all ordinances now in force concerning railroads, or which may hereafter be passed, and that the said Peter Schoenhofen Brewing Company shall keep so much of the streets and alleys along the route of said track as is crossed by said track in good condition and repair, as directed by the department of public works.

¶ 2. **Condition as to laying of track.**] § 2. The said Peter Schoenhofen Brewing Company are hereby required and this grant is made on the express condition that it shall lay down and operate said track so that it shall interfere as little as possible in the use of the streets and alleys along the route thereof and shall, at all times, keep said track in such condition as to allow the free use and easy passage of vehicles along and over the same.

¶ 3. **Grant 10 years.**] § 3. The rights and privileges hereby granted shall cease and determine at the expiration of ten (10) years from the passage of this ordinance.

¶ 4. **Expiration of grant—removal of track.**] § 4. In case of the expiration of this ordinance, by lapse of time, said Peter Schoenhofen Brewing Company shall, at its own expense, cause said track to be removed, and the part or parts of the streets and alleys along the route of said track, so occupied by said track, to be placed in such repair and condition as the department of public works may require.

¶ 5. **When in force.**] § 5. This ordinance shall be in force

and effect from and after its passage and the filing of the bonds of the Peter Schoenhofen Brewing Company as aforesaid.

THE SEAMAN, COX & BROWN COOPERAGE COMPANY.

§ 822 The Seaman, Cox & Brown Cooperage company.

¶ 1. Connect with switch track of C., St. L. & Pittsburg Railroad company.
¶ 2. Conditions.
¶ 3. Bond.
¶ 4. Grant ten years.
¶ 5. Subject to modification, etc.
¶ 6. Expiration of grant—removal of track.
¶ 7. Acceptance.

An ordinance authorizing the Seaman, Cox & Brown Cooperage company to construct and maintain a single railroad switch track. (Passed March 2, 1891. Accepted March 10, 1891.)

¶ 1. Connect with switch track of C. St. L. and Pittsburg R. R. Company.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby granted to The Seaman, Cox & Brown Cooperage Company, a corporation organized and existing under and by virtue of the laws of the state of Illinois, to lay down, construct, maintain and operate a single railroad switch track, from and connecting with the switch steam track of the Chicago, St. Louis and Pittsburg Railroad Company, situate in the Leavitt street yard of said railroad company, from a point on the south line of the north alley in block thirty-eight (38) of the Canal Trustees subdivision of section seven (7), township thirty-nine (39) north, range fourteen (14) east of the third P. M., about one hundred and forty-five (145) feet east of the east line of Leavitt street in the city of Chicago, thence northeasterly to the north line of said alley at a point about two hundred feet east of the east line of said Leavitt street.

¶ 2. Conditions.] § 2. The said Seaman, Cox & Brown Cooperage Company are hereby required and this grant is made on the express condition that it shall so lay down and operate said track so that it shall interfere as little as possible in the use of said alley and shall, at all times, keep said track in such condition as to allow the free use and easy passage of vehicles along and over the same, and shall keep the whole of the said alley occupied by said track in good condition and repair and in such condition as may be directed by the commissioner of public works; and said track shall be laid and maintained under the direction and supervision of the commissioner of public works; and in case said Seaman, Cox & Brown Cooperage Company shall fail to keep the same in repair or place said alley as aforesaid in

such condition and repair as hereinabove provided and the commissioner of public works shall direct, then the commissioner of public works may repair the same or place the said alley as aforesaid in proper repair, and the expense thereof shall be paid by said Seaman, Cox & Brown Cooperage Company.

¶ 3. **Bond.**] § 3. This permission is granted on the express condition that said Seaman, Cox & Brown Cooperage Company shall keep and save harmless the city of Chicago from all damages, costs and expenses whatsoever arising out of this grant, and said Seaman, Cox & Brown Cooperage Company shall, before laying said track, enter into a bond with the city of Chicago in the penal sum of ten thousand dollars, with one or more sureties, to be approved by the mayor, conditioned to hold and save the city of Chicago harmless from all damages, costs and expenses whatsoever in consequence of the passage of this ordinance, granting the privileges hereinbefore mentioned, and conditioned to fulfill, comply and abide by all the restrictions and obligations imposed by said ordinance on the said Seaman, Cox & Brown Cooperage Company.

¶ 4. **Grant 10 years.**] § 4. The rights and privileges hereby granted shall cease and determine at the expiration of ten years from the passage hereof.

¶ 5. **Subject to modification, etc.**] § 5. This ordinance is also passed with the express reservation that it shall, at any time before the expiration of said ten years, be subject to modification, amendment or repeal, and in case of repeal the privileges hereby granted shall cease and determine.

¶ 6. **Expiration of grant—removal of track.**] § 6. In case of the expiration of this ordinance by lapse of time, or in case of repeal of this ordinance, said Seaman, Cox & Brown Cooperage Company shall, at its own expense, cause said track to be removed and the part of said alley so occupied by said track to be placed in such repair and condition as the commissioner of public works may require; and if said Seaman, Cox & Brown Cooperage Company shall fail to so remove said track and so restore said alley, as hereinabove provided, then the city of Chicago, by said commissioner of public works, may restore said track and restore the part of said alley occupied by said track to such condition as it may elect, at the expense and cost of said Seaman, Cox & Brown Cooperage Company, which cost and expense of removing said track and so restoring said alley said Seaman, Cox & Brown Cooperage Company, in accepting this ordinance, shall agree to pay on demand.

¶ 7. **Acceptance.**] § 7. This ordinance shall be in force and effect from and after its passage and acceptance by said Seaman, Cox & Brown Cooperage Company and the filing of its bond as aforesaid, such acceptance and bond to be filed within thirty days after the passage hereof.

GEORGE A. SEAVERNS.

§ 823. George A. Seaverns.

¶ 1. Two tracks across Thirty-third street.
¶ 2. Laying and repair of track—failure to observe conditions.
¶ 3. Cars not to stand.
¶ 4. Bond.
¶ 5. Grant ten years—removal of tracks after expiration of term.
¶ 6. Acceptance.

An ordinance authorizing George A. Seaverns to lay down and operate certain switch tracks. (Passed January 5, 1893. Accepted January 16, 1893.)

¶ 1. **Two tracks across Thirty-third street.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby given to George A. Seaverns, the proprietor of the Mabbatt Elevator, to lay down and operate two switch tracks across Thirty-third street and connecting the two switch tracks owned by said Seaverns and located on block 15 in the Canal Trustees' subdivision of the east half of section 31 in township 39 north, range 14 east of the third principal meridian, with the two switch tracks owned by said Seaverns, located on block 6 in said Canal Trustees' subdivision, such connection to be made by extending said switch tracks so located on said block 15 in a direct line to meet said switch tracks located on said block 6.

¶ 2. **Laying and repair of track—failure to observe conditions.**] § 2. The said George A. Seaverns is hereby required and this grant is made upon the express condition that he shall so lay down and maintain said tracks that they shall interfere as little as practicable in the use of said Thirty-third street and shall, at all times, keep said tracks in such condition as to allow the free use and easy passage of vehicles along and over the same, and that he will also keep the sidewalk across said tracks in good condition and repair so as not to endanger the passage of pedestrians over the same, all of which shall be done under the direction of the department of public works, and whenever the department of public works shall order said tracks to be repaired or placed in a safe condition for travel over the same, then said George A. Seaverns shall comply with such order within ten (10) days thereafter; and in case of a refusal to comply with such order, then the department of public works may, without further notice, take up and remove such tracks, and all rights hereunder shall then cease and determine

¶ 3. **Cars not to stand.**] § 3. Said George A. Seaverns shall not at any time permit any car or cars to stand upon said tracks in said street

¶ 4. **Bond.**] § 4. This permission and authority are made upon the further condition that said George A. Seaverns shall keep and save the city of Chicago harmless from all damages, costs and expenses whatsoever arising out of this grant, and said George A. Seaverns shall give a bond, with one or more sureties to be approved

by the mayor, in the penal sum of five thousand dollars ($5,000), for the fulfillment of the conditions of this grant or permission.

¶ 5. **Grant 10 years—removal of tracks after expiration of term.**] § 5. This ordinance shall be subject to amendment or repeal at any time and is expressly limited to a period of ten years from the passage hereof, and at the expiration of said ten (10) years, or sooner, if this ordinance should be repealed, then said George A. Seaverns shall take up and remove said tracks from Thirty-third street within five (5) days after notice by the department of public works and, in case of failure or refusal to comply with said notice, or in case said George A. Seaverns does not use said tracks, then the city may remove the same and place the street which is occupied by said tracks in such condition as it may see fit, so as to correspond to the other parts of the street, and the expense of such removal, or of any removal of said tracks by the city, shall be paid by said George A. Seaverns, his heirs, executors and administrators.

¶ 6. **Acceptance.**] § 6. This ordinance shall be in force from and after its acceptance by said George A. Seaverns and the filing and approval of the bond provided for in section 4 hereof, which shall be done within thirty (30) days from the passage hereof, and in such acceptance said George A. Seaverns shall expressly agree to all the conditions of this ordinance and expressly agree to pay to the city of Chicago all moneys it may be compelled to pay to, for or by reason of granting this permission.

JOHN G SHORTALL.

§ 824. John G. Shortall.

¶ 1. Grant ten years—condition.
¶ 2. Bond.
¶ 3. In effect from passage.

An ordinance authorizing John G. Shortall to lay down and maintain a single railroad track. (Passed March 7, 1892.)

¶ 1. **Grant 10 years—condition.**] Be it ordained by the city council of the city of Chicago: § 1. Permission and authority are hereby given to John G. Shortall to lay down, maintain and operate a temporary single railroad track, to connect with the tracks of the Chicago, Burlington & Quincy Railroad Company at or near the northwest corner of the block in the city of Chicago bounded by Brown, Nineteenth and Johnson streets and Nineteenth place, south across Nineteenth place and the east and west alley in the block bounded by Brown, Twentieth and Johnson streets and Nineteenth place, to the south line of said Twentieth street, for a period of ten years from the passage of this ordinance; Provided, that said track

shall be laid down and maintained under the direction and supervision of the commissioner of public works.

¶ 2. **Bond.**] § 2. The said John G. Shortall, before laying the said track, shall enter into a bond with the city of Chicago in the penal sum of $10,000, with good and sufficient sureties to be approved by the mayor, to hold the city harmless from any and all damages, costs and expenses whatsoever in consequence of the passage of this ordinance, or that may accrue or in any way grow out of the privilege hereby granted, and for the removal of said track immediately upon the expiration of the time aforesaid, leaving said Nineteenth place and said east and west alley in as good condition as they are at the date thereof.

¶ 3. **In effect from passage.**] § 3. This ordinance shall be in force from and after its passage.

SILVER CREEK & MORRIS COAL COMPANY.

§ 825. Silver Creek & Morris Coal company.

¶ 1. Lumber street—grant ten years—bond.
¶ 2. Acceptance.

An ordinance authorizing the Silver Creek & Morris Coal company to lay down and operate a single side track. (Passed June 8, 1891.)

¶ 1. **Lumber street—grant 10 years—bond.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby granted, for a period of ten years from the passage of this ordinance, to the Silver Creek & Morris Coal Company to lay down, construct and operate a private single side track from and connecting with the main tracks of the Pittsburg, Fort Wayne and Chicago Railroad at the intersection of Stewart avenue and Lumber street, westerly on the south side of Lumber street to the east line of Canal; Provided, that before laying such track said Silver Creek & Morris Coal Company shall enter into a bond to the city of Chicago, with good and sufficient sureties, in the penal sum of ten thousand dollars ($10,000), to be approved by the commissioner of public works, conditioned to save the said city harmless from any and all damage which may arise from or grow out of the privileges hereby granted or the laying or operating of said track.

¶ 2. **Acceptance.**] § 2. This ordinance shall be in force from and take effect when it shall have been accepted by said Silver Creek & Morris Coal Company and said bond filed and approved; Provided, said acceptance and bond be filed within thirty days from the passage thereof.

EDGAR M. SNOW & CO.

§ 826. Edgar M. Snow & Co.

¶ 1. Carroll avenue and Sangamon street.
¶ 2. Track—conditions pertaining to.
¶ 3. Bond.
¶ 4. Right to repeal.
¶ 5. Grant ten years—removal of track.

An ordinance granting permission to Edgar M. Snow & Co. to construct and maintain a single switch track across Carroll avenue. (Passed March 29, 1895.)

¶ 1. **Carroll avenue and Sangamon street.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same is hereby granted to Edgar M. Snow & Co., and their assigns, to lay down, maintain and operate a single railroad switch track from the tracks of the Chicago, Milwaukee and St. Paul Railway Company, in block four (4), Carpenter's addition to Chicago, over and across Carroll avenue and Sangamon street, in and upon block fifteen (15) of said Carpenter's addition.

¶ 2. **Track, conditions pertaining to.**] § 2. That the rights and privileges hereby granted are upon the express condition that said track shall be laid down, maintained and operated in such manner as shall interfere as little as practicable with the rights of the public, and shall be subject to all general ordinances now in force or hereafter to be passed relating to the use or operation of switch tracks, and all work done in pursuance hereof shall be done under the direction and superintendence of the commissioner of public works.

¶ 3. **Bond.**] § 3. That the permission hereby granted is upon the further express condition that the said Edgar M. Snow & Co., and their assigns, using and operating the track aforesaid, shall keep and save harmless the city of Chicago from any and all damages, costs and expenses whatever arising out of the use and operation of said track, and the said Edgar M. Snow & Co. shall give a bond, with one or more sureties, to be approved by the mayor, in the penal sum of five thousand dollars ($5,000), for the fulfillment of the conditions of this grant or permission.

¶ 4. **Right of repeal.**] § 4. That this ordinance and the privilege hereby granted is accepted subject to the right of the city council to repeal the same, whenever the use and maintenance of said track shall be in violation of any reasonable regulation imposed by the said commissioner of public works in relation thereto, or upon a violation of any of the conditions hereof.

¶ 5. **Grant 10 years—removal of track.**] § 5. That this grant or permission is hereby expressly limited to a period of ten (10) years from the passage hereof, and at the expiration of said ten (10) years, or sooner, if this ordinance should be repealed, the said Edgar M. Snow & Co., their successors or assigns, shall take up and remove said track within five days after notice by the commissioner of public works, and in case of failure or refusal to comply with said notice,

then the city may remove the same at the expense of the person or persons, firm or corporation then using the same.

STAR COAL COMPANY.

§ 827. Star Coal company.

¶ 1. Route.
¶ 2. Privileges conferred.
¶ 3. Indemnity clause.
¶ 4. City supervise work.
¶ 5. Acceptance.

An ordinance granting permission to the Star Coal company, a corporation of the state of Illinois, to construct, maintain and operate a private side track from the east main track of the Chicago, Evanston & Lake Superior Railway company upon Hawthorne avenue to and across Blackhawk street, in the city of Chicago. (Passed September 25, 1893. Accepted October 6, 1893.)

¶ 1. **Route.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted to the Star Coal Company, and its successors or assigns, to construct, maintain and operate a private side track from a point in the east main track of the Chicago, Evanston & Lake Superior Railway Company upon Hawthorne avenue, opposite lot 28, block 45, Elston addition to Chicago, and running thence southerly along the east side of Hawthorne avenue to and across Blackhawk street and thereupon entering the northwesterly corner of block 57, Elston addition to Chicago, as shown upon the plat hereto attached.

¶ 2. **Privileges conferred.**] § 2. The said Star Coal Company may receive cars from and deliver cars to the Chicago, Milwaukee & St. Paul Railway Company, lessees of the Chicago, Evanston & Lake Superior Railway, upon said track hereby authorized, subject to all general ordinances of the city of Chicago concerning railroads now in force or which may be hereafter passed and approved.

¶ 3. **Indemnity clause.**] § 3. The permission and authority hereby granted are upon the express condition that the said Star Coal Company, its successors and assigns, shall and will forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs and expenses of the same which it may suffer or which may be recovered or obtained against said city for or by reason of the granting of such privileges and authority, or for or by reason of or growing out of or resulting from the passage of this ordinance, or any matter or thing connected therewith or with the exercise by said company of the privileges hereby granted.

¶ 4. **City supervise work.**] § 4. All work which shall be

done under and by authority of the privileges granted by, or the conditions of this ordinance, shall be under the direction of the commissioner of public works, and shall be done in a manner satisfactory to him and at the sole cost and expense of said Star Coal Company.

¶ 5. **Acceptance.**] § 5. This ordinance shall take effect and be in force from and after its passage and approval and its acceptance in writing by said Star Coal Company; Provided, however, that such acceptance shall be filed with the city clerk within thirty (30) days after the approval of this ordinance.

GEORGE STEELE AND ISAAC TAYLOR.

§ 828. George Steele and Isaac Taylor.
¶ 1. Route.
¶ 2. Street planking—build culverts and repair streets—bond.
¶ 3. Subject to ordinances.
¶ 4. When in force.

An ordinance granting permission to George Steele and Isaac Taylor to lay down and operate a railroad track. (Passed September 7, 1863.)

¶ 1. **Route.**] Be it ordained by the common council of the city of Chicago: § 1. That permission is hereby granted to George Steele and Isaac Taylor to lay down and operate a railroad track across all intervening streets from their elevator, situated on lots 8, 9 and 10 in block 4 of the canal addition to Chicago, to the track or tracks of the Chicago, Alton and St. Louis and the Fort Wayne and Chicago Railroads, on the most direct practicable route, for the purpose of removing grain to and from said elevator, and none other. But it is expressly understood that the city of Chicago does not undertake to obtain for said Steele and Taylor any right of way, or other right, privilege or easement not now in the power of said city to grant or confer, or to assume any liability or responsibility for the acts of the said George Steele and Isaac Taylor, or their successors.

¶ 2. **Streets planking—build culverts and repair streets—bond.**] § 2. The permission hereby granted is with the following express conditions, to wit:

First. That the said Steele and Taylor, or their successors, shall, at their own expense, plank the carriage-way of all streets across which their track or tracks, when so laid, shall pass, to the width of twenty-four feet, on the line of all such streets, and extending from a point not less than twenty feet from the outside rail on the one side of said track or tracks, to a point not less than twenty feet from the outside rail on the other or opposite side of said track or tracks, and said rails and planking shall be so laid that teams, carriages and all

other vehicles can easily and freely cross said track or tracks with the least obstruction possible, and shall at all times keep said planking and street and railroad crossings in good order and repair.

Second. That the said Steele and Taylor, and their successors, shall, at their own expense, and subject to the direction of the board of public works, build good and substantial culverts, and keep the same in good order and repair, on all streets where their track or tracks pass over or intersect any street or alley.

Third. That the said Steele and Taylor, for themselves and their successors, shall enter into a good and sufficient bond with the city of Chicago, conditioned that they will indemnify the city for any damage and expense to which it may be legally subjected by reason of the occupying of any of the streets or alleys of the city with their tracks or other fixtures.

¶ 3. **Subject to ordinances.**] § 3. The said George Steele and Isaac Taylor, and their successors, shall be subject to all laws and ordinances that are now in force, or may hereafter be passed, to regulate railroads within this city.

¶ 4. **When in force.**] § 4. This ordinance shall take effect and be in force from and after its passage.

DAVID A. STEVENS.

§ 829. David A. Stevens.

¶ 1. Wallace street—grant ten years.
¶ 2. Subject to existing ordinances—bond.
¶ 3. Removal of track.
¶ 4. When in force.

An ordinance granting permission to David A. Stevens to lay down and operate a switch track across Wallace street, in Beck's subdivision to Chicago. (Passed November 11, 1895.)

¶ 1. **Wallace street—grant 10 years.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same are hereby granted to David A. Stevens, his successors and assigns, to lay down a single switch track, from the tracks of the Chicago and Western Indiana Railroad, across Wallace street, from lots four to eight of block 1, of L. W. Beck's subdivision to Chicago, in the southwest quarter (S. W. ¼) of the southwest quarter (S. W. ¼) of section twenty-one (21), town thirty-eight (38), range fourteen (14), east of the third principal meridian, and to operate and maintain the same for a period of ten years from and after the passage hereof.

¶ 2. **Subject to existing ordinances—bond.**] § 2. The permission and authority hereby granted is subject to all existing ordinances of the city of Chicago, or ordinances which may hereafter be passed, relating to the use and operation of switch tracks, and is granted upon the express condition that the said track shall be laid down and maintained under the supervision and direction of the commissioner of public works of the city of Chicago, and said Stevens or his successors shall keep such portion of the said street as is occupied by said track in good condition and repair, so as not to interfere with public travel.

This permission and authority is made upon the further condition that said David A. Stevens shall give bond in the sum of ten thousand dollars, with two sureties, to be approved by the mayor, conditioned to keep the city of Chicago harmless of and from all damages, costs and expenses whatsoever arising from this grant.

¶ 3. **Removal of track.**] § 3. Upon the termination of the right herein granted, the said track shall be removed without expense or cost to the city of Chicago, and upon the failure of said Stevens, his successors and assigns, to remove the same, the commissioner of public works shall be, and is hereby, authorized to remove the same at the expense of the person or corporation then using and operating the same.

The location of said proposed tracks is more specifically placed on a plat hereto attached.

¶ 4. **When in force.**] § 4. This ordinance shall be in force from and after its passage and due publication.

STREET'S STABLE CAR LINE.

§ 830. Street's Stable Car line.

¶ 1. Forty-seventh and Forty-eighth streets.
¶ 2. Use limited to company exclusively.
¶ 3. Rights not assignable or transferable—forfeiture for non-user—removal of tracks.
¶ 4. Plank crossings and repair streets—viaducts.
¶ 5. Construction and maintenance of drains, culverts and sewers.
¶ 6. Bond, renewal of.
¶ 7. When in force—acceptance—right of town to repeal.

An ordinance concerning "Street's Stable Car line." (Adopted August 30, 1887. Bond filed and approved March 30, 1889.)

¶ 1. **Forty-seventh and Forty-eighth streets.**] Be it ordained by the board of trustees of the town of Lake: § 1. That permission and authority be and the same are hereby granted to "Street's Stable

Car Line" to lay down, maintain and operate two private railroad tracks not more than eight feet apart across 47th and 48th streets at grade and right angles thereto in the town of Lake, the said two tracks to cross 47th street as follows: The westermost track being not more than 275 feet west of the westermost track of the Union Stock Yards and Transit Company's tracks now laid across said 47th street, said two tracks to cross said 48th street at any point in said 48th street east of a point 141 feet east of the east line of Morgan street and west of a point 320 feet east of the east line of said Morgan street.

¶ 2. **Use limited to company exclusively.**] § 2. The permission and authority hereby granted are upon the express condition that the said railroad tracks shall be used exclusively for the purpose of transporting and moving by steam power the cars of said "Street's Stable Car Line" to and from the Union Stock Yards and the construction and repair shops of said "Street's Stable Car Line," situated on the land and premises lying south of the south line of 47th street, north of the north line of 49th street extended, east of the east line of Morgan street, and west of the railroad lands and right of way of the Union Stock Yards and Transit Company, and more particularly shown on the plat hereto attached.

¶ 3. **Rights not assignable or transferable—forfeiture for non-user—removal of tracks.**] § 3. The rights and privileges hereby granted are upon the express condition that the same shall not be assignable or transferable in any form or manner whatsoever; that in case the said construction and repair shops of the said "Street's Stable Car Line" should at any time be abandoned or discontinued by said company, or in case said company should cease to operate said works for a period of six months, the said tracks across said 47th and 48th streets shall be taken up and removed by said company, upon the written request of the board of trustees of the town of Lake, within sixty days from the date thereof; and in case of the neglect or refusal of the said company to take up and remove its said tracks across said 47th and 48th streets within the said time above specified, upon being requested so to do by the board of trustees of the town of Lake, the said town of Lake may take up and remove the same and recover of said company, by any suit or action it may deem advisable, the cost and expense of such removal.

¶ 4. **Plank crossings and repair streets—viaducts.**] § 4. The rights and privileges granted by this ordinance are upon the further express condition that the said "Street's Stable Car Line" shall and will plank all crossings and build approaches and maintain the same in repair at any and all streets, which now are or which may hereafter be crossed by its said tracks, and that said crossings shall be planked and approaches built under the direction and to the satisfaction of the superintendent of the department of public works of said town; and upon the further express condition that the said "Street's Stable

Car Line" will construct and maintain such viaduct or viaducts and approaches thereto over its said tracks at any street or streets of said town which may now or hereafter be crossed by its said tracks as the board of trustees of said town of Lake may hereafter deem necessary to properly accommodate the public business of said highways, and be ordered by the board of trustees of the town of Lake, the same to be constructed and maintained under the supervision of the superintendent of the department of public works of said town; Provided, however, that when any such viaduct cannot be built at any such street crossing, without the same be built over the track or tracks of some other person, company or corporation, then said "Street's Stable Car Line" shall only be obliged to join with such other person, company or corporation in the construction and maintenance of such viaduct or viaducts and approaches thereto, and if such other person, company or corporation shall not join in the erection of such viaduct and approaches, then, when the fair proportion of such other person, company or corporation shall be otherwise provided, the said "Street's Stable Car Line" shall pay his fair proportion of the cost of such viaduct or viaducts; and provided, further, that in case the said "Street's Stable Car Line" shall refuse or neglect for the period of six months to construct or maintain any such viaduct or viaducts and approaches thereto when required so to do, or shall refuse or neglect to pay for the same or its just proportion thereof, then the said town of Lake may construct or pay for the same and recover the cost thereof or the amount paid therefor from the said "Street's Stable Car Line" by such suit or action as it may deem advisable.

¶ 5. **Construction and maintenance of drains, culverts and sewers.**] § 5. The rights and privileges hereby granted are upon the further express condition that the said "Street's Stable Car Line" shall and will construct and maintain all drains, culverts, sewers and ditches that the superintendent of the department of public works of the town of Lake may deem necessary for carrying off the water and sewage that may accumulate by reason of the construction of the said railroad tracks and for preventing the accumulation of water and sewage by reason of the construction of said railroad tracks; and the town of Lake hereby reserves the right to construct and maintain such sewer, gas and water mains under and across the right of way of said "Street's Stable Car Line" herein granted as the superintendent of the department of public works of said town may deem necessary, and said company by the acceptance of this ordinance expressly waives all claim to compensation or damage by reason of the construction of said mains by said town.

¶ 6. **Bond, renewal of.**] § 6. The rights and privileges hereby granted shall be exercised subject to such rules and regulations as the board of trustees of the town of Lake may from time to time impose and make; and upon the further express condition that said Street's Stable Car Line shall enter into a bond executed by said

company with the town of Lake, to be approved by the board of trustees of said town, in the penal sum of $20,000, conditioned to indemnify and save harmless said town against and from any and all damages or claims for damages, judgment decrees, costs and expenses of the same which said town may suffer or which may be recovered or obtained against said town for or by reason of the granting of the rights and privileges in this ordinance contained, or for or by reason of or growing out of or resulting from the passage of this ordinance, or from any act or acts of the said company under or by virtue of the authority herein granted or the failure, refusal or neglect of said company to perform each and every of the said conditions upon which this ordinance is granted; and it is hereby further provided, that upon the recovery of any final judgment or decree against said town as aforesaid, the said company shall immediately and without prior payment of such judgment or decree by said town, be liable to pay and shall pay the amount or amounts thereof to said town, and the fact that said town may not have paid said judgment or decree shall constitute no defense on the part of said company; and it is hereby further expressly provided that in case of a failure on the part of the said Street's Stable Car Line to perform any of the conditions or provisions of this ordinance, the said town of Lake shall not be limited to an action upon the bond of said company, but may proceed at once against said company in any suit or action at law or in equity which it may deem advisable or necessary for the recovery of any money, damages or costs which it may have sustained by reason of such breach or failure; and it is hereby further provided that the said Street's Stable Car Line shall renew said bond whenever and so often as the said town of Lake may desire or require.

¶ 7. **When in force—acceptance—right of town to repeal.**] § 7. This ordinance shall not be in force until its written acceptance by said Street's Stable Car Line shall be filed with the clerk of the town of Lake, together with the bond herein provided for; and in case of a failure on the part of said company to keep and observe each and every of the conditions of this ordinance, the town of Lake shall have the right to repeal this ordinance and to forfeit all rights acquired hereunder, and all rights, powers and authority conferred upon the town of Lake or its officers or trustees shall rest in and be exercised by the municipal corporation or its officers or trustees or authorities within whose limits said right of way herein granted, or any portion thereof, may at any time be situated.

SUSMILICH BROTHERS.

§ 831. Susmilich Brothers.

¶ 1. Route—grant 10 years.
¶ 2. Maintenance and operation.
¶ 3. Bond.

An ordinance granting permission to Susmilich Bros. to lay and operate a switch track across Twenty-first street, near Campbell avenue. (Passed June 10, 1895.)

¶ 1. **Route—grant 10 years.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby granted to Susmilich Brothers to lay down and operate a single switch track from the tracks of the Pittsburg, Cincinnati and St. Louis Railway Company over and across 21st street, to lots 75, 76, 77 and 78, in block 11, Walker's Douglas Park addition, being a subdivision of the east ½ of the southeast ¼ of section 24, township 39 north, range 13 east, for and during a period of ten years from the passage hereof.

¶ 2. **Maintenance and operation.**] § 2. The permission and authority hereby granted is upon the express condition that in the laying, maintenance and operation of said switch track, the said Susmilich Brothers, and their assigns, shall conform to all rules, regulations and requirements of the said city of Chicago or its department of public works.

¶ 3. **Bond.**] § 3. That the permission hereby granted is upon the further express condition that the said Susmilich Brothers, and their assigns, using and operating the tracks aforesaid, shall keep and save harmless the city of Chicago from any and all damages, costs and expenses whatever arising out of the use and operation of said track, and the said Susmilich Brothers shall give a bond, with one or more sureties, to be approved by the mayor, in the penal sum of ten thousand dollars, for the fulfillment of this grant or permission.

SWEDISH CERAMIC MANUFACTURING COMPANY.

§ 832. Swedish Ceramic Manufacturing company.

¶ 1. Route—bond.
¶ 2. Grant 10 years.
¶ 3. In effect, when.

An ordinance authorizing the Swedish Ceramic Manufacturing company to lay down and maintain a single railroad track across Ada street and an alley. (Passed June 5, 1893.)

¶ 1. **Route—bond.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby given and granted to the Swedish Ceramic Manufacturing Company, a cor-

poration duly organized and existing under and by virtue of the laws of the state of Illinois, its successors and assigns, to lay down, construct, maintain and operate a single railroad track from the tracks of the Pittsburgh, Cincinnati, Chicago and St. Louis Railroad Company to connect with its factory over and along the following route, to wit: Commencing at a point in the tracks of the Pittsburgh, Cincinnati, Chicago and St. Louis Railroad Company about twenty-five feet west of the west line of Ada street, thence, by practicable curve in a southeasterly direction, across Ada street to the northwest corner of lot 126 in Center avenue subdivision in the northwest quarter of section 17, T. 28 N., R. 14 east of the 3rd P. M.; thence along and over said lot in an easterly direction across the north and south alley in to lot 195 of said subdivision, as shown upon plat hereto annexed; Provided, however, that said track should be laid down and maintained under the supervision of the department of public works, and shall be wholly removed from said street and alley and the said street and alley shall be restored to their usual condition as near as may be on or before February 25th, 1903; and provided, that said Swedish Ceramic Company shall, before laying said track, enter into a bond with the city of Chicago in the sum of ten thousand dollars ($10,000), to be approved by the commissioner of public works, conditioned to hold the city harmless from any and all damages, costs and expenses whatsoever in consequence of the passage or of the exercises of the privileges of this ordinance, or that may accrue or that may in any way grow out of the privileges hereby granted.

¶ 2. **Grant 10 years.**] § 2. The rights and privileges hereby granted shall cease and determine at the expiration of ten years from the passage of this ordinance.

¶ 3. **In effect, when.**] § 3. This ordinance shall be in force and effect from and after its passage and the filing of the bond of the said Swedish Ceramic Manufacturing Company as aforesaid.

ERNST TOSETTI BREWING COMPANY.

§ 833. Ernst Tosetti Brewing company.

¶ 1. Route.
¶ 2. Bond—repair of street.
¶ 3. Grant ten years.
¶ 4. In effect after passage.

An ordinance authorizing the Ernst Tosetti Brewing company to construct and maintain a single railroad track in and across Wright street. (Passed October 12, 1891. Accepted October 12, 1891.)

¶ 1. **Route.**] Be it ordained by the city council of the city of

Chicago: § 1. That permission and authority be and the same is hereby granted to the Ernst Tosetti Brewing Company to lay down, construct, maintain and operate a single railroad track in, upon and across Wright (formerly Bissell) street, immediately south of where the same is crossed by the tracks of the Union Stock Yard and Transit Company, from the western terminus of the south track of the Ernst Tosetti Brewing Company on the east line of said street to the west line thereof, connecting at this point by switch with the western terminus of the Ernst Tosetti Brewing Company's north track, as heretofore maintained by said company across said street, in accordance with the plat hereto attached, said track to be laid down and maintained under the direction and supervision of the department of public works.

¶ 2. **Bond—repair of street.**] § 2. This ordinance is passed and the permission aforesaid granted upon the express condition that the said Ernst Tosetti Brewing Company shall enter into bonds with said city of Chicago, with good and sufficient sureties to be approved by the mayor, within ten days from its passage, in the sum of five thousand ($5,000) dollars, conditioned to comply with the provisions of this ordinance and the general railroad and all other ordinances now in force or that may hereafter be passed, and also to save, keep harmless and indemnify the city of Chicago from all damages, costs and expenses that may accrue or in any way arise from or grow out of the privileges hereby granted; Provided, that said Ernst Tosetti Brewing Company, its successors or assigns, shall keep such portion of said street as is occupied by said track in good condition and repair, under the supervision of and as may be directed by the department of public works of said city of Chicago, and in case the said Ernst Tosetti Brewing Company shall fail to keep the same in repair, as herein provided, as the department of public works shall direct, then the department of public works may repair same and the expenses thereof shall be paid by the said Ernst Tosetti Brewing Company on demand.

¶ 3. **Grant 10 years.**] § 3. The rights and privileges hereby granted shall cease and determine at the expiration of ten years from the passage hereof.

¶ 4. **In effect after passage.**] § 4. This ordinance shall be in force from and after its passage.

WILLIAM F. TUCKER.

§ 834. William F. Tucker.
¶ 1. Egan avenue, Halsted, Tucker and Gage streets—repair of streets.
¶ 2. Bond.
¶ 3. When in force.

An ordinance granting permission to William F. Tucker and his associates to construct and maintain a railroad track across Egan avenue at Emerald street, thence to south fork of south branch of the Chicago river. (Passed September 23, 1872.)

¶ 1. Egan avenue, Halsted, Tucker and Gage streets—repair of streets.] Be it ordained by the common council of the city of Chicago: § 1. That permission is hereby given and granted Wm. F. Tucker and his associates to lay down, construct and maintain a single railroad track across Egan avenue at the intersection of Emerald street, thence west across Halsted, Tucker and Gage streets, on any land they may acquire by purchase or otherwise, to the south fork of the south branch of the Chicago river, said railroad track to be laid not more than one hundred and fifty feet north of the north line of Egan avenue; Provided, the said track shall be laid down and maintained under the direction and supervision of the board of public works; and provided, further, that the said Wm. F. Tucker and his associates, their heirs or assigns, shall keep such portion of said streets as shall be occupied by said track in good condition and repair, under the supervision and as they may be directed by the board of public works.

¶ 2. Bond.] § 2. This ordinance is passed and the permission aforesaid granted upon the express condition that the said Wm. F. Tucker and his associates shall enter into bonds with the said city of Chicago, signed by sureties to be approved by the mayor, within twenty days from its passage, in the sum of twenty thousand dollars, conditioned to comply with the conditions of this ordinance and the general railroad ordinances now in force, or that may hereafter be passed, and also to save, keep harmless and indemnify the city of Chicago from all damages, costs and expenses that may accrue or in any wise arise from or grow out of the privileges hereby granted, and upon the further express condition that the city of Chicago may at any time repeal this ordinance.

¶ 3. When in force.] § 3. This ordinance shall be in force from and after its passage.

Note.—See following ordinance extending grant.

TUCKER TRACK.

§ 835. Tucker track.

¶ 1. Reaffirming grant of September 23, 1872—further grant of ten years.
¶ 2. Repair of streets.
¶ 3. Bond.
¶ 4. When in force.

An ordinance granting permission to certain owners for continuation of a single railroad track. (Passed December 14, 1896.)

¶ 1. Reaffirming grant of Sept. 23, 1872—further grant of ten years.] Be it ordained by the city council of the city of Chicago: § 1. That permission be and is hereby granted to the present owners of the lands occupied by the railroad track hereinafter described and known as the "Tucker Track," and their heirs and assigns, to continue the maintenance and operation for a period of ten (10) years of such single railroad track already constructed across Egan avenue, at its intersection with Emerald avenue, and thence west across Halsted, Tucker and Gage streets, in accordance with ordinance in favor of Wm. F. Tucker and his associates, passed September 23rd, 1872, which ordinance was repealed October 12th, 1896.

¶ 2. Repair of streets.] § 2. The said owners shall keep such portion of said streets so occupied by said track in good order and repair under the supervision of the department of public works, and shall in all respects comply with the ordinances of the city of Chicago in the maintenance and operation of said track.

¶ 3. Bond.] § 3. The privilege hereby granted is upon the further condition that the said owners shall give bond in the sum of five thousand ($5,000) dollars, with one or two sureties to be approved by the mayor, conditioned to keep the city of Chicago harmless of and from all damages, costs and expenses consequent upon the privilege herein granted.

¶ 4. When in force.] § 4. This ordinance shall be in force from and after its passage.

TUDOR BUGGY COMPANY.

§ 836. Tudor Buggy company.

¶ 1. Stewart avenue—bond—switching hours—other conditions.
¶ 2. Grant 10 years.
¶ 3. Violation of provisions—forfeiture of grant.
¶ 4. Removal—failure to remove.
¶ 5. When in force—acceptance.

An ordinance granting permission to the Tudor Buggy company to lay down and operate a single switch track. (Passed February 17, 1890.)

¶ 1. **Stewart avenue—bond—switching hours—other conditions.**] Be it ordained by the city council of the city of Chicago: § 1. That permission is hereby given and granted to the Tudor Buggy Company, its successors and assigns, to lay down, construct, maintain and operate a single switch railroad track of standard gauge, from and connecting with the tracks of the Pittsburgh, Fort Wayne and Chicago Railroad Company on Stewart avenue, at a point on the west line of said Stewart avenue, about one hundred and fifty feet south of the south line of 26th street, running thence on a gradual curve southeasterly to and over the east line of said Stewart avenue, at a point on the east line of said Stewart avenue, about two hundred and fifty feet south of the south line of Twenty-sixth street, thence over and upon private property to be acquired by said company; Provided, however, that said Tudor Buggy Company shall, before laying said track, enter into a bond with the city of Chicago in the sum of ten thousand ($10,000) dollars, to be approved by the mayor, to hold and save the city of Chicago harmless from all damages, costs and expenses whatever in consequence of the passage of this ordinance, granting the privilege hereinbefore mentioned; Provided, further, that no switching of cars or engines shall be at any time permitted upon or across said switch track, except from the hours of ten o'clock in the evening until six o'clock in the morning of each day, and that at all times when cars or engines are being run upon or across said switch, a flagman shall be stationed at said street crossing, and that at all times suitable and sufficient guards or gates at said switch shall be constructed and maintained by the Tudor Buggy Company, at its expense, under the direction of the department of public works; Provided, further, that the privileges hereby granted shall be subject in all respects to all ordinances now in force or which may be hereafter passed concerning railroads, and that said Tudor Buggy Company shall keep so much of said Stewart avenue as shall be occupied by said track in such condition and repair as it may be directed by the department of public works. No cars shall be permitted to stand on the street, nor shall any cars be unloaded or loaded upon the street occupied by said track; Provided, that said tracks shall be laid down and maintained under the direction and supervision of the department of public works; Provided, further, that said company, its successors and assigns, shall comply with sections 1650, 1651 and 2866 of the Municipal Code of the city of Chicago.

¶ 2. **Grant 10 years.**] § 2. The rights and privileges hereby granted shall cease and determine at the expiration of ten (10) years from the passage thereof and this ordinance shall at any time before the expiration thereof be subject to modification, amendment or repeal, and in case of repeal all privileges hereby granted shall cease and determine.

¶ 3. **Violation of provisions—forfeiture of grant.**] § 3. In case said company shall violate any of the provisions and conditions

of this ordinance, then said ordinance and all rights and privileges herein granted shall be null and void. The department of public works may remove the track hereby authorized to be laid and the cost thereof shall be paid by said Tudor Buggy Company.

¶ 4. **Removal—failure to remove.**] § 4. In case of the expiration of this ordinance by lapse of time, or in case of repeal, said Tudor Buggy Company shall, at its own expense, cause said track to be removed and the part of the street so occupied by said track to be placed in such repair and condition as the department of public works may require, and if the said Tudor Buggy Company shall fail to so remove said track and so restore said street as herein provided, then the city of Chicago may, within ten (10) days after notice to the said Tudor Buggy Company, or its bondsmen, remove said track and restore the part of the street so occupied by said track to such condition as it may elect, at the expense and cost of said Tudor Buggy Company, which cost and expense said Tudor Buggy Company in accepting this ordinance agree to pay on demand.

¶ 5. **When in force—acceptance.**] § 5. This ordinance shall be in force from and after its passage and acceptance by said Tudor Buggy Company.

UNION IRON & STEEL COMPANY AND C. & A. R. R. CO.

§ 837. Union Iron & Steel company and C. & A. R. R. Co.

¶ 1. Route—viaduct and tunnel—provisos governing—bond.
¶ 2. Tracks on west side of Ashland avenue—joint grant to U. I. & S. Co. and C. & A. R. R. Co. of ten years—relinquishment—removal.
¶ 3. Grant 20 years, except where 10 years is stated.

An ordinance granting permission to the Union Iron & Steel company to lay down and operate not exceeding two railroad tracks. (Passed January 21, 1884. Accepted by Union Iron & Steel company January 26, 1884. Accepted by Chicago & Alton Railroad company January 26, 1884.)

¶ 1. **Route—viaduct and tunnel—provisos governing—bond.**] Be it ordained by the city council of the city of Chicago: § 1. That permission be and is hereby granted to the Union Iron and Steel Company, its successors and assigns, to lay down, maintain and operate not exceeding two railroad tracks across and over Ashland avenue, in the city of Chicago, on an overhead structure or viaduct to be constructed for that purpose, across and over said street at a point about 370 feet north of the north line of Thirty-first street, in the city of Chicago, being at the same point where the present switch tracks of the Chicago and Alton Railroad cross said Ashland avenue into

the yard where the blast furnaces of the Union Iron and Steel Company are located; permission being hereby also given to said Union Iron and Steel Company to construct and maintain such overhead structure and viaduct upon the terms and conditions hereinafter mentioned; and also to construct a tunnel or way in said city of Chicago under Archer avenue, at a point on the west side of the south fork of the south branch of the Chicago river, not less than fifty nor more than seventy-five feet west of the bridge over said south fork, said tunnel to be built so as not to raise the surface of the street above the authorized grade, and to lay down, maintain and operate through said tunnel or way not exceeding two railroad tracks to connect the different parts of the works of the Union Iron and Steel Company lying on either side of said Archer avenue at that point; and also to lay down, maintain and operate not exceeding two railroad tracks across Thirty-third street at a point not more than seventy-five feet east of the line of Charlton street, and thence on a curve across Iron street at a point just north of the intersection of Iron and Thirty-fourth streets, in the city of Chicago, and connecting with what is known as the "stock yards track," but the permission hereby granted not to be construed as a right to cross intervening streets from Thirty-third street to said Iron street:

Provided, however, the foregoing rights and privileges are granted upon the following conditions and provisions: First, that the said switch tracks across Ashland avenue, from the Chicago and Alton Railroad to the said yard of the Union Iron and Steel Company, where the blast furnaces of said company are located, shall be at once removed upon the construction of said overhead structure or viaduct:

And, provided, that said Union Iron and Steel Company, its successors and assigns, shall first enter in bonds to the city of Chicago in the penal sum of twenty thousand ($20,000) dollars, with sureties to be approved by the mayor, conditioned to hold and save harmless the city of Chicago from all damage, loss or expense arising out of, or from this ordinance, or the construction of said viaduct or tunnel, or the operation of said railroad, and conditioned that said company will save harmless and indemnify any individual or person injured because of the construction and maintenance of said viaduct or tunnel:

And provided, further, that said overhead structure or viaduct, or said tunnel, shall not interfere with or obstruct the use of said streets at the respective points mentioned, and shall be so constructed and built as not to obstruct travel on said streets, and the plans and specifications therefor shall first be submitted to the commissioner of the department of public works for his approval, and the same shall be constructed and built under the supervision, direction and approval of said commissioner:

And further provided, that said company, its successors or assigns, shall keep and maintain said viaduct and tunnel in a good and

safe condition so as not to endanger life or property; and that all privileges hereby granted shall be enjoyed subject to all ordinances now existing or which may be hereafter passed regarding or in any way concerning railroads:

And provided, also, that within sixty days of the passage of this ordinance and before said Union Iron and Steel Company, its successors or assigns, shall use or occupy its proposed tracks above, there shall first be removed from and off Thirty-first street all the railroad tracks situate and being on and along said Thirty-first street, west from the west side of Ashland avenue to the main line of the tracks of the Chicago and Alton Railroad Company at the expense and cost of the said Union Iron and Steel Company, its successor or assigns, and without cost and expense to the city of Chicago.

¶ 2. **Tracks on west side of Ashland avenue—joint grant to U. I. & S. Co. and C. & A. R. R. Co. of 10 years—relinquishment—removal.**] § 2. That the said Union Iron and Steel Company, its successor or assigns, and the Chicago and Alton Railroad Company, or either of them, are hereby granted the privilege and right to use and occupy, for the space of ten years from the passage hereof, and no longer, the railroad track now situate and being on the west side of Ashland avenue, between the point where the Chicago and Alton Railroad crosses Ashland avenue and a point on said Ashland avenue at or near Thirty-second street, which said track connects the property of the Union Iron and Steel Company with the Chicago and Alton Railroad, and to maintain said track for the time above:

Provided, however, and the privileges and rights in this ordinance granted and contained are upon the express condition and agreement that, before anything is done under and pursuant to this ordinance, the said the Union Iron and Steel Company, its successor or assigns, and the said Chicago and Alton Railroad Company, shall each file with the city clerk of the city of Chicago a relinquishment and waiver in writing which shall be acceptable to the mayor and law department of the city, of any right, they or either of them, have or claim to have, by estoppel resting upon any grant, investment of capital, location of manufactories or mills, lapse of time, or from any other reason or cause whatsoever in and to the use or occupation of said street by said track on Ashland avenue between the points above:

And provided, also, and the grants and privileges in this ordinance are upon the further express condition and agreement that said Union Iron and Steel Company, its successor or assigns, and the said Chicago and Alton Railroad Company, upon the order of the city council, at any time during said ten years, shall remove said track now on the west side of Ashland avenue between the points aforesaid, to the east side of Ashland avenue, and upon failure to so remove from the west to the east side of said street when so ordered, the city may remove said track absolutely from said Ashland avenue without further notice of its intention so to do:

And provided, further, that the privileges and rights hereby granted in this ordinance are upon the express understanding and agreement that at the expiration of said ten years from the passage of this ordinance, all of said track on Ashland avenue at the place between the points designated, shall be absolutely removed and taken from said street without cost or expense to the city, leaving said Ashland avenue between the points above free and clear of said railroad track, and if said Union Iron and Steel Company, its successor or assigns, and said Chicago and Alton Railroad Company, or either of them, shall fail or refuse to remove said track immediately on the expiration of said ten years, then the city may remove the same without further or any notice.

¶ 3. **Grant 20 years, except where 10 years is stated.**] § 3. This ordinance shall extend for the period of twenty years (except wherein above expressly limited to ten years), and shall be subject to all ordinances now in force or that may hereafter be passed by the city council

Note.—See switch track ordinance to Illinois Steel Company.

UNION PLANING MILL COMPANY.

§ 838. Union Planing Mill company.

¶ 1. Grant five years—Twenty-second street—removal of track.
¶ 2. Bond.
¶ 3. In effect after passage and publication.

An ordinance granting permission to the Union Planing Mill company to maintain a certain switch track. (Passed June 25, 1894.)

¶ 1. **Grant 5 years—Twenty-second street—removal of track.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted to the Union Planing Mill Company to maintain and operate, for the period of five years from the time this ordinance shall take effect, a single track switch railroad, from any part of its property on the corner of Twenty-second and Fisk streets, across Twenty-second street to connect with the railroad track thereon, the switch to commence opposite Fisk street. Said track shall be laid and maintained under the supervision of the commissioner of public works, and said company shall keep such portion of the street as is occupied by said tracks in good condition and repair, so as not to interfere with public travel, under like supervision.

At the expiration of the time herein limited, all rights under this ordinance shall absolutely cease and determine without any act on the part of the city and the said tracks shall be at once removed,

the street placed in good condition and repair at the expense of said company.

¶ 2. **Bond.**] § 2. This ordinance is passed and the permission aforesaid granted upon the express condition that the said Union Planing Mill Company shall enter into bonds with the said city of Chicago, signed by sureties to be approved by the mayor, within ten days from its passage, in the sum of ten thousand dollars, conditioned to comply with the conditions of this ordinance and the general railroad ordinances now in force or that may hereafter be passed; also to save, keep harmless and indemnify the city of Chicago from all damages, costs and expenses that may accrue or in any wise arise from or grow out of the privileges hereby granted; and upon further express condition that the city of Chicago may, at any time, repeal this ordinance.

¶ 3. **In effect after passage and publication.**] § 3. This ordinance shall be in force from and after its passage and due publication.

VAN DER MEER & ROOSMA.

§ 839. Van der Meer & Roosma.

¶ 1. Abutting right of way of C. & E. I. R. R. south of One Hundred and Third place.
¶ 2. Comply with ordinances.
¶ 3. Bond.
¶ 4. When in force.

An ordinance granting permission to Van der Meer & Roosma to lay down and maintain a single switch track. (Passed October 5, 1896.)

¶ 1. **Abutting right of way of C. & E. I. R. R. south of 103d place.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted to Van der Meer and Roosma, their successors, heirs and assigns, to lay down and operate, for a period which may be terminated at any time, at the discretion and order of the commissioner of public works, a single switch track from a point about 150 feet south of 103rd place, on the right of way of the Chicago and Eastern Illinois Railroad, to a point about 400 feet north of commencement of said switch track and to be entirely upon the private property of the said Van der Meer and Roosma.

¶ 2. **Comply with ordinances.**] § 2. The said Van der Meer and Roosma shall lay and maintain such track under the supervision of the commissioner of public works of the city of Chicago, and shall, in all respects, comply with the ordinances with said city.

¶ 3. **Bond.**] § 3. This permission and authority is granted the said Van der Meer and Roosma upon the condition that they shall give a bond of five thousand ($5,000) dollars, with good and sufficient surety, to be approved by the mayor, conditioned to keep the city of Chicago harmless of and from all damages whatsoever arising from this grant.

¶ 4. **When in force.**] § 4. This ordinance shall be in full force and effect from and after its passage.

ALBERT H. VEEDER.

§ 840. Albert H. Veeder.

¶ 1. Hawthorne avenue—bond—repair of street—standing cars.
¶ 2. Grant 20 years.
¶ 3. Subject to modification or repeal.
¶ 4. Removal of track—failure so to do.
¶ 5. Acceptance.

An ordinance granting permission to Albert H. Veeder to lay down and maintain a single railroad track. (Passed January 14, 1889. Accepted January 25, 1889.)

¶ 1. **Hawthorne avenue—bond—repair of street—standing cars.**] Be it ordained by the city council of the city of Chicago: § 1. That permission is hereby given and granted to Albert H. Veeder and his grantees and assigns to lay down, construct, maintain and operate a single railroad track from and connecting with the tracks of the Chicago and Evanston Railroad, owned and operated by the Chicago, Milwaukee and St. Paul Railroad Company, on Hawthorne avenue, at a point directly opposite the northwest corner of lot 38, block 72, in Elston's addition to Chicago, thence on a gradual curve in and to the east line of lot 41, block 72, Elston's addition to Chicago; Provided, however, that said Veeder shall, before laying said track, enter into a bond with the city of Chicago in the sum of ten thousand ($10,000) dollars, to be approved by the mayor, to hold and save the city of Chicago harmless from all damages, costs and expenses whatsoever, in consequence of the passage of this ordinance, granting the privileges hereinbefore mentioned; Provided, further, that the privileges hereby granted shall be subject in all respects to all ordinances now in force or which may be hereafter passed concerning railroads, and that said Veeder, his grantees and assigns, shall keep so much of said Hawthorne avenue as shall be occupied by said track in such condition and repair as may be directed by the department of public works. No cars shall be permitted to stand on the streets, nor shall any cars be unloaded or loaded upon the streets

occupied by said tracks; Provided, that said tracks shall be laid down and maintained under the direction and supervision of the department of public works.

¶ 2. **Grant 20 years.**] § 2. The rights and privileges hereby granted shall cease and determine at the expiration of twenty (20) years from the passage hereof.

¶ 3. **Subject to modification or repeal.**] § 3. This ordinance shall at any time before the expiration thereof be subject to modification, amendment or repeal, and, in case of repeal, all privileges hereby granted shall cease and determine.

¶ 4. **Removal of track—failure so to do.**] § 4. In case of the expiration of this ordinance by lapse of time or in case of repeal, said Veeder, his grantees and assigns, shall at his own expense cause said track to be removed, and the part of the street so occupied by said track to be placed in such repair and condition as the department of public works may require; and if the said Veeder, his grantees and assigns, shall fail so to remove said track and so restore said street as herein provided, then the city of Chicago may, within ten (10) days after notice to said Veeder, his grantees or assigns, or his bondsmen, remove said track and restore the part of the street so occupied by said track to such condition as it may elect at the expense and cost of the said Veeder, which cost and expense said Veeder in accepting this ordinance agrees to pay on demand.

¶ 5. **Acceptance.**] § 5. This ordinance shall be in force and effect from and after its passage and acceptance by said Veeder and due publication thereof.

VIERLING, McDOWELL & CO.

§ 841. Vierling, McDowell & Co.

¶ 1. Route—bond—conditions.
¶ 2. Grant ten years.
¶ 3. Violation of provisions—removal of track.
¶ 4. Expiration of term—duty of grantee.
¶ 5. Acceptance.

An ordinance permitting Vierling, McDowell & Co. to construct and operate a single switch track. (Passed June 26, 1890.)

¶ 1. **Route—bond—conditions.**] Be it ordained by the city council of the city of Chicago: § 1. That permission is hereby given and granted to the Vierling, McDowell & Co., its successors and assigns, to lay down, construct, maintain and operate a single switch railroad track, of standard gauge, from and connecting with the tracks of the tracks of the Pittsburgh, Fort Wayne & Chicago Rail-

road Company on Stewart avenue, at a point on the west line of said Stewart avenue, about one hundred (100) feet south of the south line of Twenty-third place, running thence, on a gradual curve, northeasterly to and over the east line of said Stewart avenue about one hundred and sixty-six (166) feet, thence over and upon private property owned by said company; Provided, however, that said Vierling, McDowell & Co. shall, before laying said track, enter into a bond with the city of Chicago in the sum of ten thousand dollars ($10,000), to be approved by the mayor, to hold and save the city of Chicago harmless from all damages, costs and expenses whatever in consequence of the passage of this ordinance, granting the privilege hereinbefore mentioned; Provided, further, that no switching of cars or engines shall be at any time permitted upon or across said switch track, except from the hours of ten o'clock in the evening until six o'clock in the morning of each day, and that, at all times, when cars or engines are being run upon or across said switch, a flagman shall be stationed at said street crossing, and that at all times suitable and sufficient guards or gates at said switch shall be constructed and maintained by the said Vierling, McDowell & Co., at its expense, under the direction of the department of public works; Provided, further, that the privileges hereby granted shall be subject in all respects to all ordinances now in force or which may be hereafter passed concerning railroads, and that said Vierling, McDowell & Co. shall keep so much of said Stewart avenue as shall be occupied by said track in such condition and repair as may be directed by the department of public works. No cars shall be permitted to stand on the street, nor shall any cars be unloaded or loaded upon the street occupied by said track; Provided, that said tracks shall be laid down and maintained under the direction and supervision of the department of public works; Provided, further, that said company, its successors and assigns, shall comply with sections 1650, 1651 and 2866 of the Municipal Code of the city of Chicago.

¶ 2. **Grant ten years.**] § 2. The rights and privileges hereby granted shall cease and determine at the expiration of ten (10) years from the passage thereof, and this ordinance shall at any time before expiration thereof be subject to modification, amendment or repeal, and in case of repeal all privileges hereby granted shall cease and determine

¶ 3. **Violation of provisions—removal of track.**] § 3. In case said company shall violate any of the provisions and conditions of this ordinance, then said ordinance and all rights and privileges herein granted shall be null and void. The department of public works may remove the track hereby authorized to be laid and the cost thereof shall be paid by the said Vierling, McDowell & Co.

¶ 4. **Expiration of term—duty of grantee.**] § 4. In case of the expiration of this ordinance by lapse of time, or in case of repeal, said Vierling, McDowell & Co. shall, at their own expense, cause

said track to be removed and the part of the street so occupied by said track to be placed in such repair and condition as the department of public works may require, and if the said Vierling, McDowell & Co. shall fail to so remove said track and so restore said street as herein provided, then the city of Chicago may, within ten (10) days after notice to said Vierling, McDowell & Co., or its bondsmen, remove said track and restore the part of the street so occupied by said track to such condition as it may elect, at the expense and cost of the said Vierling, McDowell & Co. in accepting this ordinance agree to pay on demand.

¶ 5. **Acceptance.**] § 5. This ordinance shall be in force from and after its passage and acceptance by said Vierling, McDowell & Co.

WARD & GAENSSLEN.

§ 842. Ward & Gaensslen.

¶ 1. Archer avenue and Waver street—ordinance to Joliet & Chicago R. R. Co. to govern.

An ordinance permitting Ward & Gaensslen to locate and operate a sidetrack. (Passed January 26, 1885.)

¶ 1. **Archer avenue and Waver street—ordinance to Joli et & Chicago R. R. Co. to govern.**] Ordered, that permission be and the same is hereby given Ward & Gaensslen in connection with the Chicago & Alton Railroad Company, under "an ordinance in relation to the Joliet & Chicago Railroad Company," passed January 5th, 1857, to locate or extend in Archer avenue and Waver street, respectively, in front of the premises of Ward & Gaensslen, subject to all other provisions of said ordinance; the side track about to be laid under a decree recently made, to connect said Chicago & Alton Railroad Company with the said premises, known as lots one and two in H. L. Stewart & others' subdivision of lots 11 to 20, inclusive, of block 2, in the south branch addition to Chicago, and lot 10 and the southwesterly half of lot nine, in block two, in said addition, from the proper connecting point in front of the premises of the National Elevator Company, along the front of the said premises of said Ward & Gaensslen to or near the west line of said lot two.

E. N. WEART & CO.

§ 843. E. N. Weart & Co.

¶ 1. Wallace street—grant 10 years.
¶ 2. Grade of tracks—bond—planking, etc., street.
¶ 2½. Elevation provided for.
¶ 3. Acceptance.

An ordinance granting to E. N. Weart & Co. permission to lay down a railroad track. (Passed April 15, 1895.)

¶ 1. **Wallace street—grant 10 years.**] Be it ordained by the city council of the city of Chicago: § 1. That a right of way be and the same is hereby granted for the period of ten (10) years from the passage of this ordinance to E. N. Weart & Co. of Chicago, Illinois, to lay a railroad track as follows: Commencing at a point in the west line of Wallace street, between 57th and 58th streets, and connecting with the tracks of the Chicago & Western Indiana Railroad so as to allow cars to pass with safety across Wallace street to land owned and occupied by said E. N. Weart & Co., and being lots one to twenty-two, both inclusive, in block one in Temple's subdivision of the east half of the southwest quarter of the northwest quarter of section sixteen (16) in township thirty-eight (38) north, range fourteen (14) east of the third principal meridian, in Cook county, Illinois.

¶ 2. **Grade of tracks—bond—planking, etc., street.**] § 2. That said railroad track when made, as provided in section one, shall be on a grade with the tracks of said railroad company; Provided, that before laying such tracks, said E. N. Weart & Co. shall enter into a bond to the city of Chicago, with two or more sureties, to be approved by the mayor, in the penal sum of ten thousand ($10,000) dollars; conditioned to save the city harmless from any and all damages which may arise from or grow out of the privileges hereby granted, or the laying or operating of said track; Provided, further, that said E. N. Weart & Co., or their assigns, shall plank the said street between the tracks hereby authorized to be laid and to keep the same in good repair under the direction of the proper city authorities.

¶ 2½. **Elevation provided for.**] § 2½. Also that the said E. N. Weart & Co., or assigns, agree to elevate said switch track whenever the Chicago and Western Indiana Railroad elevate their tracks, as the city may direct.

¶ 3. **Acceptance.**] § 3. This ordinance shall be in force from and after its acceptance by the said parties in section one hereof.

WEAVER & FORD.

§ 844. Weaver & Ford.

¶ 1. Route—bond—supervision of work—compensation to city.
¶ 2. Grant ten years—removal of tracks at expiration.
¶ 3. Acceptance.

An ordinance authorizing Henry E. Weaver and Tod Ford to construct and operate a single railroad track with branch extensions. (Passed March 30, 1891. Accepted April 22, 1891.)

¶ 1. Route—bond—supervision of work—compensation to city.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted Henry E. Weaver and Tod Ford, their successors and assigns, to lay down, construct, maintain and operate a single railroad track, with branch extensions thereof as follows, to wit: Said single railroad shall commence from the place of its connection with the tracks of the Chicago and Western Indiana Railroad Company, at the intersection of 39th street and Stewart avenue, and extend thence northwesterly to 38th court, at a point not exceeding two hundred (200) feet west of Stewart avenue, and thence west along 38th court and south of the center line thereof to the east line of Butler street, with necessary turnouts and switches to accommodate abutting property on the south side of 38th court, and crossing all intervening streets and alleys on said route; also, a branch extension thereof connecting with the single railroad track aforesaid at a point south of 38th court, and not exceeding two hundred (200) feet west of Stewart avenue, and to extend thence north on a line parallel with and not exceeding two hundred (200) feet west of Stewart avenue to the south line of 37th court, and extending thence northwesterly and northerly to a point on the south line of 37th street, distant not exceeding two hundred and fifty (250) feet west of Stewart avenue, and crossing all intervening streets and alleys; also, another branch extension thereof connecting with the last named single railroad track at or near the south line of 37th court and extending northeasterly and northerly to the south line of 37th street, at a point not exceeding one hundred and fifty (150) feet west of Stewart avenue, and crossing all intervening streets and alleys on said route; Provided, however, that the said Henry E. Weaver and Tod Ford shall, before laying any part of said track, enter into a bond with the city of Chicago in the sum of ten thousand ($10,000) dollars, to be approved by the mayor, conditioned to indemnify and save harmless the city of Chicago from all damages, costs and expenses that may accrue in consequence of the passage of this ordinance, or that may in any way arise or grow out of the exercise of the privileges hereby granted; and Provided, further, that said track and each branch thereof and each turnout and switch, that may be constructed under the permission hereby granted, shall be laid down and maintained under the direction and supervision of the commissioner of public works, and in such a manner as to interfere as little as pos-

sible with the use of the streets and alleys so crossed and occupied; and, provided, further, that the privileges hereby granted shall be subject to all ordinances now in force or which may hereafter be passed concerning railroads; provided, further, that the said Henry E. Weaver and Tod Ford, their successors or assigns, shall pay into the city treasury, in consideration of the permission hereby granted, at the rate of $1,000 per mile per annum on the track or tracks laid on public property.

¶ 2. **Grant ten years—removal of tracks at expiration.**] § 2. The rights and privileges hereby granted shall cease and determine at the expiration of ten (10) years from the passage hereof. And, this ordinance shall, at any time before the expiration of said period of ten (10) years, be subject to modification, amendment or repeal, and in case of repeal, all privileges hereby granted shall cease and determine. And, if said Henry E. Weaver and Tod Ford shall violate any of the provisions of this ordinance, the commissioner of public works may, without notice to said Weaver or Ford, cause said tracks to be removed from any street or alley occupied by the same and such streets and alleys to be restored to their present condition at the expense of the said Henry E. Weaver and Tod Ford.

¶ 3. **Acceptance.**] § 3. This ordinance shall be in force from and after its passage and acceptance by the said Henry E. Weaver and Tod Ford and the filing of their bond as aforesaid; such acceptance and bond to be filed within thirty (30) days after the passage hereof.

WOLF MAIZE MILLS COMPANY.

§ 845. Wolf Maize Mills company.

¶ 1. Route—grant 10 years.
¶ 2. Conditions, governing track laying, etc.
¶ 3. Expiration of grant—removal of tracks.
¶ 4. Acceptance.

An ordinance authorizing the Wolf Maize Mills company to construct and operate two single sidetracks near Eighty-first street and the Chicago, Rock Island & Pacific railroad. (Passed May 25, 1891. Accepted June 4, 1891.)

¶ 1. **Route—grant 10 years—bond.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted to the Wolf Maize Mills Company, a corporation created and existing under and by virtue of the laws of the state of Illinois, to construct, maintain and operate, for a period of ten years from the passage hereof unless the permission or authority shall be sooner revoked by the city council, two private single side tracks, the

easterly one of which commences at a point in the east main track of the Chicago, Rock Island and Pacific Railway, about 40 feet north of 81st street, thence on a curve in a northeastly direction, crossing the alley lying directly east of and joining the eastern boundary of the right of way of said Chicago, Rock Island and Pacific Company and continuing, in such northeasterly direction, across Elizabeth court, so that the easterly part of said track shall not be to exceed 44 feet east of the easterly right of way of said Chicago, Rock Island and Pacific Railroad Company's land, and the westerly one of which said tracks commences on the right of way of said Chicago, Rock Island and Pacific Railroad Company's land at a point about 150 feet north of 81st street, running thence north and northeasterly, crossing the alley directly east of and adjoining the right of way of said Chicago, Rock Island and Pacific Railroad Company, at a point about where the north line of Elizabeth court, if extended west, would strike said right of way of Chicago, Rock Island and Pacific Railroad Company, and thence northeasterly across said alley, in a northeasterly direction, to the lands owned and occupied by said Wolf Maize Mills Company; Provided, however, said Wolf Maize Mills Company shall first execute and deliver to the city of Chicago a bond, with good and sufficient sureties to be approved by the commissioner of public works, in the penal sum of ten thousand ($10,000) dollars, conditioned for the faithful performance by the said Wolf Maize Mills Company of all the provisions of this ordinance and for indemnifying and saving harmless the city of Chicago from all expenses, costs and damages it may sustain by reason of the construction, maintenance or operation of said track and of the exercise by said Wolf Maize Mills Company of the privileges herein granted; and provided, further, the privileges hereby conferred shall be exercised and enjoyed subject to all railroad or other ordinances now in force or which may hereafter be passed by the city council.

¶ 2. **Conditions governing track laying, etc.]** § 2. Said tracks shall be laid down and maintained under the direction of the commissioner of public works of the city of Chicago and in such manner as to interfere as little as possible with the use of said Elizabeth court and said alley, and the space between said tracks shall be planked so as to allow the free passage of teams and vehicles along and over the same at all times, and no locomotive or car shall be allowed to stand on said Elizabeth court, nor on said alley, nor shall any car be loaded or unloaded upon said court or alley, and if said Wolf Maize Mills Company shall violate any of the provisions of this ordinance, the commissioner of public works may, without notice to said Wolf Maize Mills Company, cause said tracks to be removed from said Elizabeth court and said alley, and said street and alley to be restored to their present condition, all at the expense of the said Wolf Maize Mills Company.

¶ 3. Expiration of grant—removal of tracks.] § 3. At the expiration of said ten years, or as much sooner as the city council shall order, the said Wolf Maize Mills Company shall cause said tracks to be removed, and in default thereof they shall be removed by the city of Chicago at the expense of said Wolf Maize Mills Company.

¶ 4. Acceptance.] § 4. This ordinance shall be in force and take effect when it shall have been accepted by said Wolf Maize Mills Company and said bonds filed and approved; Provided, said acceptance and bond be filed within thirty days from the passage hereof.

M. W. WOLF.

§ 846. M. W. Wolf.

¶ 1. Route—grant 20 years—repair of street, etc.—cars not to stand.
¶ 2. Acceptance.

An ordinance authorizing M. W. Wolf to lay down and operate a single side-track across Forty-third street and an alley. (Passed October 12, 1891. Accepted October 15, 1891.)

¶ 1. Route.—grant 20 years—repair of street, etc.—cars not to stand] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted to M. W. Wolf, his heirs and assigns, to lay down, maintain and operate, for a period of twenty years from the passage hereof, one private single side track commencing at a point in the east track of the Pittsburgh, Ft. Wayne and Chicago Railway, at a point a sufficient distance north of 43rd street so that, by a proper curve in a southeasterly direction, the said private track can be laid on and over the property owned and controlled by said Wolf, and being lots ten, eleven and thirteen in block seven in Jackson's subdivision of the north five chains of the southeast quarter of section four, township thirty-eight north, range fourteen east of the 3rd principal meridian, in Cook county, Illinois, and, for that purpose, to cross all intervening streets and alleys; being 43rd street and the alley west of said lot eleven and the alley between said lots ten and eleven and said lot thirteen; Provided, however, that privileges hereby granted shall be subject to all ordinances concerning railroads now in force or which may be passed hereafter, and that said Wolf and his grantees and assigns shall plank the said street and alleys between the tracks hereby authorized to be laid and keep the same in good repair under the direction of the proper city officers; no cars shall be permitted to stand upon the street nor shall any car be loaded or un-

loaded upon the street, occupied by said track, and the said track shall be laid down and maintained under the direction and supervision of the department of public works.

¶ 2. **Acceptance.**] § 2. This ordinance shall be in force and effect from and after its passage and acceptance by said Wolf; provided said acceptance be made within thirty days from the passage of this ordinance.

L. WOLFF MANUFACTURING COMPANY.

§ 847. L. Wolff Manufacturing company.

¶ 1. Route.
¶ 2. Conditions as to laying of track.
¶ 3. Bond.
¶ 4. Grant 10 years.
¶ 5. Reservation.
¶ 6. Expiration of term—track removal—restoration of alley.
¶ 7. Acceptance.

An ordinance authorizing the L. Wolff Manufacturing company to lay down and operate a single railroad switch track. (Passed July 16, 1891.)

¶ 1. **Route.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby granted to the L. Wolff Manufacturing Company, a corporation organized and existing under and by virtue of the laws of the state of Illinois, to lay down, construct, maintain and operate a single railroad switch track, from and connecting with the switch team track of the Chicago, St. Louis and Pittsburgh Railroad Company, situated in the Leavitt street yard of said railroad company, from a point on the south line of the north alley in block thirty-seven (37) of the Canal Trustees' subdivision in section seven (7), town thirty-nine (39) north, range fourteen (14) east of third P. M. about one hundred and thirty-two (132) feet east of the east line of Hoyne avenue, in the city of Chicago, thence northeasterly to the north line of said alley, at a point about one hundred and seventy (170) feet east of the east line of Hoyne avenue.

¶ 2. **Conditions as to laying of track.**] § 2. The said L. Wolff Manufacturing Company are hereby required, and this grant is made on the express condition that it shall so lay down and operate said track so that it shall interfere as little as possible in the use of said alley, and shall at all times keep said track in such condition as to allow the free use and easy passage of vehicles along and over the same, and shall keep so much of the said alley occupied by said track,

including a space of one foot on either side of same, in good condition and repair and in such condition as may be directed by the department of public works; and said track shall be laid and maintained under the direction and supervision of the department of public works, and in case said L. Wolff Manufacturing Company shall fail to keep the same in repair, or place said alley as aforesaid in such condition and repair as hereabove provided and the department of public works shall direct, then, the department of public works may repair the same or place the said alley aforesaid in proper repair, and the expense thereof shall be paid by said L. Wolff Manufacturing Company.

¶ **3. Bond.**] § 3. This permission is granted on the express condition that said L. Wolff Manufacturing Company shall keep and save harmless the city of Chicago from all damages, costs and expenses whatsoever arising out of this grant, and said L. Wolff Manufacturing Company shall, before laying this track, enter into bond with the city of Chicago in the penal sum of five thousand dollars, with one or more sureties to be approved by the mayor, conditioned to hold and save the city of Chicago harmless from all damages, costs or expenses whatsoever in consequence of the passage of this ordinance granting the privileges hereinbefore mentioned, and conditioned to fulfil, comply and abide by all the restriction and obligations imposed by said ordinance on the said L. Wolff Manufacturing Company.

¶ **4. Grant 10 years.**] § 4. The rights and privileges hereby granted shall cease and determine at the expiration of ten years from the passage thereof.

¶ **5. Reservation.**] § 5. This ordinance is, also, passed with the express reservation that it shall, at any time before the expiration of said ten years, be subject to modifications, amendment or repeal and in case of repeal the privileges hereby granted shall cease and determine.

¶ **6. Expiration of term—track removal—restoration of alley.**] § 6. In case of the expiration of this ordinance by lapse of time, or in case of repeal of this ordinance, said L. Wolff Manufacturing Company shall, at its own expense, cause said track to be removed and the part of said alley so occupied by said track, be placed in such repair and condition as the department of public works may require; and if said L. Wolff Manufacturing Company shall fail to so remove said track, and so restore said alley, as hereinabove provided, then the city of Chicago, by said department of public works, may remove the said track and restore the part of said alley, occupied by said track, to such condition as it may elect, at the expense and cost of said L. Wolff Manufacturing Company, which cost and expense of removing said track, and so restoring said alley, said L. Wolff Manufacturing Company, in accepting this ordinance, shall agree to pay on demand.

¶ **7. Acceptance.**] § 7. This ordinance shall be in force and

effect from and after its passage and acceptance by said L. Wolff Manufacturing Company and the filing of its bond as aforesaid, such acceptance and bond to be filed within thirty days after the passage thereof.

JOHN A. YALE AND OTHERS.

§ 848. John A. Yale and others.

¶ 1. Thirty-fifth street—bond.

An ordinance granting permission to John A. Yale and others to construct certain tracks. (Passed April 2, 1880.)

¶ 1. Thirty-fifth street—bond.] Be it ordained by the city council of the city of Chicago: § 1. That permission be, and is hereby granted to John A. Yale, his associates or assigns, to lay down, maintain and operate not exceeding two railroad tracks at right angles across Thirty-fifth street, at any point within five hundred feet west of the dock, as now built, on the west side of the river, in section 32, town 39 north, range fourteen (14) east, in the city of Chicago:

Provided, however, that said Yale, his associates or assigns, shall enter into bonds in the penal sum of five thousand dollars to the city of Chicago to be approved by the commissioner of public works, to hold and save the city harmless from all damages from the provisions of this act; and provided, further, that all privileges hereby granted shall be enjoyed subject to all ordinances now existing, or which may be hereafter passed, regarding or in any way concerning the tracks laid in conformity with this ordinance.

§ 849. John A. Yale and others.

¶ 1. Route—dedication of strip of land for street—bond—subject to all ordinances.

¶ 2. Conditions as to paving, etc.

An ordinance grant ng permission to John A. Yale and others to construct certain tracks. (Passed April 2, 1880.)

¶ 1. Route—dedication of strip of land for street—bond—subject to all ordinances.] Be it ordained by the city council of the city of Chicago: § 1. That permission be and is hereby granted to John A. Yale, James W. Oakley, George F. Bailey, Wahl Bros., John McCaffrey, and their associates and assigns, to lay down, maintain, and operate not exceeding two railroad tracks, with necessary turnouts and switches in, upon, and along the west half of Ullman street, as at present platted and laid out, from the city limits north to a point opposite the north line of Thirty-fourth court and also from the

south end of Fox street, as at present platted and laid out, north on and along said Fox street to Waterville street; and thence on and along Waterville street to the south line of Thirty-second street; thence across said Thirty-second street on and along Benson street to the south line of James avenue; thence northeasterly to the property or lots of John McCaffrey, and across the alley between Benson street and Pitney court, in rear of lots 59 to 67 inclusive, in Broad and Pitney's subdivision of 4 34-100 acres, in northeast corner of W. ½ of N.-W. ¼ of Sec. 32, T. 59, R. 14; and thence across Pitney court east at any point south of Thirty-first street:

Provided, however, and the foregoing grant and permission is upon the following conditions, viz.: That said parties above shall first, before laying down any track or tracks above, convey or obtain conveyance of, by good and sufficient deed, or by proper legal and statutory dedication to the city of Chicago, for the purposes of a street, a strip of land twenty-four feet wide, taken off from the land immediately east of and adjoining said Ullman street, as at present platted and laid out, from the city limits aforesaid, to a point opposite the south line of said Thirty-fourth court; And provided, further, that said parties shall enter into bonds in the penal sum of ten thousand dollars to the city of Chicago, to be approved by the commissioner of public works, to hold and save the city harmless from all damages from the provisions of this act; and provided, further, that all privileges hereby granted shall be enjoyed subject to all ordinances now existing, or which may be hereafter passed, regarding or in any way concerning the tracks laid in conformity with this ordinance.

¶ 2. **Conditions as to paving, etc.**] § 2. The privileges granted by this ordinance are upon the express condition that said parties above named, their heirs, executors or assigns, shall fill, grade and pave, macadamize or plank, as and when directed by the commissioner of public works or the city council, such portions of said streets as are used and occupied by said railroad tracks, and including a space on each side of tracks of five feet.

HERMAN M. ZAPEL.

§ 850. Herman M. Zapel.

¶ 1. Grant 10 years—Webster avenue (2 tracks)—bond—repair of street.
¶ 2. Subject to amendment, etc.—removal of track.
¶ 3. Acceptance.

An ordinance granting Herman M. Zapel privilege and authority to construct and operate a private switch. (Passed June 22, 1896. Accepted June 30, 1896.)

¶ 1. **Grant 10 years—Webster avenue (2 tracks)—bond—repair of street.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby granted to Herman M. Zapel, or his assigns, to construct, maintain and operate a private single railroad switch for a period of ten years, from and connecting with the track of the Chicago, Milwaukee and St. Paul Railroad Company, at a point near the intersection of south line of Webster avenue, produced east across said track; thence on a compound curve in a northwesterly direction across said Webster avenue to a point tangent to a line running west of and parallel with the westerly line of Dominick street; thence along said line in a northwesterly direction for about two hundred (200) feet on private property; also a single switch track for the same period commencing at a point of the Chicago, Milwaukee & St. Paul Company's track twenty (20) feet more or less south of north line of Webster avenue; thence in a straight line northwesterly to the rear of H. M. Zapel Stone Company's yard, north of Webster avenue and west of Dominick street, in accordance with plat hereto attached.

Provided, however, that said Herman M. Zapel shall, before laying any part of said track, enter into bond with the said city of Chicago in the penal sum of five thousand ($5,000) dollars, to be approved by the mayor, to hold and save the city of Chicago harmless from all damages caused by the passage of this ordinance.

Provided, further, that the privileges hereby granted shall be subject in all respects to all ordinances now in force or which may be hereafter passed concerning railroads and the elevation of railroad tracks, and that said Herman M. Zapel and his assigns shall keep so much of said Webster avenue as shall be occupied by said switch, in such condition and repair as may be directed by the department of public works.

And provided, further, that said switch shall be constructed and maintained under the direction and supervision of the department of public works.

¶ 2. **Subject to amendment, etc.—removal of track.**] § 2. This ordinance shall be subject to amendment or repeal at any time for failure to comply with any order of the department of public works concerning the proper construction and maintenance of said switch, and upon the expiration of this ordinance, said Herman M. Zapel, or his assigns, shall remove said switch after notice from the department of public works, and in case of failure or refusal to comply with said notice, then the city of Chicago may remove the same at the expense of said Herman M. Zapel, or his assigns.

¶ 3. **Acceptance.**] § 3. This ordinance shall be in force from and after its passage and acceptance by said Herman M. Zapel.

CHAPTER XVII.—TELEGRAPH AND TELEPHONE COMPANIES.

§ 851. American Telegraph & Telephone company.
§ 852. American Telegraph & Telephone company.
§ 853. Atlantic & Pacific Telegraph company.
§ 854. Baltimore & Ohio Railroad company.
§ 855. Baltimore & Ohio Telegraph company.
§ 856. Banker's & Merchant's Telegraph company.
§ 857. Bell Telephone company.
§ 858. Bell Telephone company.
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AMERICAN TELEGRAPH & TELEPHONE COMPANY.

§ 851. American Telegraph & Telephone company.

¶ 1. Grant—route.
¶ 2. Construction.
¶ 3. Restoration of streets.
¶ 4. Rights reserved—use of poles.
¶ 5. Subject to ordinances—indemnity.
¶ 6. Violations—penalty.
¶ 7. When in force—acceptance.

An ordinance authorizing the American Telegraph & Telephone company to erect telephone and telegraph poles in the village of Jefferson. (Passed January 9, 1889.)

¶ 1. **Grant—route.**] Be it ordained by the president and board of trustees of the village of Jefferson: § 1. That the American Telephone and Telegraph Company, of Illinois, is hereby authorized to erect telephone and telegraph poles and maintain and operate lines of telephone and telegraph thereon upon and along the following streets of the said village of Jefferson, Cook county, Illinois, namely: On the east side of the street known as Washington avenue (at the western limits of the village) from Irving Park boulevard to the south limits of said village; also on the north side of North avenue from said Washington avenue to Columbia avenue; also on Columbia avenue from North avenue to Waubansia avenue; also on Waubansia avenue from Columbia avenue to Crawford avenue; also on Crawford avenue from Waubansia avenue to North avenue.

¶ 2. **Construction.**] § 2. The whole manner of constructing said telephone and telegraph line as to position and otherwise, shall be as the president and board of trustees of said village shall direct.

¶ 3. **Restoration of streets.**] § 3. Said American Telephone and Telegraph Company when it shall open the ground to set said poles (or for any other purpose whatever) shall, without delay, restore the grounds, streets and pavements to a condition as good as before they opened them, and satisfactory to the superintendent of public works, or such other persons as the board of trustees may appoint.

¶ 4. **Rights reserved—use of poles.**] § 4. The village of Jefferson shall have the right to string and maintain wires on said poles for the use of the said village.

¶ 5. **Subject to ordinances—indemnity.**] § 5. The said American Telephone and Telegraph Company, its successors and assigns, shall be subject to all the general ordinances of the village of Jefferson in relation to telephone and telegraph companies, now in force, or which shall hereafter be in force in relation to the government of telephone and telegraph companies, and acceptance of this ordinance shall be deemed as an agreement and consent of and by said company, to save and keep harmless the said village of Jefferson from any and all claims for damages, of every nature and kind, growing out of any

act on the part of said company, its successors or assigns, or their agents or servants.

¶ 6. **Violations—penalty.**] § 6. A willful and continued failure on the part of said company to comply with the privileges of this ordinance, or the provisions of any such general ordinance as aforesaid, now in force, or which may hereafter be passed, shall work a forfeiture of the rights granted by this ordinance, in which event the board of trustees of said village may, by thirty days' notice, in writing, to the president of said company, require the poles and wires erected under the provisions hereof, to be taken down, and upon failure of said company to comply with the requirements of such notice, the said poles and wires may be removed at the expense of said company.

¶ 7. **When in force—acceptance.**] § 7. This ordinance shall take effect and be in force when, and as soon as said company shall file with the clerk of the village of Jefferson, its acceptance in writing of this ordinance, and if said company shall not file such acceptance with said clerk within sixty (60) days after the passage and approval of this ordinance, then this ordinance shall become and be void.

§ 852. American Telegraph & Telephone company.

¶ 1. Grant—route.
¶ 2. Additional routes.
¶ 3. Construction—supervision.
¶ 4. Rights reserved—location of poles.
¶ 5. Conditions of grant.
¶ 6. Subject to ordinances.
¶ 7. When in force—acceptance—bond.

An ordinance authorizing the American Telegraph & Telephone company to erect telegraph poles in the town of Lake. (Passed February 12, 1889. Accepted March 5, 1889. Bond filed February 26, 1889, and approved March 5, 1889.)

¶ 1. **Grant—route.**] Be it ordained by the board of trustees of the town of Lake: § 1. That permission and authority be and the same are hereby granted to the American Telephone and Telegraph Company, a corporation of the state of Illinois, to erect and maintain a line of telephone poles and string and maintain wires thereon on the following named streets in the town of Lake, viz.:

On Johnson or Kedzie avenue from the north line of said town to the south line thereof.

On Forty-seventh street from Halsted street to the west line of said town; and

On Reese avenue from Forty-seventh street to the north line of said town.

¶ 2. **Additional routes.**] § 2. If at any time hereafter the said American Telephone and Telegraph Company shall desire to construct and maintain additional lines of poles and wires upon any streets or alleys in said town not specified in section 1 herein, it shall apply

to the board of trustees for permission so to do, and if authorized, such additional lines shall in all respects be considered as erected under this ordinance.

¶ 3. **Construction—supervision.**] § 3. The poles hereby authorized to be erected, and the whole manner of constructing said telephone lines as to the length, size and kind, and position of the poles, and the manner of stringing wires thereon, shall be under the supervision and to the satisfaction of the superintendent of the department of public works of said town.

¶ 4. **Rights reserved—location of poles.**] § 4. In case any pole or poles erected under the authority of this ordinance should interfere with the public use of said streets, the board of trustees of said town may require the change of location of any such pole or poles, the said American Telephone and Telegraph Company shall make such change of location at its own expense upon notification so to do by the superintendent of the department of public works.

¶ 5. **Conditions of grant.**] § 5. In consideration of the franchise herein granted, the said American Telephone and Telegraph Company shall furnish free of cost to said town the upper top ten (10) pin cross arm upon each and every pole erected upon the streets of said town, and said town shall have the exclusive right to attach to said cross arm such wires as may be necessary for the police and fire departments of said town.

¶ 6. **Subject to ordinances.**] § 6. The said American Telephone and Telegraph Company shall abide by and be subject to all general ordinances of the town of Lake which are now, or may hereafter be in force, concerning similar corporations.

¶ 7. **When in force—acceptance—bond.**] § 7. This ordinance shall not be in force until its written acceptance by the said American Telephone and Telegraph Company and until a bond in the penal sum of $10,000 shall have been filed with the clerk of the said town of Lake conditioned to indemnify and save harmless the said town against and from any and all damages or claims for damages, judgments, decrees, costs and expenses of the same which said town of Lake may suffer or which may be recovered or obtained against the said town, for or by reason of, the granting of the rights and privileges in this ordinance contained, or for or by reason of or growing out of or resulting from the passage of this ordinance, or from any act or acts of the said company under or by virtue of the authority herein granted, or the failure, refusal or neglect, of said company to perform each and every of the said conditions upon which this ordinance is granted; and it is hereby further provided, that upon the recovery of any such final judgment or decree against said town as aforesaid, said company shall immediately and without prior payment of such judgment or decree by said town, be liable to pay and shall pay the amount or amounts thereof to said town, and the fact that said town may not have paid such judgment or decree shall consti-

tute no defense on the part of said company; and it is further hereby expressly provided that in case of the failure on the part of the said American Telephone and Telegraph Company to perform any of the conditions or provisions of this ordinance, the said town of Lake shall not be limited to an action upon the bond of said company, but may proceed at once against the said company in any suit or action at law or in equity which it may deem advisable or necessary for the recovery of any money, damages or costs which it may have sustained or paid by reason of such breach or failure.

ATLANTIC & PACIFIC TELEGRAPH COMPANY.

§ 853. Atlantic & Pacific Telegraph company.

¶ 1. Grant—route.
¶ 2. Additional routes.
¶ 3. Location, etc., of poles.
¶ 4. Subject to ordinances.
¶ 5. Expiration of grant.

An ordinance authorizing the Atlantic & Pacific Telegraph company to erect telegraph poles in the city of Chicago. (Passed May 18, 1868.)

¶ 1. **Grant—route.**] Be it ordained by the common council of the city of Chicago: § 1. That the Atlantic and Pacific Telegraph Company is hereby authorized to erect telegraph poles in the city of Chicago, as hereinafter specified, and to construct or maintain a line or lines of telegraph in connection with the same, viz.: On the north side of Egan avenue, from State street to Wentworth avenue; on the west side of Wentworth avenue, from Egan avenue to Seventeenth street; on the north side of Seventeenth street, from Wentworth avenue to State street; on the west side of State street, from Seventeenth street to Washington street; on the south side of Washington street, from State street to La Salle street. The telegraph poles erected along the streets specified in this section, and which will be north of Thirty-first street, shall be planed and painted.

¶ 2. **Additional routes.**] § 2. Authority is also hereby given to said company to erect telegraph poles and to maintain a line or lines of telegraph thereon, on the north side of Egan avenue, from Wentworth avenue to Western avenue, and on the east side of Western avenue, from Egan avenue to West Fullerton avenue.

¶ 3. **Location, etc., of poles.**] § 3. The poles hereby authorized to be erected shall be placed at the edge or curb of the sidewalk, and the whole manner of constructing said telegraph lines, as to the length of the poles, their position, and otherwise, shall be as the board of public works shall direct.

¶ 4. **Subject to ordinances.**] § 4. All the proceedings of said telegraph company, under this ordinance, shall be subject to any ordinance relative to the same which may hereafter be passed by the common council of the city of Chicago.

¶ 5. **Expiration of grant.**] § 5. The grants and privileges herein conferred shall expire and determine twenty years from the date of the passage hereof.

BALTIMORE & OHIO RAILROAD COMPANY.

§ 854. Baltimore & Ohio Railroad company.

¶ 1. Grant—conditions.

An ordinance concerning the telegraph line of the Baltimore & Ohio Railroad company. (Passed October 27, 1879.)

¶ 1. **Grant—conditions.**] Be it ordained by the city council of the city of Chicago: § 1. That the Baltimore and Ohio Railroad Company is hereby authorized to construct and maintain a line or lines of telegraph through the streets of the city of Chicago; the line or lines to be constructed along such streets, and in such manner as to the kind and position of the telegraph poles, the height of the wires above the streets, and in all other particulars, as the department of public works may direct; Provided, however, that all the doings of said company under this ordinance shall be subject to any ordinance which may hereafter be passed by the council concerning the same.

BALTIMORE & OHIO TELEGRAPH COMPANY.

§ 855. Baltimore & Ohio Telegraph company.

¶ 1. Grant—route—conditions.

An ordinance authorizing the Baltimore & Ohio Telegraph company to construct and maintain a line of telegraph in the village of Hyde Park. (Passed and approved April 5, 1884.)

¶ 1. **Grant—route—conditions.**] Be it ordained by the president and board of trustees of the village of Hyde Park: That permission be and is hereby granted to the Baltimore and Ohio Telegraph Company, and it is hereby authorized to construct and maintain a line of telegraph through the following streets of the said village of

Hyde Park, Cook county, Illinois, namely: That part of Madison avenue lying between the north line of Seventieth street and the south line of Seventy-sixth street lying between the east line of said Madison avenue and the right of way of the New York, Chicago and St. Louis Railway Company.

The line to be constructed along said streets in such a manner as to the kind, position and height of the telegraph poles, the height of the wires above the streets, and in all other particulars as may direct.

The said village of Hyde Park having and reserving the right to use exclusively the top arm and wires thereon, set apart for its use, on any or all of the poles which may be set and used by said telegraph company upon its aforesaid line, for any of its police and fire alarm wires, and continue to use the same for that purpose so long as said line shall be maintained and operated by said company. The aforesaid right and privileges being consented to and granted by said telegraph company in its petition for this ordinance.

The privileges hereby granted are upon the further express condition, that said telegraph company shall be subject to all general ordinances now in force, or which may hereafter be passed, concerning telegraph lines, and a willful and continued failure on the part of said company to comply with the privileges of this ordinance, or the provisions of any such general ordinance now in force, or which may hereafter be passed, shall work a forfeiture of the rights granted by this ordinance, in which event the trustees of said village may, by thirty days' notice in writing to the general superintendent of the telegraph company, require the poles and wires erected under the provisions hereof to be taken down, and upon failure of said company to comply with the requirements of such notice the said poles and wires may be removed at the expense of the said company.

BANKER'S & MERCHANT'S TELEGRAPH COMPANY.

§ 856. Banker's & Merchant's Telegraph company.

¶ 1. Grant—route.
¶ 2. Location of poles—right of removal.
¶ 3. Rights reserved—use of poles.
¶ 4. Indemnity clause.
¶ 5. When in force.

An ordinance authorizing the Banker's & Merchant's Telegraph company to construct and maintain telegraph lines in the village of Jefferson. (Passed June 7, 1884.)

¶ 1. Grant—route.] Be it ordained by the president and board of trustees of the village of Jefferson: § 1. The Banker's and Merchant's Telegraph Company shall be permitted to construct

and maintain telegraph lines along Wilson and Clybourn avenues from the south limits of said village, being an extension of Fortieth street in the town of Cicero, commencing at Forty-eighth street in said Cicero, thence east along the south bounds of Jefferson to Wilson avenue, thence along said Wilson avenue and Clybourn avenue to Montrose boulevard, thence east along said boulevard to the east bounds of said village so as to connect with the Graceland road in the town of Lake View; also along Lincoln avenue from the east bounds to the north bounds of said village of Jefferson, and for that purpose erect and maintain the necessary telegraph poles or posts on the routes aforesaid.

¶ **2. Location of poles—right of removal.**] § 2. All telegraph poles or posts shall be placed at such distance from the bounds of the streets in the foregoing section named, as the said board of trustees shall order and direct, and the said board of trustees reserves the right to remove or change the location of said poles or posts, at the cost and expense of said telegraph company, at any time, after giving said company reasonable notice thereof, and said poles or posts and telegraph lines shall be so constructed as not to interfere in any manner with the free and unobstructed use of the streets along which the same shall be located, or with the shade trees on said streets.

¶ **3. Rights reserved—use of poles.**] § 3. The permission, authority, right or privileges hereby and herein granted are upon the express condition that said village shall have the right, free of cost or expense, to maintain or connect with one or two of the telegraph wires of said company a telephone or other wire for fire alarm, police or other public purposes to and from the town hall, and all police stations in said village of Jefferson.

¶ **4. Indemnity clause.**] § 4. The said telegraph company shall forever indemnify and save harmless the said village of Jefferson from all claims, demands, damages, costs, charges and liabilities caused by or arising from the construction, erection or operating said telegraph lines, poles or posts.

¶ **5. When in force.**] § 5. This ordinance shall be in force from and after its passage.

BELL TELEPHONE COMPANY.

§ 857. Bell Telephone company.

¶ 1. Grant—conditions.

An ordinance authorizing the Bell Telephone company to construct and maintain lines of telegraph. (Passed September 9, 1878.)

¶ 1. **Grant—conditions.**] Be it ordained by the city council of the city of Chicago: § 1. That the Bell Telephone Company, of Boston, Massachusetts, is hereby authorized to construct and maintain a line or lines of telegraph through the streets and tunnels, and under the bed of the Chicago river and its branches, so as in nowise to interfere now, or hereafter, with the navigation of said river, or its branches; the line or lines to be constructed along such streets, and across the river, or branches, at such points, and in such manner, as to the kind and position of the telegraph poles, the height of the wires above the streets, and in all other particulars as the department of public works may direct; Provided, however, that the said company shall connect their wires with the mayor's office, the department of public works, the fire department, and the police department, and place and keep telephones therein free of charge to the city, so that the said telephones may be used in connection with all wires under the control of said company; and provided, further, that all the acts and doings of said company under this ordinance shall be subject to any ordinance that may hereafter be passed by the city council concerning the same.

Note.—See following repealing ordinance.

§ 858. Bell Telephone company.

¶ 1. Repealing foregoing ordinance.

An ordinance repealing an ordinance passed September 9, 1878, authorizing the Bell Telephone company to construct and maintain lines of telegraph. (Passed January 4, 1889.)

¶ 1. **Repealing foregoing ordinance.**] Be it ordained by the city council of the city of Chicago: § 1. That an ordinance passed September 9th, 1878, being an ordinance authorizing the Bell Telephone Company, of Boston, Massachusetts, to construct and maintain lines of telegraph in the city of Chicago, be and the same is hereby repealed.

§ 2. This ordinance shall take effect and be in force from and after its passage.

BOARD OF TRADE TELEGRAPH COMPANY.

§ 859. Board of Trade Telegraph company.

¶ 1. Grant—route.
¶ 2. Rights reserved—use of poles.
¶ 3. Indemnity clause.
¶ 4. Rights forfeited, when.
¶ 5. Removal of poles.
¶ 6. When in force—acceptance.

An ordinance granting permission to the Board of Trade Telegraph company to erect telegraph lines in the town of Lake. (Passed October 20, 1882. Accepted October 20, 1882.)

¶ 1. **Grant—route.**] Be it ordained by the board of trustees of the town of Lake: § 1. That permission and authority is hereby granted to the Board of Trade Telegraph Company of Chicago, for the period of ten years from this date, to erect, construct, maintain and securely brace and guy one line of telegraph poles with cross arms and wires strung thereon, for supporting the insulators, wires and other necessary fixtures of such line in such manner and at such points as the superintendent of public works of the town of Lake may direct, in, along and upon the following streets and alleys within the town of Lake, to wit: Commencing at a point in the west line of of said town of Lake, at its intersection with the Archer road or avenue, so called, thence northeasterly along the southeast side of said Archer avenue, to its intersection with Forty-seventh street; thence east along the south side of Forty-seventh street to its intersection with School street; thence north along the west side of School street to its intersection with Forty-third street; thence across Forty-third street to Buddan street; thence north along the west side of Buddan street to its intersection with Root street, and continuing along the west side of Buddan street to the alley between Fortieth street and Root street; thence across alley to and along the west side of Hopkins or Portland avenue to the intersection of Thirty-ninth street; thence east along the south side of Thirty-ninth street to the west side of State street.

¶ 2. **Rights reserved—use of poles.**] § 2. This permission and authority is granted upon the express condition and consideration that the said telegraph company shall, at its own expense, string two number nine wires on the top cross bar of each pole on said telegraph line, from the west line of Archer avenue to its terminal point on the west line of State street, and shall, during the continuance of this ordinance, maintain said wires, keeping the same in repair at its own expense, but for the exclusive use of said town of Lake; said top cross bar to be for the exclusive use of the town of Lake, to have four pins, and to be placed three feet above the next lower cross bar.

¶ 3. **Indemnity clause.**] § 3. The permission and authority hereby granted are upon the further express condition that the said telegraph company shall and will forever indemnify and save harmless the town of Lake against any and from all damages, judgments, decrees and costs and expenses of the same which it may suffer, or which may be recovered or obtained against said town, for or by reason of the granting of said privileges and authority, and for or by reason of, or growing out of, and resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise, by said company, of the privileges hereby granted, or from any act or acts of the said company, under or by virtue of the provisions of this ordinance

¶ 4. **Rights forfeited, when.**] § 4. The permission and authority hereby granted are upon the further express condition that in case of a transfer of the telegraph line herein provided for, or of a sale or lease by the said Board of Trade Telegraph Company, of its property or franchise, to any other corporation whatever, or in case the title to said property should become changed by the operation of law, then and from thenceforth the rights and privileges granted by this ordinance shall cease and determine, and the town of Lake shall have the right to remove the poles and wires which may be erected or strung under this ordinance, from the streets and alleys of said town.

¶ 5. **Removal of poles.**] § 5. The permission and authority hereby granted are upon the further express condition that whenever the public convenience, in the judgment of the board of trustees of the town of Lake, may require that any of the telegraph poles, which may be erected under this ordinance, should be removed to some other location, to be designated by said board of trustees, the said telegraph company shall, within ten days after written notice to any officer of said company, cause said change to be made at the expense of said telegraph company, and in case of the failure so to do, the board of trustees of the town of Lake may, at the cost of the company, remove the poles so ordered to be removed, without erecting others in their stead.

¶ 6. **When in force—acceptance.**] § 6. This ordinance shall not be in force until the written acceptance thereof by the said Board of Trade Telegraph Company of Chicago shall be filed with the town clerk of the town of Lake, which acceptance must be filed within fifteen days from this date.

CHICAGO & MILWAUKEE TELEGRAPH COMPANY.

§ 860. Chicago & Milwaukee Telegraph company.

¶ 1. Right to erect telegraph poles, etc.

An agreement between J. N. Hills, supervisor of the town of Lake View and C. G. Sholes, superintendent of the Chicago & Milwaukee Telegraph company, for rights, etc.

¶ 1. **Right to erect telegraph poles, etc.**] Chicago, July 3rd, 1878. For and in consideration of the granting of right of way through the town of Lake View by said town of Lake View, the Chicago and Milwaukee Telegraph Company hereby gives to said town the perpetual right and privilege to erect and maintain on their poles in said town of Lake View such telegraph or fire alarm wires as said town may choose to put up, for town purposes.

And the board of trustees, by these presents, gives to the Chicago

and Milwaukee Telegraph Company the right to erect and maintain a telegraph line through the town of Lake View, on the following lines and conditions, viz.: Beginning at the intersection of Fullerton avenue and Southport avenue, thence north on Southport avenue to Lincoln avenue, thence northwesterly on Lincoln avenue to Ashland avenue; thence north on Ashland avenue to Leland avenue, thence east on Leland avenue to the Green Bay road, and thence on the Green Bay road north to the northern limits of said town. Said line to be constructed as follows, to-wit: The poles to be of the uniform height of twenty-five feet above the surface of the ground, and erected in a straight line on all streets south of Leland avenue, and at ten feet from the side of those streets; and the poles and wires to be put up in a workmanlike manner and without damage to shade trees and foliage more than is absolutely necessary to leave the wires free from contact at all times.

Witness our hands and seals the day and year above written.

JOHN N. HILLS. [Seal.]
Supervisor of Lake View.
C. G. SHOLES. [L. S.]
Supt. of C. & M. Tel. Co.

Witness: C. W. GULICK.

CHICAGO TELEPHONE COMPANY.

§ 861. Chicago Telephone company.

¶ 1. Grant—route.
¶ 2. Location of poles—construction.
¶ 3. Rights reserved—use of poles, etc.
¶ 4. Use of poles by others—indemnity.
¶ 5. Subject to ordinances—wires underground.
¶ 6. Period of grant.
¶ 7. When in force—acceptance.

An ordinance authorizing the Chicago Telephone company to erect poles for telephone wires in the town of Lake. (Passed November 18, 1881. Accepted December 2, 1881.)

¶ 1. **Grant—route.**] Be it ordained by the board of trustees of the town of Lake: § 1. That the Chicago Telephone Company is hereby authorized to erect telephone poles in the town of Lake as hereinafter specified, and to construct and maintain a line or lines of telephone wire in connection with the same, viz.: On the north side of Root street from State street to Halsted street, and on the north side of Forty-third street from Halsted street to the tracks of the Chicago and Western Indiana Railroad Company.

¶ 2. **Location of poles—construction.**] § 2. The poles hereby authorized to be erected shall be placed at the edge or curb of the sidewalk, and the whole manner of constructing said telephone lines as to length of the poles, their size and kind, their positions on the streets named herein, and otherwise, shall be as the board of trustees of the town of Lake shall direct.

¶ 3. **Rights reserved—use of poles, etc.**] § 3. The town of Lake shall have the right to place its wires for fire alarm and police purposes upon any or all of the poles which may be erected along any of the streets specified in this ordinance, and where any of its said wires are now strung upon poles erected along any of said streets, the same shall be transferred by the said Chicago Telephone Company to the poles which it may erect along said streets, under the authority of this ordinance, without expense to the town for such transferring; and the said telephone company shall furnish and string, free of cost to the town of Lake, two number nine wires on said poles along Root street from State street to the town hall.

¶ 4. **Use of poles by others—indemnity.**] § 4. The authority hereby granted is upon the express condition that the Packers' Telegraph Company shall have the right to string, for its purposes, one wire, and operate the same upon said poles on Root street from Halsted street to State street, and that the said telephone company shall indemnify and hold the town harmless from any and all damages and expense to which it may be subjected by reason of the passage of this ordinance, and against all damages which may result to shade trees, and from the falling of its poles and wires along either of said streets specified in this ordinance.

¶ 5. **Subject to ordinances—wires underground.**] § 5. All the proceedings of said telephone company under this ordinance shall be subject to any ordinance relative to the same which may hereafter be passed by the board of trustees of the town of Lake, or its successors in corporate authority, and subject to any ordinance which may hereafter be passed by the board of trustees of the town of Lake or its successors in corporate authority relative to placing telegraph or telephone lines or wire or electric conductors used and operated within the corporate limits of said town of Lake, under the streets of said town, and all regulations relative thereto which may be hereafter prescribed by such ordinance.

¶ 6. **Period of grant.**] § 6. The grants and privileges herein conferred shall not extend beyond the period of five years from the passage of this ordinance without the further consent of said board of trustees or its successors in corporate authority, and the poles and lines mentioned in this ordinance shall be placed in position within thirty days from the passage of this ordinance.

¶ 7. **When in force—acceptance.**] § 7. The provisions of this ordinance shall extend to and be binding upon all the grantees, lessees or purchasers deriving title through or under the grantees of this ordinance, and this ordinance shall not be in force until a written

acceptance thereof by said company, signed by its proper officer and its corporate seal affixed thereto and properly attached is filed with the town clerk of the town of Lake, said acceptance to be filed within ten days after the passage of this ordinance.

§ 862. Chicago Telephone company.

¶ 1. Grant—term—route.
¶ 2. Powers reserved in council.
¶ 3. Charges.
¶ 4. When in force.

An ordinance to authorize the erection of poles and wires and the maintenance of systems of telephones or a telephone exchange in the town of Cicero, Cook county, Ill. (Passed July 8, 1882.)

¶ 1. Grant—term—route.] Be it ordained by the board of trustees of the town of Cicero, Illinois: § 1. That the Chicago Telephone Company, its successors and assigns, be and they are hereby granted the right of way through, in and upon Fortieth street, from North avenue to Chicago avenue; thence west on Chicago avenue to Harlem avenue, the west township line, for the term of ten years, and upon such other public highways and alleys within the limits of said town of Cicero as the board of trustees may hereafter designate, to erect and maintain the necessary poles and wires to successfully operate and use a system of telephones, or a telephone exchange, in and through the said town of Cicero, provided the said Chicago Telephone Company shall so place said poles as not to interfere with the travel on said highways and alleys, or to interfere with or injure any trees on said streets.

¶ 2. Powers reserved in council.] § 2. The streets and other places, not mentioned herein, used for the erection of said poles and wires, shall be designated by the trustees by ordinance, and it is expressly provided that said town of Cicero may at any time during the privileges granted herein, make such changes or alterations in the location of said poles and wires over such streets and alleys as it may deem proper, provided such changes or alterations do not interfere with the proper use of said poles or wires.

¶ 3. Charges.] § 3. That the Chicago Telephone Company shall maintain public telephones for the use and accommodation of the inhabitants of said town of Cicero, whenever it is practicable so to do, at such places as the board of trustees shall hereafter direct, and shall establish reasonable rates and charges for the use thereof.

¶ 4. When in force.] § 4. This ordinance to be in full force and effect from and after its passage.

§ 863. Chicago Telephone company.

¶ 1. Grant—conditions.
¶ 2. Rights reserved—use of lines.
¶ 3. Indemnity clause.
¶ 4. When in force.

An ordinance authorizing the Chicago Telephone company to erect and maintain a system of telephone lines in the village of Jefferson. (Passed July 8, 1882. Approved July 10, 1882.)

¶ 1. **Grant—conditions.**] Be it ordained by the president and board of trustees of the village of Jefferson: § 1. The Chicago Telephone Company shall be permitted to construct and maintain a system of telephone lines upon the streets, avenues, roads and alleys of the village of Jefferson, in the county and state aforesaid, and for such purpose to erect and maintain all necessary poles or posts of wood, iron or other suitable material; Provided, however, and the grant, privilege, authority and permission is hereby given solely upon condition that said poles or posts shall be placed at such distance from the sides or bounds of the streets, avenues, roads and alleys aforesaid as the said board of trustees shall direct, and the said board reserving the right at any time to move or change the said poles or posts at said company's expense on giving said company reasonable notice thereof; and provided, further, and the said grant, privilege, authority and permission is upon the further condition that the said poles or posts and telephone lines shall be constructed so as not to interfere in any manner with the free and unobstructed use of the said streets, avenues, roads and alleys.

¶ 2. **Rights reserved—use of lines.**] § 2. The permission, privilege and rights hereby granted are upon the express condition that the said village of Jefferson shall have the free use of the telephone lines along any of its routes, so far as the same can from time to time be conveniently connected with the town hall or any of the police stations where the public business of said village is transacted and for the use of such public business only.

¶ 3. **Indemnity clause.**] § 3. The said Chicago Telephone Company shall be responsible and indemnify and save harmless the said village of Jefferson of and from all claims, demands, suits, actions, damages and loss caused by or growing out of the erection, construction or maintenance of said poles, posts or telephone lines.

¶ 4. **When in force.**] § 4. This ordinance shall be in force from and after its passage.

§ 864. Chicago Telephone company.

¶ 1. Grant—conditions.

An ordinance authorizing the Chicago Telephone company to erect poles and wires in the village of Hyde Park. (Passed and approved August 3, 1882.)

¶ 1. **Grant—conditions.**] Be it ordained by the president and board of trustees of the village of Hyde Park: § 1. That the Chicago Telephone Company, its successors and assigns, be and they are hereby granted the right to erect and maintain, upon and along the streets and alleys of said village, lines of poles and wires, the location and manner of construction of said poles and wires to be subject to the approval of board of trustees of the village of Hyde Park: Pro-

vided, that in consideration hereof, the said telephone company shall proceed to rebuild and place upon its own poles the existing police and fire alarm wires of said village, reserving sufficient space upon the top of its poles to carry such wires as may from time to time be required by the village, the village to furnish wire and insulators, the telephone company thereafter to maintain said poles and lines in good repair, the village to furnish wires and insulators for renewals when needed; and further, provided, that the telephone company, its successors and assigns, shall furnish the village hall with an exchange telephone, connected with the Chicago exchange, free of charge, and shall also furnish the village with telephones, Edison transmitter, for use upon municipal private lines, for municipal purposes, at the rate of seven dollars and a half per annum rental for each telephone, and for each Edison transmitter so furnished. This ordinance shall be in force from and after its passage.

§ 865. Chicago Telephone company.

¶ 1. Grant.
¶ 2. Additional lines.
¶ 3. Conditions—use of poles, etc.
¶ 4. Construction—supervision.
¶ 5. Indemnity clause.
¶ 6. Route.
¶ 7. Rights reserved—location of poles.
¶ 8. Rights reserved—wires underground.
¶ 9. When in force—acceptance.
¶ 10. Subject to ordinances.
¶ 11. Former ordinances repealed.

An ordinance granting permission to the Chicago Telephone company to erect telephone lines in the town of Lake. (Passed May 28, 1883. Accepted June 4, 1883.)

¶ 1. **Grant.**] Be it ordained by the board of trustees of the town of Lake: § 1. That the Chicago Telephone Company, a corporation of Illinois, is hereby authorized to construct and maintain lines of poles and wires upon and across the streets and alleys of said town, specified in section 6 of this ordinance.

¶ 2. **Additional lines.**] § 2. If at any time the said telephone company shall desire to construct and maintain additional lines of poles and wires upon any streets or alleys not specified in the said section 6, it shall apply to said board for authority so to do, and if authorized, such additional lines shall in all respects be considered as erected under this ordinance.

¶ 3. **Conditions—use of poles, etc.**] § 3. In consideration of the grants and franchises hereinbefore contained, the said telephone company shall furnish, rent free, such space upon the top of all poles erected or rebuilt hereunder as may, from time to time, be necessary to carry the police and fire alarm wires of said town. It shall furnish, rent free, an exchange telephone at the town hall, connected with the

Chicago exchange; it shall furnish said town with telephones for use upon its municipal private lines, for its municipal business only, at an annual rental of seven dollars and fifty cents ($7.50) for each telephone (a telephone and a transmitter or "set" to count as two telephones), and it shall furnish said town at cost with labor and material for construction or repairs of poles or wires belonging to the town, if requested.

¶ 4. **Construction—supervision.**] § 4. The said telephone company, in constructing lines now or hereafter authorized by the board of trustees, shall act under the general supervision of the superintendent of public works, or his authorized representatives. It shall, as far as possible, utilize the existing lines of fire and police alarm telegraph poles belonging to the town, rebuilding them when necessary; such rebuilt lines to belong to the said telephone company, but subject in all respects to the provisions of this ordinance.

¶ 5. **Indemnity clause.**] § 5. The said telephone company shall indemnify and save harmless the said town from any costs or damages recovered in any suit brought against said town, by reason of said telephone company's use or occupancy of the streets and alleys hereunder; provided said town shall notify said telephone company in writing, of the institution of any such suit, a reasonable time before the trial thereof.

¶ 6. **Route.**] § 6. The streets and alleys referred to in section 1 of this ordinance are as follows:

North side of Root street, from Halsted street to State street; north side of Forty-third street, from stock yards to Stewart avenue; south side of Forty-seventh street, from Halsted street to Wentworth avenue; east side of Ashland avenue, from Thirty-ninth street to Forty-fifth street. The lines on the foregoing streets are already built.

East side of School street, from Root street to Forty-seventh street; south side of Forty-seventh street, from School street to Wentworth avenue; west side of Wallace street, from Thirty-ninth street to Root street; east side of Wright street, from Sixty-eighth street to Seventy-fifth street; south side of Chestnut street from Wentworth avenue to Stewart avenue; south side of Fifty-ninth street, from Wentworth avenue to State street. These lines are not yet built.

¶ 7. **Rights reserved—location of poles.**] § 7. In case in the discretion of the board of trustees of said town public convenience shall require the change of location of any poles erected hereunder, the said telephone company shall make such change at its own expense upon notification so to do by the superintendent of public works.

¶ 8. **Rights reserved—wires underground.**] § 8. At any time, aften ten years from the date hereof, the said board, for itself and its successors, reserves the right to order said telephone company to place its wires under ground provided that said order shall be en-

forced equally and alike against all other corporations, public or private, and against all individuals at that time maintaining wires in the public streets or alleys without favor or discrimination.

¶ 9. **When in force—acceptance.**] § 9. This ordinance shall be in force from and after its passage and its written acceptance by said company, filed with the town clerkk, and shall be binding on the successors and assigns of said telephone company.

¶ 10. **Subject to ordinances.**] § 10. The Chicago Telephone Company shall abide by and be subject to all general ordinances which may hereafter be adopted by the town, not in conflict herewith, and adopted as police regulations governing telephone companies within the town.

¶ 11. **Former ordinances repealed.**] § 11. All former ordinances granted to said telephone company are hereby repealed.

§ 866. Chicago Telephone company.

¶ 1. Grant—route.
¶ 2. Construction—conditions.
¶ 3. Supervision, etc., by authorities.
¶ 4. When in force—acceptance.

An ordinance authorizing the Chicago Telephone company to erect and maintain telegraph poles and wires in the village of Washington Heights. (Passed February 4, 1884. Accepted March 17, 1884.)

¶ 1. **Grant—route.**] Be it ordained by the president and board of trustees of the village of Washington Heights: § 1. That the Chicago Telephone Company, a corporation of the state of Illinois, and its assigns, be and is hereby authorized to erect and maintain necessary poles, and the attachment of wires thereto along and upon the south side of Grove street from Halsted street west to Church street, and upon the west side of Church street from Grove street south to the village limits, and on the west side of Hilliard avenue from Grove street north to Tracy avenue, with branches on the south side of said Tracy avenue running 40 feet east and 400 feet west from Hilliard avenue in said village.

¶ 2. **Construction—conditions.**] § 2. That the poles so to be erected shall be painted with two coats of mineral paint, and shall be set so as not to come within any drain, ditch or channel for the passage of water, or in any way to interfere with the drainage of the village; and further, that none of the poles or wires, so to be erected along any highway above mentioned, shall interfere with travel along the same, or along the sidewalks, crosswalks, cross-streets, alleyways or private entry-ways connected with any such highway.

¶ 3. **Supervision, etc., by authorities.**] § 3. That said telephone company is hereby required to make any alterations in the location or erection of any such poles, and also the height of the wires, which may hereafter be directed by the proper authorities of said village, upon proper notice being given to said company or its agent; and

further, that the committee on streets and highways of the board of trustees of said village shall have power to direct the erection of said poles and see that the provisions of this ordinance are complied with.

¶ 4. **When in force—acceptance.**] § 4. This ordinance shall take effect and be in force upon the filing, by said company, with the village clerk, a proper acceptance in writing, obligating itself to abide and be governed by the provisions of this ordinance and consent.

§ 867. Chicago Telephone company.

¶ 1. Grant—conditions.
¶ 2. When in force.

An ordinance granting to the Chicago Telephone company authority to erect and maintain telephone poles and lines in the public streets and alleys of the village of Jefferson. (Passed and approved March 14, 1885.)

¶ 1. **Grant—conditions.**] § 1. Be it ordained by the president and board of trustees of the village of Jefferson, that the Chicago Telephone Company, a corporation of Illinois, be and is hereby authorized to erect and maintain lines of poles and wires upon and across the public streets and alleys within the corporate limits of said village:

Provided, first: That the location and manner of construction of said lines shall be subject to the approval of the said board of trustees, or its duly authorized agent.

Provided second: That in consideration of the foregoing grant, the said telephone company shall furnish and maintain private wires and telephone apparatus for municipal purposes at the following special rates: For each set of instruments $25.00 per annum, for each mile of wire $10.00 per annum. That it shall furnish and maintain public telephones at Irving Park and Jefferson, commonly called Plank Road station, and at such other points as may prove reasonably remunerative to said company, and one at police station in section 36. That it shall furnish the free use of its "public toll station" for the official business of the executive officers of the said village, and hereafter if any general telephone facilities not herein specified shall be required by said village, said telephone company shall furnish same at 25 per cent reduction from its usual rates.

Provided third: That said telephone company shall perform any construction within its line of business which may be required by the said village, charging actual cost therefor.

¶ 2. **When in force.**] § 2. This ordinance shall be enforced from and after its passage.

§ 868. Chicago Telephone company.

¶ 1. Grant—route—charges.
¶ 2. Reservation of rights.
¶ 3. When in force.

An ordinance granting to the Chicago Telephone company license to maintain telephone poles and lines in certain of the public streets and alleys of the town of Cicero. (Passed May 9, 1885.)

¶ 1. Grant—route—charges.] Be it ordained by the board of trustees of the town of Cicero in meeting assembled: § 1. That the Chicago Telephone Company, a corporation duly organized and doing business under and by virtue of the laws of the state of Illinois, be and the same is hereby licensed to erect and maintain poles and wires upon and across the public streets and alleys hereinafter mentioned in said town of Cicero:

That is to say, on Fortieth (40th) street from North avenue to Chicago avenue; on Chicago avenue from Fortieth (40th) street to Harlem avenue; and on Harlem avenue from Chicago avenue to Lake street, with "spur" lines connecting the main lines with its stations in Austin, Oak Park and the residence of J. W. Scoville.

On Fortieth (40th) street from Lake street to the Illinois and Michigan canal and on Blanchard avenue from said canal to Thirty-ninth (39th) street, upon the following conditions, to-wit:

That at once, between all points reached by its pole lines within said Town, it shall furnish and maintain private wires and telephone apparatus of the latest and best description for municipal purposes at the following special rates, viz:

For each set of instruments twenty-five (25.00) dollars per annum, for each mile of wire ten (10.00) dollars per annum, keeping such set of instruments and all wire in thorough working order free of all expense to the town.

In case improved instruments or apparatus of any kind or character are made use of by said company, in the city of Chicago or elsewhere, it shall upon request of the trustees of said town, made known to said company by the town clerk of said Cicero, put up and maintain for use, as aforesaid, such improved instruments and apparatus for said municipal purposes, and in case the charge for the use of instruments and wire shall be lowered in the city of Chicago or elsewhere by said company, the aforesaid charges for the use of said town shall be lowered in the same "proportion."

Said company shall also furnish free of charge its public toll station telephones for the official business of the officers of said town, whether the same be elected or appointed, provided, however, that when such telephone is used by such officer, he shall give to the person in charge thereof, if requested so to do, a memorandum or check, containing the officer's name thus using the telephone, the date and hour of the message, and further, if hereafter any other general

telephonic facilities shall be required by said town, said company shall furnish the same at not to exceed seventy-five (75) per cent of its usual rates.

¶ 2. **Reservation of rights.**] § 2. All poles erected by said company shall be placed at such height from the ground as the engineer of the town may direct, and he may vary the height to suit different localities, in his discretion, and after the same are erected from time to time as the interests of the town, in the judgment of the board of trustees may require, said poles may be changed in height under the direction of the engineer, free of expense to the town.

If by reason of the erection of said poles it becomes more expensive to care for and keep in order said streets and avenues upon which said poles may hereafter be set, such additional expense shall be defrayed by said company.

In case the town desires more telephone service than herein specified, said company shall furnish the same charging only actual expense of construction.

In case said company shall neglect or refuse to fulfill all the matters and things herein specified to be done by it, said town reserves the right to rescind this ordinance and enter upon the streets over and on which run the lines of said company, and remove said lines and poles, or it may cause others to do the various matters or things that should be done by the company, and charge said company for the expense thus incurred, or said town may pursue any other course it may deem advisable, and a choice of method of proceeding shall not be construed as a waiver of the right to pursue any or all other ways and means to enforce performance of the conditions upon which this ordinance is granted.

¶ 3. **When in force.**] § 3. This ordinance shall be in force and effect from and after the date of its passage.

§ 869. Chicago Telephone company.

¶ 1. Grant—conditions.
¶ 2. When in force.
¶ 3. Repeal.

An ordinance granting to the Chicago Telephone company authority to erect and maintain telephone poles and lines in the public streets and alleys of the village of Jefferson. (Passed and approved May 23, 1885.)

¶ 1. **Grant—conditions.**] § 1. Be it ordained by the president and board of trustees of the village of Jefferson, that the Chicago Telephone Company, a corporation of Illinois, be and is hereby authorized to erect and maintain lines of poles and wires upon and across the public streets and alleys within the corporate limits of said village.

Provided, first, that the location and manner of construction of said lines shall be subject to the approval of the said board of trustees,

or its duly authorized agent, and the location of all poles shall be done under the direction of the village engineer, and their removal at any time subject to his order.

Provided second, that in consideration of the foregoing grant, the said telephone company shall furnish and maintain private wires and telephone apparatus for municipal purposes at the following special rates: For each set of instruments twenty-five dollars per annum for each mile of wire, ten dollars per annum. That it shall furnish and maintain public telephones at Irving Park and at Jefferson (commonly called Plank Road station), and at such other places as this company may elect; and maintain the same so long as they shall prove reasonably remunerative. Also one at the police station in section 36. That it shall furnish the free use of its public toll station for the official business of the executive officers of said village, and, hereafter, if any general telephone facilities not herein specified shall be required by said village, said telephone company shall furnish the same at 25 per cent reduction from the usual rates.

Provided third, that said Telephone company shall perform any construction within its line of business which may be required by the said village charging actual cost therefor.

¶ 2. **When in force.**] § 2. This ordinance shall be in force on and after its passage.

¶ 3. **Repeal.**] § 3. All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

§ 870. Chicago Telephone company.

¶ 1. Grant—conditions.
¶ 2. Time of completion.
¶ 3. When in force.
¶ 4. Repeal.

An ordinance granting to the Chicago Telephone company authority to erect and maintain telephone poles and lines in the public streets and alleys of the village of Jefferson. (Passed and approved July 1, 1885.)

¶ 1. **Grant—conditions.**] § 1. Be it ordained, by the president and board of trustees of the village of Jefferson, that the Chicago Telephone Company, a corporation of Illinois, be and is hereby authorized to erect and maintain lines of poles and wires upon and across the public streets and alleys within the corporate limits of said village:

Provided, first, that the location and manner of construction of said lines shall be subject to the approval of said board of trustees, and be done under the direction of the village engineer, the board of trustees reserving the right to order the location of said lines changed from time to time as the needs or convenience of said village may require.

Provided, second, that in consideration of the foregoing grant, the said telephone company shall furnish and maintain private wires and

telephonic apparatus for municipal purposes, when and where required so to do by the board of trustees, at the following special rates:

For each set of instruments, twenty-five ($25.00) dollars per annum—for each mile of wire, ten ($10.00) dollars per annum. That it shall furnish and maintain public telephones at Irving Park, at Jefferson (commonly called Plank Road station), at the police station in section 36, and at such other points as said telephone company may elect, and maintain the same so long as they shall prove reasonably remunerative. That it shall furnish the free use of its "public toll station" for the official business of the executive officers of said village; and hereafter if any general telephonic facilities not herein specified shall be required by said village, said telephone company shall furnish the same at twenty-five (25) per cent reduction from its usual rates.

Provided, third, that said telephone company shall perform any construction within its line of business which may be required by the said village, charging actual cost therefor.

¶ 2. **Time of completion.**] § 2. It is hereby specially provided that the said company shall establish its main line connecting the places specified in section 1, in complete and successful operation within four months from date hereof; otherwise this ordinance shall be null and void and of no effect.

¶ 3. **When in force.**] § 3. This ordinance shall be in force on and after its passage.

¶ 4. **Repeal.**] § 4. All ordinances and parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

§ 871. Chicago Telephone company.

¶ 1. Grant—route—charges.
¶ 2. Charges to city.
¶ 3. Instruments for town use.
¶ 4. Powers of council.
¶ 5. Poles, erection of.
¶ 6. Street maintenance.
¶ 7. Indemnity—reservation of rights.
¶ 8. Additional grant.
¶ 9. Repeal of prior ordinances.
¶ 10. Time of completion.
¶ 11. When in force.

An ordinance granting to the Chicago Telephone company certain rights and privileges in the town of Cicero. (Passed November 13, 1886.)

¶ 1. **Grant—route—charges.**] Be it ordained by the board of trustees of the town of Cicero, in meeting assembled: § 1. That the

Chicago Telephone Company, a corporation duly organized and doing business under and by virtue of the laws of the state of Illinois, be and the same is hereby licensed to erect and maintain poles and wires upon and across the public streets and alleys hereinafter mentioned in the town of Cicero, that is to say: On Fortieth street, from North avenue to Chicago avenue; on Chicago avenue, from Fortieth street to Harlem avenue; on Harlem avenue, from Chicago avenue to Lake street, with "spur" lines connecting the main lines with its stations in Austin, Oak Park and the residence of J. W. Scoville; on Fortieth street, from Lake street to the Illinois and Michigan canal; on Blanchard avenue, from said canal to Thirty-ninth street; on Twenty-sixth street, from West Fortieth street to Austin avenue; on Austin avenue, from Twenty-fifth street to Ogden avenue; on Ogden avenue to Thirty-fifth street; on Thirty-fifth street to Harlem avenue, and on Harlem avenue to Thirty-ninth street, upon the following conditions, that is to say: That within a reasonable time, not exceeding sixty days, said company shall furnish and maintain private wires and telephone apparatus of the latest and best description for municipal purposes, between all points reached by its pole line within the aforesaid town at the following special rates, viz.: For each set of instruments, twenty-five dollars ($25) per annum, and for each mile of wire, ten dollars ($10) per annum, keeping such sets of instruments and all wire in thorough, complete working order, free of all further expense to the town

¶ 2. **Charges to city.**] § 2. That said company shall also furnish, free of charge to the town, the use of its toll-station telephones to and from Chicago and over any other of its lines for the official business of the officers of said town, whether the same be elected or appointed; Provided, however, that when such telephone is used by any officer, he shall give to the person in charge thereof, if so requested, a memorandum or check containing the officer's name and the date and hour of the message; and further, if hereafter any other general telephonic facilities shall be required by said town, said company shall furnish the same at not to exceed seventy-five per cent. (75%) of its usual rate

¶ 3. **Instruments for town use.**] § 3. In case improved instruments of any kind or character are used by said company in the city of Chicago or elsewhere, it shall, upon request of the trustees of said town, made known to it by the town clerk thereof, put up and maintain for use, as aforesaid, such improved instruments and apparatus for municipal purposes without additional charge to the town.

¶ 4. **Powers of council.**] § 4. If hereafter the town shall desire to have done any electric construction which it is competent for said telephone company to do, it, said company, shall upon request of the board of trustees do such construction, charging the town for the same only the actual expense thereof.

No instrument or wires shall be furnished, nor shall any construction be done, nor any claim against the town be made by said company under the provisions of this ordinance, except upon the written application of the proper official, duly authorized by the aforesaid board, setting forth in a proper manner the services or construction required.

¶ 5. **Poles, erection of.**] § 5. All poles erected by said company shall be placed at such height from the ground as the town engineer may direct; and he may vary the height to suit different localities, in his discretion and after the same are erected, from time to time, as the interest of the town, in the judgment of the board of trustees, may require, said poles may be changed in height free of expense to the town.

¶ 6. **Street maintenance.**] § 6. If, by reason of the erection of said poles, it becomes more expensive to care for and keep up in order, said streets and avenues upon which the same are erected, such additional expense shall be defrayed by said company.

¶ 7. **Indemnity—reservation of rights.**] § 7. Said company shall indemnify and save harmless the aforesaid town from all loss or damages arising by reason of its occupancy of the streets and alleys under this ordinance, however long continued.

In case said telephone company shall neglect or refuse to fulfill all the matters and things in this ordinance specified to be done by it, said town shall have the right to rescind this ordinance and enter upon the streets and public places upon which run the lines of said company and remove its poles and lines, or it may cause others to do the various matters and things that should be done by the company under this ordinance and charge the said company for the expense thus incurred, and said town may pursue any other course it may deem advisable, and the choice of one method of procedure shall not be considered a waiver of any other means to enforce performance of any of the conditions upon which this ordinance is granted.

¶ 8. **Additional grant.**] § 8. If, hereafter, said telephone company shall desire to erect lines or poles and wires upon streets or alleys, not herein specified, it shall make written application to the aforesaid board of trustees for license so to do, and if such license be granted, any and all poles and wires erected thereunder shall be considered as covered by the general provisions of this ordinance.

¶ 9. **Repeal of prior ordinances.**] § 9. All ordinances, or parts of ordinances, heretofore passed, granting to said company any rights or privileges in the town of Cicero, are hereby repealed, this ordinance being a substitute therefor.

¶ 10. **Time of completion.**] § 10. Town service to be put in ready for use within sixty days after written request for the same shall be given to the aforesaid company, by order of the town board.

¶ 11. **When in force.**] § 11. This ordinance shall be in full force and effect from and after its passage.

§ 872. Chicago Telephone company

¶ 1. Grant—term.
¶ 2. Underground conduits—plans—permits—supervision.
¶ 3. Poles, use by city—wires ordered underground.
¶ 4. Surface and overhead branches—property owners' consent.
¶ 5. Permits for street work—restoration—deposit.
¶ 6. Compensation—service rates—use by city—rights reserved.
¶ 7. Bond—conditions.
¶ 8. Acceptance.
¶ 9. Combinations prohibited—transfers, etc.
¶ 10. When in force.

An ordinance authorizing the Chicago Telephone company to construct, maintain and operate a line of telephone wires in the city of Chicago. (Passed January 4, 1889. Accepted January 10, 1889.)

¶ 1. **Grant—term.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby granted to the Chicago Telephone Company, a corporation created and existing under and by virtue of the laws of Illinois, to construct, maintain, repair and operate in the public streets, alleys and tunnels and other public ways of the city of Chicago, and under the Chicago river and its several branches, for the period of twenty (20) years from the passage of this ordinance, a line or lines of wires, or electrical conductors, for the transmission of sound and signals only, by means of electricity.

¶ 2. **Underground conduits—plans—permits—supervision.**] § 2. All such lines as the Chicago Telephone Company may now or hereafter have, except those going through the tunnels, within the following boundaries, namely, commencing at the intersection of the lake and North avenue, thence west on North avenue to Wells street, south on Wells street to Lake street, west on Lake street to Ashland avenue, south on Ashland avenue to Sixteenth street, east on Sixteenth street to Butterfield street, south on Butterfield street to Thirty-first street, east on Thirty-first street to the lake, shall be placed in underground conduits, which conduits shall be built at the rate of two miles per annum from and after the passage of this ordinance, and shall be constructed under the supervision of the commissioner of public works, or such other officer, or department of the city of Chicago, as may be provided by ordinance. Said company shall at all times place and keep on file with the commissioner of public works plans showing the location of each conduit laid and number of ducts and wires in each conduit, and before laying any new conduit, said company shall file with the commissioner of public works a plan showing where each conduit is to be laid, location of manholes, or other openings to gain access to said conduits, and each cover for such openings shall have placed thereon the name of said company, and no conduit shall be laid without first obtaining a permit from the commissioner of public works.

¶ 3. **Poles, use by city—wires ordered underground.**] § 3. The said company may, outside of the district above described in sec-

tion 2, erect a system of poles and wires thereon in any of the streets and alleys in Chicago, and over buildings, with the consent of the owners thereof, and in going from one building to another, if necessary, said company may cross streets, alleys and city property; but before any such poles shall be so placed, the plans thereof shall be submitted to the commissioner of public works and fire marshal, and they shall determine the size and character of the poles to be used for such purpose, and the height from the street at which such wires shall be placed, and the streets and alleys upon which said poles shall be placed, and shall, so far as practicable, be placed in alleys; Provided, that the city of Chicago shall have the right to the top cross arm of each of said poles free from charge for the use of the city telegraph and telephone wires. Whenever, in the judgment of the commissioner of public works, after the conduits provided for in section 2 shall have been constructed, it shall be for the interest of the city of Chicago that any of the wires above named in this section shall be placed underground, he shall so order it, and upon the receipt of such order by the Chicago Telephone Company, or its successors, they shall proceed at the same rate as named in section 2 for the construction of conduits, to place underground the wires as ordered; Provided, that if said company shall be delayed by strikes, or be restrained by writs of injunction, or other obstructions by competent authority from proceeding with the work of constructing the said underground conduits, the time during which it shall be so delayed or restrained, shall be allowed to said company in addition to the time herein prescribed. Should said company fail to place its wires underground as provided in this ordinance, then the department of public works shall have the right to take down and remove all wires and poles of said company which may be above ground in violation of the provisions of this ordinance.

¶ 4. **Surface and overhead branches—property owners' consent.**] § 4. Where the above mentioned wires, electrical conductors and cables are to be placed underground, the said company shall, for the purpose of reaching and connecting their subscribers and branch offices, have the privilege of bringing the said wires, conductors and cables to the surface within every four blocks and attaching the same to houses and carrying them over the roofs, provided the consent is first obtained from the owner to whose property they propose to attach said wires, conductors and cables, and said wires shall be kept, at least, twelve feet above the surface of the roofs, except in such building as the wires are to enter, and said company may in so doing, cross streets, alleys and city property, with wires grouped in cables; Provided, however, that said wires, conductors and cables shall be strung as directed by the commissioner of public works, and shall not be strung overhead to exceed two blocks in length from underground connection. Where the consent of an owner, referred to above in this section, is refused, the commissioner of public works is directed to al-

low the said Chicago Telephone Company to erect in alleys, poles upon which the said company may place its wires for the purpose of distribution

¶ 5. **Permits for street work—restoration—deposit.**] § 5. The surface of a street or alley shall not be disturbed for the purpose of laying, repairing and removing wires, or conduits therefor, without a permit from the commissioner of public works, indicating the time, manner and place of opening such street or alley. When any opening is made or work done on any street, for any purpose whatsoever, by said company, such street shall be restored to a condition satisfactory to the commissioner of public works, and for such purpose said company shall keep on deposit with the commissioner of public works the sum of five hundred ($500) dollars, to be used for the purpose of restoring such streets to a condition satisfactory to the commissioner of public works, and said company shall at all times have on deposit said sum of five hundred ($500) dollars for such purpose, and, for a failure to make such deposit when notified by the commissioner of public works, said company shall be refused a permit to lay additional wires. Said company in laying underground wires shall, so far as practicable, place the same under the sidewalk space with the consent of the owner or owners of the lots or lot next adjacent to and abutting upon the same; but, provided, further, that when in any block or blocks any property owner refuses the consent above provided for, then in such block or blocks the said company shall have the right, and the commissioner of public works is directed to permit said company to lay its wires, next outside the curb wall under the pavement around the property whose owner or owners refuse their consent, and the commissioner of public works shall issue permits for that purpose, specifying that the said line or lines of wires shall be laid in such manner that they will least inconvenience the persons occupying said sidewalk space, and he shall require that the same shall be made entirely safe and secure

¶ 6. **Compensation—service rates—use by city—rights reserved.**] § 6. The said Chicago Telephone Company shall file with the comptroller of the city on the first days of January and July of each year, a statement of its gross receipts from the telephone business done by said company within the city of Chicago, for the six months next preceding such statement, which statement shall be sworn to by the president and secretary of said company, and, at the time of filing said statement, the said company shall pay into the city treasury three (3) per cent on such gross receipts, and said company, during the term for which this ordinance is granted, shall not increase to its present or future subscribers the rates for telephone service now established. And provided, also, that with the acceptance hereinafter required there shall be filed by said company a schedule showing the rates charged by said company for telephone service at the date of the passage of this ordinance within the limits of the city of Chicago. And the said

company shall connect its wires with the mayor's office, department of public works, fire department, police department, building department, city collector's office, city clerk's office, health department and law department, and place and keep one telephone in each of said places free of charge to the city, so that said telephones may be used in connection with all wires under control of said company connected with its exchange in the city of Chicago, and said company shall also rent to the city of Chicago telephones for the sole use of the police and fire alarm system of the city of Chicago at an annual rental of not to exceed five ($5) dollars per annum for each telephone; Provided, however, that nothing in this ordinance contained shall be construed or taken as preventing the city of Chicago, whenever it shall be authorized so to do, from passing an ordinance regulating the rates to be charged by telephone companies for the rental of telephones, or for the licensing of telephone companies, it being the intention of this ordinance that the city of Chicago shall in no way surrender any rights it may have, or may hereafter require, to license telephone companies or to regulate the prices to be charged for telephones; but upon such licensing or upon such regulation of such prices, then the provisions of this section as to payment of revenue and furnishing of telephone facilities to the city of Chicago, shall cease to be binding upon said company; Provided, also, that nothing in this ordinance contained shall be construed as preventing the city of Chicago from granting an ordinance to any other telephone company.

¶ 7. **Bond—conditions.**] § 7. Said Chicago Telephone Company shall at the time it accepts this ordinance execute to the city of Chicago a good and sufficient bond, with the sureties to be approved by the mayor of the city of Chicago, in the penal sum of ten thousand ($10,000) dollars, conditioned that the said company and its successors will well and truly pay, or cause to be paid, any and all damages that may accrue from the laying, repairing, removing and operating said wires, conduits and telephone system, and shall indemnify and save harmless the city of Chicago against all damages, costs and expenses of every kind whatsoever which may be recovered against said city in consequence of the acts or neglect of said company, its agents or servants, and will save and keep harmless the said city of Chicago from any and all damages, loss or expense caused by or incident to the erection of said poles and the stringing and operating said wires and the maintenance thereof.

¶ 8. **Acceptance.**] § 8. This ordinance is passed upon the express agreement and understanding that the Chicago Telephone Company, before availing itself of any of the rights or privileges granted by this ordinance, shall file with the city clerk its acceptance of all the terms of this ordinance and bond as hereinbefore provided; Provided, however, that said acceptance shall be filed within thirty (30) days from the passage hereof.

¶ 9. **Combinations prohibited—transfers, etc.**] § 9. The said Chicago Telephone Company shall not at any time enter into any combination with any other telephone company heretofore existing, or hereafter created, doing business in the city of Chicago, concerning the prices to be charged for telephone service, nor shall said company make any transfer or division of the territory, streets or avenues of the city, with any other telephone company or corporation doing business in said city, for the operation of or supplying of telephone service, and any violation of the provisions of this section shall authorize and entitle the city to revoke and repeal the provisions of this ordinance; Provided, that the rights granted to the said company under this ordinance may pass to any legal successor to said company, by assignment, mortgage or otherwise, subject to all the terms and conditions of said ordinance, and said successor shall file with the city clerk its acceptance of said terms and conditions.

¶ 10. **When in force.**] § 10. This ordinance shall be in force from and after its passage and due publication, and upon the acceptance and bond being filed as required by section 8 aforesaid.

CHICAGO TWIN WIRE LONG DISTANCE TELEPHONE COMPANY.

§ 873. Chicago Twin Wire Long Distance Telephone company.

¶ 1. Grant—conditions.
¶ 2. Wires underground—supervision of work.
¶ 3. Poles in certain district—use by city.
¶ 4. Overhead wires placed underground, when.
¶ 5. Surface and overhead branches—property owners' consent.
¶ 6. Permits for street work—restoration—deposit.
¶ 7. Wires in alleys and under sidewalks—consent.
¶ 8. Service rates—use by city.
¶ 9. Bond of user.
¶ 10. Bond of grantee.
¶ 11. Compensation.
¶ 12. City's right of purchase.
¶ 13. Sale, etc., of franchise prohibited.
¶ 14. Construction to commence, when.
¶ 15. Number of instruments operated.
¶ 16. Non-compliance—repeal of ordinance.
¶ 17. Acceptance—bond.
¶ 18. When in force.

An ordinance authorizing the Chicago Twin Wire Long Distance Telephone company to construct, maintain and operate a line of telephone wires in the city of Chicago. (Passed April 17, 1893. Accepted April 19, 1893.)

¶ 1. **Grant—conditions.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and they are

hereby granted to the Chicago Twin Wire Long Distance Telephone Company to construct, maintain, repair and operate in the streets, avenues, alleys and tunnels of the city of Chicago and under the Chicago river and its several branches, for and during the term of twenty-five (25) years from the date of the passage of this ordinance, a line or lines of conduits and wires or other electrical conductors, together with all necessary feeders and service wires or other electrical conductors, to be used exclusively for the transmission of electricity for the purpose of transmitting sound and signals

¶ 2. **Wires underground—supervision of work.**] § 2. All of such line or lines of wire or other electrical conductors used for the transmission of sounds or signals, except those passing through the tunnels, shall be placed under ground, within that portion of the city bounded on the north by Belmont avenue, on the west by California avenue, on the south by Seventy-ninth street and on the east by Lake Michigan. All of the above conduits, line or lines of wire or other electrical conductors and all other work authorized by the provisions of this ordinance shall be done under the supervision of the commissioner of public works or such other office or department of the city of Chicago as may be provided by present or future ordinances of the city of Chicago.

¶ 3. **Poles in certain district—use by city.**] § 3. The said company may, outside of the district above described in section two, erect a system of poles and wires for the transmission of electricity for sound and signals thereon in any of the streets, avenues and alleys in the city of Chicago and over buildings with the consent of the owner thereof; and, in going from one building to another, if necessary, said company may cross streets, alleys and city property; but, before any such poles shall be so placed, the plans thereof shall be submitted to the commissioner of public works and fire marshal, and they shall determine the size and character of the poles to be used for such purpose and the height from the street at which such wires shall be placed; Provided, each of such poles shall have a top cross arm and that the city of Chicago shall have the right to the use of such top cross arm of each of said poles free of charge, for the use of the city telegraph and telephone wires.

¶ 4. **Overhead wires placed underground, when.**] § 4. The rights granted by this ordinance are so granted upon the express condition that the said company shall, within seven years from the passage of this ordinance, remove all of said poles and wires or other electrical conductors from overhead and place the same under ground in conduits, which it may construct or lease for that purpose, within that portion of the city outside the limits described in section two of this ordinance.

¶ 5. **Surface and overhead branches—property owners' consent.**] § 5. Where the above mentioned wires or other electrical con-

ductors used for the transmission of sounds or signals are placed under ground, the said company shall, for the purpose of reaching and connecting their subscribers and branch offices, have the privilege of bringing said wires or other electrical conductors to the surface within every two blocks and attaching the same to houses and carrying them over roofs; Provided, the consent is first obtained of the owner to whose property they propose to attach said wires or other electrical conductors, and said wires or other electrical conductors shall be kept at least four feet above the surface of the roofs, except in such buildings the wires or other electrical conductors are to enter, and said company may in so doing cross streets, avenues, alleys and city property with wires grouped in cables; Provided, however, that such wires or other electrical conductors shall not be strung overhead to exceed two blocks in length, from under ground connection. The consent of property owners must be sworn to, filed with and verified by the commissioner of public works.

¶ 6. **Permits for street work—restoration—deposit.**] § 6. The surface of a street, alley or avenue shall not be disturbed for the purpose of laying, repairing or removing wires or conduits therefor without a permit from the commissioner of public works, indicating time, manner and place of opening such street, avenue or alley. When any opening is made or work done on any street, avenue or alley, for any purpose whatsoever by said company, and all under ground work shall be done between the hours of 7 o'clock p. m. and 7 o'clock a. m. within the district bounded by 22nd street on the south, Paulina street on the west and Chicago avenue on the north, such street, avenue or alley shall be restored within thirty (30) days after the opening of the street, avenue or alley to a condition as good as before, and for such purpose said company shall keep on deposit, with the commissioner of public works, the sum of three thousand dollars, to be used for the purpose of restoring such streets, avenues and alleys to their previous condition, as aforesaid, and said company shall at all times have on deposit said sum of three thousand ($3,000) dollars for such purpose; and, for a failure to make such deposit, when notified in writing by the commissioner of public works, said company shall be refused a permit to lay additional wires

¶ 7. **Wires in alleys and under sidewalks—consent.**] § 7. No poles or line of poles to be erected under the provisions of this ordinance shall be erected or placed in any street in any case where access to the same property or lots proposed to be reached can be had from adjacent alley or alleys, and, in all such cases, the commissioner of public works, or other proper officer or department of the city of Chicago, as may be provided by ordinance, shall require all such poles to be placed in such alley or alleys and not upon the streets. Said company in laying under ground wires may, so far as practicable, place the same under the sidewalk space with the consent of the owner or owners of the lot or lots next adjacent and abut-

ting upon the same; but provided, further, that when in any block or blocks any property owner refuses the consent above provided for, then in such block or blocks the said company shall have the right and the commissioner of public works is directed to permit said company to lay its wires next outside the curb wall under the pavement around the property whose owner or owners refuse their consent, and the commissioner of public works shall issue permits for that purpose, specifying that the said line or lines of wire shall be laid in such manner that they will least inconvenience the persons occupying said sidewalk space, and he shall require that the same shall be made entirely secure and safe.

¶ **8. Service rates—use by city.**] § 8. The said Chicago Twin Wire Long Distance Telephone Company shall not charge for Twin Wire Long Distance Telephone Company shall not charge for present or future city limits, a greater sum than $75 per annum for the first year, and for each year that any telephone shall be retained and used by any subscriber after the first year said company shall not charge a greater sum than $70 per annum, and said company shall upon demand execute contracts with subscribers for telephone service at the rate of not exceeding $65 per annum for three or more years' consecutive service; Provided, said company shall connect its wires with the offices respectively of the mayor, department of public works, fire department, police department, building department, city comptroller, city collector, city clerk, health department, corporation counsel, city attorney, city council, bureau of street and alley cleaning and the water department, and place and keep in each of said offices free of charge to the city of Chicago one telephone, so that said telephones may be used in connection with all wires under the control of said company connected with its exchanges in the city of Chicago; and provided, that said company shall rent to the city of Chicago telephones for the sole use of the police and fire alarm departments of the city of Chicago at an annual rental not to exceed one dollar ($1) per annum of each telephone

¶ **9. Bond of user.**] § 9. Before any person or corporation shall be allowed to use said line or lines of conduits laid under this ordinance, a bond shall be given to the city by such person or corporation, in an amount and with sureties to be approved by the mayor and comptroller of the city of Chicago, conditioned to indemnify and save harmless the city of Chicago of and from all damage which may be occasioned, or which may in any way arise, accrue or grow out of the use by such persons or corporation of said system of conduits.

¶ **10. Bond of grantee.**] § 10. Said Chicago Twin Wire Long Distance Telephone Company shall, before commencing the operation of said line or lines of conduits and wires or other electrical conductors, execute to the city of Chicago a good and sufficient bond, with sureties to be approved by the mayor and comptroller of the city of Chicago, in the penal sum of fifty thousand dollars, conditioned

that the said company will well and truly pay, or cause to be paid, any and all damages that may accrue from the laying, repairing, removing and operating said wires, conduits and telephone system, and shall indemnify and save harmless the city of Chicago against all damages, costs and expenses of every kind whatsoever which may be recovered against the said city in consequence of the acts or neglect of said company, its agents or servants, and will save and keep harmless the city of Chicago from any and all damage, loss or expense caused by, or incident to, the erection of said poles, stringing and operation of said wires and the construction of said conduits and the maintenance of said poles, wires and conduits.

¶ **11. Compensation.**] § 11. This ordinance is based upon the express agreement and understanding that the Chicago Twin Wire Long Distance Telephone Company shall file with the comptroller of the city of Chicago, on the first days of January and July of each year after the year 1893, a statement of the gross receipts of all the business of said company within the city of Chicago for the six months next preceding such statement, which statement shall be sworn to by the president or secretary of said company. And, at the time of filing said statement, the said company shall pay into the city treasury five (5) per cent on the amount of such gross receipts. Said semi-annual payments shall continue during the exercise of the rights and privileges granted in this ordinance.

¶ **12. City's right of purchase.**] § 12. The city of Chicago shall have the right at the expiration of five (5) years, and at the expiration of each succeeding period of five years during the life of this ordinance, to purchase the poles, line or lines of conduits or wires and other conduits, instruments, appliances and property within the city of Chicago, of the Chicago Twin Wire Long Distance Telephone Company, at a price to be agreed upon, or in case the same cannot be agreed upon, to be fixed by appraisement, it being understood and agreed that in such appraisement the value of this franchise or grant is not to be taken into account or considered of any value as against the city of Chicago. The city of Chicago may exercise such option by giving notice in writing to the said company of its intention so to do at least six months before the expiration of any of the five year periods first above mentioned in this section. In case the purchase price cannot be agreed upon, then the same shall be fixed by arbitration of three persons, one chosen by the Chicago Twin Wire Long Distance Telephone Company and one chosen by the city of Chicago, and the third by the two thus named.

¶ **13. Sale, etc., of franchise prohibited.**] § 13. Said company shall not, except as provided in section nine (9) hereof, sell, assign, lease, transfer or in any manner whatsoever, either directly or indirectly, dispose of any of the rights or privileges in and by this ordinance granted to it, and no other company than the said Chicago Twin Wire Long Distance Telephone Company shall ever, at any

time, be entitled to enjoy any rights or privileges whatsoever under and by virtue of the provisions of this ordinance; and, upon any disposal or attempted disposal of the rights and privileges upon said company conferred by this ordinance, said ordinance shall be and become absolutely null and void and of no force and effect whatsoever.

¶ 14. **Construction to commence, when.**] § 14. Said company shall not, by virtue of the provisions of this ordinance, be entitled to commence any work within the streets, alleys or public places of the city of Chicago, nor in any way disturb the surface of the same, or upon any of said streets, alleys or public places for the purpose of putting in its wires, conduits or conductors before the first day of December, A. D. 1893, nor until such time thereafter as shall occur the official closing and termination of the World's Columbian Exposition

¶ 15. **Number of instruments operated.**] § 15. It shall be and it is hereby made the duty of said company to place, construct and have in operation within the city of Chicago five thousand telephones on or before the first day of December, A. D. 1895, and said company shall be obliged at all times thereafter, and so long as it shall enjoy the privileges conferred by this ordinance, to maintain and keep in constant operation not less than five thousand telephones within the city of Chicago; and in case of its failure so to do, all the rights and privileges by this ordinance conferred shall thereupon cease and this ordinance shall be and become void.

¶ 16. **Non-compliance—repeal of ordinance.**] § 16. In case said company shall fail, neglect or refuse to comply with the terms and requirements of this ordinance in regard to location of its poles, placing of its wires under ground, moving said poles at the time provided in said ordinance, or in case it shall fail to comply with any of the provisions of this ordinance, then and in that case this ordinance may be repealed by the city council, and upon such repeal all rights hereby conferred shall cease and determine.

¶ 17. **Acceptance—bond.**] § 17. Before it shall have or enjoy any right under this ordinance, said company shall (and within sixty days after its passage) file, with the city clerk of the city of Chicago, its bond and acceptance in writing agreeing to be bound by all the terms, restrictions, impositions and provisions in this ordinance contained

¶ 18. **When in force.**] § 18. This ordinance shall be in force from and after its passage and due publication

Note.—See following amendatory ordinance.

§ 874. Chicago Twin Wire Long Distance Telephone company.

¶ 1. Amendatory clause.
¶ 2. Section 15 of foregoing ordinance amended.

An ordinance amending an ordinance passed April 17, 1893, granting certain privileges to the Chicago Twin Wire Long Distance Telephone company (Passed November 18, 1895.)

¶ 1. **Amendatory clause.**] Be it ordained by the city council of the city of Chicago: That an ordinance passed by said city council on the 17th day of April, A. D. 1893, granting certain privileges, rights and license to the Chicago Twin Wire Long Distance Telephone Company, be and the same is hereby amended so that section 15 thereof shall read as follows:

¶ 2. **Section 15 of foregoing ordinance amended.**] § 15. It shall be and it is hereby made the duty of said company to place, construct and have in operation within the city of Chicago two thousand telephones on or before the first day of December, A. D. 1897, and said company shall be obliged at all times after the first day of December, A. D. 1898, so long as it shall enjoy the privileges conferred by this ordinance, to maintain and keep in operation not less than five thousand instruments within the city of Chicago; and, in case of failure so to do, all the rights and privileges by this ordinance conferred shall thereupon cease, and this ordinance shall become void.

CHICAGO & WESTERN INDIANA RAILROAD COMPANY.

§ 875. Chicago & Western Indiana Railroad company.
¶ 1. Permit—route—order construed.

An order authorizing the Chicago & Western Indiana Railroad company to construct an underground telegraph line. (Passed March 14, 1881.)

¶ 1. **Permit—route—order construed.**] Ordered, that the commissioner of public works be and is hereby directed to issue a permit, subject to such conditions, limitations and restrictions for the protection of the interests of the city as he may see fit to impose, to the Chicago and Western Indiana Railroad Company to construct an underground telegraph line, by laying cable wires on the westerly side of Stewart avenue, adjoining railroad tracks heretofore constructed by said company, and between said tracks, and the proposed location of the tracks of the Pittsburgh, Fort Wayne and Chicago Railway, after the same shall be moved west of the center line of Stewart avenue, and running north on said street as far as the Chicago river; thence northeasterly on Grove street to Sixteenth street; thence east on Sixteenth street to Dearborn street; thence upon Dearborn street to Fourteenth street; thence north upon Third avenue to Twelfth street; Provided, however, that the granting of such permit shall not be construed as in any manner recognizing, ratifying or affirming any right in the said Chicago and Western Indiana Railroad Company to construct, maintain or operate any railroad track

whatever within the limits of the city of Chicago, and that the acceptance by said company of the said permit to construct said telegraph lines shall be deemed and taken as consent on the part of said company that said permit shall not be so construed or understood; and provided, further, that unless the said telegraph line shall be wholly constructed within one year from the date of the passage hereof, then all rights herein granted or authorized shall cease and determine.

§ 876. Chicago & Western Indiana Railroad company.

¶ 1. Permit—route.

An order authorizing the Chicago & Western Indiana Railroad company to construct an underground telegraph line in the city of Chicago. (Passed June 20, 1881.)

¶ 1. Permit—route.] Ordered, that the commissioner of public works be and he is hereby directed to issue a permit, subject to such conditions, limitations and restrictions for the protection of the interests of the city as he may see fit to impose, to the Chicago and Western Indiana Railroad Company, to construct an underground telegraph line by laying cable wires on the westerly side of Third avenue, from Twelfth street north on Third avenue to the north side of Jackson street, thence west on Jackson street to Dearborn street, thence north on the easterly side of Dearborn street to the general offices of the company at No. 125 Dearborn street.

Provided, however, that the granting of such permit shall not be construed as in any manner recognizing, ratifying or affirming any right in the said Chicago and Western Indiana Railroad Company to construct, maintain or operate any railroad track whatever within the limits of the city of Chicago, and that the acceptance by said company of the said permit to construct said telegraph lines shall be deemed and taken as consent on the part of said company that said permit shall not be so construed or understood; and provided, further, that unless the said telegraph line shall be wholly constructed within one year from the date of the passage hereof, then all rights herein granted or authorized shall cease and determine; provided, further, that such permit is granted upon the further condition that said permit shall be subject to all ordinances regulating underground telegraph cable wires that are now in force or that may hereafter be passed.

CITY PRESS ASSOCIATION OF CHICAGO.

§ 877. City Press Association of Chicago.

¶ 1. Grant—boundaries.
¶ 2. Wires and tubes underground—plans—permit.
¶ 3. Restoration of streets—deposit therefor.
¶ 4. Bond.
¶ 5. Acceptance.
¶ 6. Compensation.
¶ 7. Term of grant.
¶ 8. When in force.
¶ 9. Rights not exclusive.

An ordinance authorizing the City Press Association of Chicago to construct and operate a line of wires and pneumatic tubes in the city of Chicago. (Passed April 10, 1893. Accepted April 14, 1893.)

¶ 1. **Grant—boundaries.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby granted to the City Press Association, of Chicago, a corporation created and existing under and by virtue of the laws of Illinois, its successors and assigns, to construct, maintain, repair and operate in the public streets, alleys and other public ways of the city of Chicago, within the following boundaries, viz.: The north line of Van Buren street, the west line of State street, the north line of Randolph street and the west line of Fifth avenue, a line or lines of wires or electrical conductors for the transmission of sound and signals by means of electricity and a line or lines of pneumatic tubes.

¶ 2. **Wires and tubes underground—plans—permit.**] § 2. All such lines of wires and tubes shall be placed in underground conduits and shall be constructed under the supervision of the commissioner of public works. Said association shall, at all times, place and keep on file with the commissioner of public works plans showing the location of each conduit laid and the number of ducts in each conduit, and, before laying any new conduit, said association shall file with the commissioner of public works a plan showing where each conduit is to be laid, and each cover for openings shall have placed thereon the name of said association, and no conduit shall be laid without first obtaining a permit from the commissioner of public works.

¶ 3. **Restoration of streets—deposit therefor.**] § 3. The surface of a street or alley shall not be disturbed for the purpose of laying, repairing or removing wires, tubes or conduits therein without a permit from the commissioner of public works, indicating the time, manner and place of opening such street or alley. When any opening is made, or work done in any street for any purpose whatsoever by said association, such street shall be restored to a condition satisfactory to the commissioner of public works, and for such purpose said association shall keep on deposit with the commissioner of public works the sum of five hundred dollars ($500), to be used for the purpose of

restoring such streets to a condition satisfactory to the commissioner of public works, and said association shall, at all times, have on deposit said sum of five hundred dollars ($500) for such purpose, and for failure to make such deposit, when notified by the commissioner of public works, said association shall be refused a permit to lay additional wires.

¶ 4. **Bond.**] § 4. The City Press Association, of Chicago, shall, at the time it accepts this ordinance, execute to the city of Chicago a good and sufficient bond, with sureties to be approved by the mayor of the city of Chicago, in the penal sum of ten thousand dollars ($10,000), conditioned that the said association and its successors will well and truly pay, or cause to be paid, any and all damages that may occur from the laying, repairing, removing and operating the said wires, conductors, ducts, tubes and conduits, and shall indemnify and save harmless the city of Chicago against all damages, costs and expenses of every kind whatsoever which may be recovered against said city in consequence of the acts or neglect of said association, its agents or servants, and will save and keep harmless the said city of Chicago from any and all damages, loss or expense caused by or incident to the construction of said conduits and the stringing and operating of said wires, conductors, ducts, tubes and conduits and the maintenance thereof.

¶ 5. **Acceptance.**] § 5. This ordinance is passed upon the express agreement and understanding that the City Press Association, of Chicago, before availing itself of any of the rights and privileges granted by this ordinance, shall file with the city clerk its bond as hereinbefore provided and its acceptance of all the terms of this ordinance within thirty days from the passage hereof.

¶ 6. **Compensation.**] § 6. The City Press Association, of Chicago, shall pay into the city treasury three hundred dollars per annum during the term for which this ordinance is granted.

¶ 7. **Term of grant.**] § 7. The rights and privileges hereby granted shall wholly cease and determine at the expiration of fifty years from the passage hereof.

¶ 8. **When in force.**] § 8. This ordinance shall be in force from and after its passage and due publication and upon the acceptance and bond being filed as required by section 5 aforesaid.

¶ 9. **Rights not exclusive.**] § 9. Nothing in this ordinance shall be construed as conferring an exclusive right or privilege upon said association for the laying of electric wires, conductors, pneumatic tubes and conduits, as provided herein, within the territory above described.

CUSHMAN TELEPHONE & SERVICE COMPANY.

§ 878. Cushman Telephone & Service company.

¶ 1. Grant.
¶ 2. Wires underground—districts—supervision.
¶ 3. Overhead wires—use by city—placed underground, when.
¶ 4. Surface and overhead branches.
¶ 5. Permit for street work—restoration of streets—deposit—location of wires.
¶ 6. Service rates—use by city.
¶ 7. Bond—conditions.
¶ 8. Acceptance—wires laid, when.
¶ 9. Transfers and combinations prohibited.
¶ 10. Term of grant.
¶ 11. When in force.

An ordinance authorizing the Cushman Telephone & Service company to construct and operate a line of telephone wires in the city of Chicago. (Passed April 5, 1888. Accepted April 21, 1888.)

¶ 1. Grant.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby granted to the Cushman Telephone and Service Company, a corporation created and existing under and by virtue of the laws of Illinois, its successors and assigns, to construct, maintain, repair and operate in the public streets, alleys and tunnels of the city of Chicago, and under the Chicago river and its several branches, a line or lines of wires, or electrical conductors, for the transmission of sound and signals only by means of electricity.

¶ 2. Wires underground—districts—supervision.] § 2. All such lines, except those going through the tunnel, shall be underground within that portion of the city bounded on the north by Chicago avenue, on the west by Ashland avenue, on the south by Sixteenth street; then again on the west by the south branch of the Chicago river to Twenty-second street; then again on the south by Twenty-second street to the lake, and shall be constructed under the supervision of the commissioner of public works or such other officer or department of the city of Chicago as may be provided by ordinance

¶ 3. Overhead wires—use by city—placed underground, when.] § 3. The said company may, outside of the district above described in section 2, erect a system of poles and wires thereon in any of the streets and alleys in Chicago, and over buildings, with the consent of the owners thereof, and in going from one building to another, if necessary, said company may cross streets, alleys and city property; but before any such poles shall be so placed, the plans thereof shall be submitted to the commissioner of public works and fire marshal, and they shall determine the size and character of the poles to be used for such purpose, and the height from the street at which such wires shall be placed, and the streets or alleys upon which such poles shall be placed; Provided, that the city of Chicago shall have the

right to the top cross arm of each of said poles, free of charge, for the use of the city telegraph and telephone wires. The rights granted by this ordinance are so granted expressly upon the condition that the said company will within four years from the passage of this ordinance remove all of said poles and wires from overhead and place the same underground in conduits, which it may construct or lease for that purpose, in the same manner as provided in section four of this ordinance, within that portion of the city bounded on the north by North avenue, on the west by Western avenue, and on the south by Twenty-second street in the west division, and Thirty-first street in the south division of the city, and the remainder of their poles and wires above ground within the city limits, as they existed on the first day of July, 1887, are to be removed and placed underground in the same manner as provided in section four of this ordinance, within six (6) years from the passage of this ordinance.

¶ 4. Surface and overhead branches.] § 4. Where the above mentioned wires, electrical conductors and cables are to be placed underground, the said company shall, for the purpose of reaching and connecting their subscribers and branch offices, have the privilege of bringing the said wires, conductors and cables to the surface within every four blocks and attaching the same to houses and carrying them over the roofs, provided the consent is first obtained of the owner to whose property they propose to attach said wires, conductors and cables, and said wires shall be kept at least twelve feet above the surface of the roofs except in such building as the wires are to enter, and said company may, in so doing, cross streets, alleys and city property, with wires grouped in cables; Provided, however, that said wires, conductors or cables shall not be strung overhead to exceed two blocks in length from underground connection.

¶ 5. Permit for street work—restoration of streets—deposit—location of wires.] § 5. The surface of a street or alley shall not be disturbed for the purpose of laying, repairing or removing wires or conduits therefor, without a permit from the commissioner of public works, indicating the time, manner and place of opening such street or alley. When any opening is made or work done on any street, for any purpose whatsoever, by said company, such street shall be restored to a condition satisfactory to the commissioner of public works, and for such purpose said company shall keep on deposit with the commissioner of public works the sum of five hundred ($500) dollars, to be used for the purpose of restoring such streets to a condition satisfactory to the commissioner of public works, and said company shall at all times have on deposit said sum of five hundred ($500) dollars for such purpose; and for a failure to make such deposit when notified by the commissioner of public works, said company shall be refused a permit to lay additional wires. Said company in laying underground wires shall, so far as practical, place the same under the sidewalk space, with the consent of the owner or owners of the lots

or lot next adjacent to and abutting upon the same; but, provided, further, that when in any block or blocks any property owner refuses the consent above provided for, then in such block or blocks the said company shall have the right, and the commissioner of public works is directed to permit said company to lay its wires next outside the curb wall under the pavement around the property whose owner or owners refuse their consent, and the commissioner of public works shall issue permits for that purpose, specifying that the said line or lines of wires shall be laid in such manner that they will least inconvenience the persons occupying said sidewalk space, and he shall require that the same shall be made entirely safe and secure

¶ 6. **Service rates—use by city.**] § 6. The said Cushman Telephone and Service Company shall not charge for the use of each telephone connected with its exchange a greater sum than ninety-five ($95) dollars for the first year, and not more than eighty-five ($85) dollars for each subsequent year such telephone shall be used; Provided, said company shall contract for three years' service with any one party at the rate of seventy-five ($75) dollars per annum; and provided, the said company shall connect its wires with the mayor's office, department of public works, fire department, police department, building department, city collector's office, city clerk's office, health department and law department, and place and keep one telephone in each of said places, free of charge to the city, so that said telephones may be used in connection with all wires under control of said company connected with its said exchange in the city of Chicago; and provided, said company shall rent to the city of Chicago telephones for the sole use of the police and fire alarm system of the city of Chicago, at an annual rental of not to exceed five ($5) dollars per annum for each telephone.

¶ 7. **Bond—conditions.**] § 7. Said Cushman Telephone and Service Company shall before commencing the operation of the telephone system, execute to the city of Chicago a good and sufficient bond, with sureties to be approved by the mayor of the city of Chicago, in the penal sum of ten thousand ($10,000) dollars, conditioned that the said company, its successors and assigns, will well and truly pay, or cause to be paid, any and all damages that may accrue from the laying, repairing, removing and operating said wires, conduits and telephone system, and shall indemnify and save harmless the city of Chicago against all damages, costs and expenses of every kind whatsoever which may be recovered against said city in consequence of the acts or neglect of said company, its agents or servants, and will save and keep harmless the said city of Chicago from any and all damage, loss or expense caused by or incident to the erection of said poles and the stringing and operating said wires and the maintenance thereof

¶ 8. **Acceptance—wires laid, when.**] § 8. This ordinance is passed upon the express agreement and understanding that the Cush-

man Telephone and Service Company, before availing itself of any of the rights or privileges granted by this ordinance, shall file with the city clerk its acceptance of all the terms of this ordinance; Provided, however, that said acceptance shall be filed within ninety (90) days from the passage hereof, and further provided, that said company shall have wires laid, and its exchange in operation, within two years from the acceptance of this ordinance

¶ 9. **Transfers and combinations prohibited.**] § 9. The said Cushman Telephone and Service Company shall not at any time lease, sell, transfer or assign the rights and privileges granted under this ordinance to any telephone company, nor shall the said company enter into any combination with any telephone company heretofore existing or hereafter created, concerning the prices to be charged for telephone services, nor shall said company make any consolidation, transfer or division of the territory, streets or avenues of the city with any other telephone company or corporation for the operation of and supplying of telephone service; any violations of the provisions of this ordinance shall authorize and entitle the city to revoke and repeal the provisions of this ordinance.

¶ 10. **Term of grant.**] § 10. The rights and privileges hereby granted shall wholly cease and determine at the expiration of twenty (20) years from the passage hereof.

¶ 11. **When in force.**] § 11. This ordinance shall be in force from and after its passage and due publication

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MUTUAL UNION TELEGRAPH COMPANY.

§ 879. Mutual Union Telegraph company.

¶ 1. Grant—route.[1]
¶ 2. Right to use other poles—conditions.

An ordinance granting permission to the Mutual Union Telegraph company to erect and maintain telegraph lines through the town of Lake View. (Passed and approved September 5, 1881.)

¶ 1. **Grant—route.**] Be it ordained by the board of trustees of the town of Lake View: § 1. That the Mutual Union Telegraph Company, its successors and assigns, be and hereby are authorized and empowered to construct a line of telegraph in the town of Lake View upon the following named streets, to wit: Beginning at the western limit of said township at the intersection of Belmont avenue and running on said avenue eastward to Lincoln avenue

¶ 2. **Right to use other poles—conditions.**] § 2. That permission be and hereby is granted the said Mutual Union Telegraph

Company, its successors and assigns, with the consent of the Chicago and Milwaukee Telegraph Company, to place and maintain wires and fixtures upon the poles of the said Chicago and Milwaukee Telegraph Company wherever said poles are set within the town; Provided, that the said telegraph line, wires and fixtures shall be constructed and maintained subject to all the provisions of the ordinances of said town now in force or that may hereafter be enacted; Provided, also, that the town of Lake View shall have the right to erect and maintain on the poles of the proposed telegraph line on Belmont avenue such telegraph or telephone insulators and wires as may be deemed necessary for the use of said town.

§ 880. Mutual Union Telegraph company.

¶ 1. Grant—route.
¶ 2. Subject to ordinances.

An ordinance granting permission to the Mutual Union Telegraph company to erect and maintain telegraph lines through the town of Cicero. (Passed September 10, 1881.)

¶ 1. Grant—route.] Be it ordained by the board of trustees of the town of Cicero: § 1. That the Mutual Union Telegraph Company be and it is hereby authorized and empowered to construct a line of telegraph in the town of Cicero upon the following named streets, to wit: Beginning at the intersection of the Illinois and Michigan canal with Egan avenue and running thence along the north side of Egan avenue to the eastermost limits of the town of Cicero, and beginning at the intersection of the Illinois and Michigan canal with Kinkaid street and running thence southwardly on west side of Kinkaid street to the north side of Egan avenue.

¶ 2. Subject to ordinances.] § 2. That the said telegraph lines, wires and fixtures shall be constructed and maintained subject to all the provisions of the ordinances of the said town now in force or that may hereafter be enacted.

§ 881. Mutual Union Telegraph company.

¶ 1. Grant—route.
¶ 2. Construction—supervision.
¶ 3. Rights reserved—use of poles.
¶ 4. Indemnity clause.
¶ 5. Subject to ordinances.
¶ 6. Term of grant.
¶ 7. When in force—acceptance.

An ordinance authorizing the Mutual Union Telegraph company to erect telegraph poles in the town of Lake. (Passed September 13, 1881. Accepted September 23, 1881.)

¶ 1. Grant—route.] Be it ordained by the board of trustees of the town of Lake: § 1. That the Mutual Union Telegraph Company is hereby authorized to erect telegraph poles in the town of Lake as hereinafter specified, and to construct and maintain a line

or lines of telegraph in connection with the same, viz.: On the east side of said Kinkaid street or Ogden avenue from Egan avenue to Forty-seventh street; on the north side of Forty-seventh street from Walker avenue to Halsted street; on the west side of Halsted street from Forty-seventh street to Fifty-first street; on the south side of Fifty-first street from Halsted street to State street, and on the east side of Scammon street from Forty-seventh street to the southern limits of the town of Lake so far as the authority of the town may extend by reason of the dedication or opening of any of said streets.

¶ 2. **Construction—supervision.**] § 2. The poles hereby authorized to be erected shall be placed at the edge or curb of the sidewalk, and the whole manner of constructing said telegraph lines as to the length of the poles, their size and kind, their position on the streets named herein and otherwise, shall be as the board of trustees of the town of Lake shall direct.

¶ 3. **Rights reserved—use of poles.**] § 3. The town of Lake shall have the right to place its wires for telegraph and telephone purposes upon any of the poles which may be erected along the streets specified in this ordinance, and where any of its said wires are now strung upon poles erected along any of said streets, the same shall be transferred by the said telegraph company to the poles which it may erect along said streets under the authority of this ordinance without expense to the town of Lake for such transferring, and the said telegraph company shall take up and deliver the present poles back of the town hall in the town of Lake, and shall furnish and string, free of cost to the town of Lake, two number nine wires on said poles between State street and Ashland avenue erected under this ordinance

¶ 4. **Indemnity clause.**] § 4. The authority hereby granted to said telegraph company is upon the express condition that the said telegraph company indemnify and hold the town harmless from any and all damages and expenses to which it may be subjected by reason of the passage of this ordinance, and against all damages which may result to shade trees, and which may result from the falling of its poles and wires along any of the streets specified in this ordinance.

¶ 5. **Subject to ordinances.**] § 5. All the proceedings of said telegraph company under this ordinance shall be subject to any ordinance relative to the same which may hereafter be passed by the board of trustees of the town of Lake, or its successors in corporate authority in said town, and subject to any ordinance which may hereafter be passed by the board of trustees of the town of Lake, or its successors in corporate authority in said town, relative to placing telegraph lines or wire, or electric conductors used and operated within the corporate limits of said town under the streets of said town, and all regulations relative thereto which may be hereafter prescribed by said ordinance.

¶ 6. **Term of grant.**] § 6. The grants and privileges herein conferred shall expire and determine twenty years from the date of the passage of this ordinance.

¶ 7. **When in force—acceptance.**] § 7. The provisions of this ordinance shall extend to and be binding upon all the grantees, lessees or purchasers deriving title through or under said Mutual Union Telegraph Company, and this ordinance shall not be in force until a written acceptance thereof by said company, signed by the proper officer of said company and its corporate seal affixed thereto and properly attested, is filed with the town clerk of the town of Lake, said acceptance to be filed within thirty days after the passage of this ordinance.

§ 882. Mutual Union Telegraph company.

¶ 1. Grant.
¶ 2. Route—bond—conditions.
¶ 3. Restoration of streets.
¶ 4. Subject to ordinances.

An ordinance authorizing the Mutual Union Telegraph company to lay down and maintain underground wires in the city of Chicago. (Passed October 10, 1881.)

¶ 1. **Grant.**] Be it ordained by the city council of the city of Chicago: § 1. That the Mutual Union Telegraph Company be and hereby is authorized to lay down and maintain its wires underground in the city of Chicago.

¶ 2. **Route—bond—conditions.**] § 2. The commissioner of public works shall designate the route or routes, streets, alleys or tunnels, in or through which such wires shall be laid, and he shall prescribe such conditions and regulations as to the manner of laying and repairing such wires as shall do the least possible injury to said streets, alleys, highways or tunnels, or to the water or gas pipes, or sewers, or shall impose the least inconvenience to the public, or to the holders of the property along which such wires shall be laid, and the said telegraph company shall file with the city clerk a bond in the penal sum of twenty-five thousand dollars, with good and sufficient sureties, to be approved by the city council, to save and indemnify the city of Chicago against all liabilities, losses or judgments that may in any wise come against said city in consequence of the carelessness or neglect of said telegraph company, its agents or employes, in laying down or repairing its wires, or which may accrue or be recovered against said city on account or by reason of the exercise by said company, its successors or assigns, of the privileges, or any of them, hereby granted.

¶ 3. **Restoration of streets.**] § 3. In all case the streets, alleys, highways or tunnels (together with the water and gas pipes and sewers) wherein such wires shall be laid shall be restored as nearly as may be, as provided by section 581 of the Revised Ordinances of said city, or as may hereafter be provided by ordinance.

¶ 4. **Subject to ordinances.**] § 4. That all the doings of said company under this ordinance shall be subject to any ordinance that may have been or may hereafter be enacted by the council concerning telegraph companies.

§ 883. Mutual Union Telegraph company.

¶ 1. Grant—route.
¶ 2. Subject to ordinances.
¶ 3. When in force.

An ordinance granting permission to the Mutual Union Telegraph company to construct and maintain a line of telegraph on the east side of Forty-eighth street in the town of Cicero. (Passed October 29, 1881.)

¶ 1. **Grant—route.**] Be it ordained by the board of trustees of the town of Cicero, in meeting assembled: § 1. That the Mutual Union Telegraph Company be and it is hereby authorized and empowered to construct and maintain a line of telegraph on and along the east side of Forty-eighth street from the northern to the southern limits of the town of Cicero.

¶ 2. **Subject to ordinances.**] § 2. That all the doings of said telegraph company under this ordinance shall be subject to any ordinance that may have been or may hereafter be enacted by the board of trustees of said town.

¶ 3. **When in force.**] § 3. This ordinance shall be in force from and after its passage.

§ 884. Mutual Union Telegraph company.

¶ 1. Temporary line—conditions—bond.

An ordinance authorizing the Mutual Union Telegraph company to erect and maintain a temporary line of telegraph poles and wires in the city of Chicago. (Passed December 29, 1881.)

¶ 1. **Temporary line—conditions—bond.**] Be it ordained by the city council of the city of Chicago: § 1. That the Mutual Union Telegraph Company be and is hereby authorized to erect and maintain one temporary line of poles and wires, for telegraph purposes only, between their offices in the city of Chicago and their offices in other cities, as hereinafter set forth, subject to the following conditions:

First. Said line of poles shall be erected from the southern boundary of the city to its northern boundary, by way of said company's chief offices in the business center of the city, upon a practicable route, which shall be designated by the commissioner of public works, avoiding, as far as practicable, sides of streets already encumbered with poles

Second. That the right to maintain said poles and wires may be terminated at any tme, should the mayor of the city of Chicago so direct.

Third. The poles erected under this ordinance shall be not less

than forty feet in height, and shall be painted in such manner as the commissioner of public works may prescribe. And no advertisements shall be placed upon said poles.

Fourth. The wires of the fire alarm telegraph of the city may be placed upon or transferred to any of the poles erected under this ordinance, whenever the superintendent of the city telegraph may so direct.

Fifth. For the purpose of reaching branch offices and business houses, the said Mutual Union Telegraph Company shall have the privilege of erecting and maintaining single wire lines, to be attached to housetops or private property, with the consent of the owners thereof; and such wires may cross the streets and alleys and city property, for the purpose of reaching and connecting the points to which they are attached: Provided, that the streets, alleys and city property so crossed shall be determined by the commissioner of public works.

Sixth. The line of telegraph poles erected and the wires strung under the provisions of this ordinance shall be of a temporary character only, and for the purpose of enabling the said Mutual Union Telegraph Company to do business while it is perfecting a system of underground telegraphy, and due diligence shall be used to perfect and put in operation said system on or before the first day of March, A. D. 1883; and all the rights and privileges granted under this ordinance shall terminate on the first day of March, 1883, and constructions thereunder removed at the expense and cost of said company, its successors or assigns.

Seventh. And further, upon the condition that said Mutual Union Telegraph Company will, before the permit to erect the said temporary line of poles and string wires as aforesaid is granted, and before the erection of said poles and wires, execute to the city of Chicago a good and sufficient bond, with sureties to be approved by the mayor of the city of Chicago, in the penal sum of twenty-five thousand dollars, conditioned that said Mutual Union Telegraph Company, its successors or assigns, will well and truly pay, or cause to be paid, any and all damage which may be caused to said city by said company, and pay or cause to be paid any and all damage, loss or expense to said city, or to any private person or property, arising from, growing out of or incident to the erection of said poles and wires, the maintaining the same, or the removal thereof, and will at all times save and keep harmless said city of Chicago from all damage, loss or expense caused by or incident to the erection of said poles and the stringing of said wires, the maintaining of the same and the removal thereof; and further, that said company will remove and take down said poles and wires at the time herein designated, or sooner if so ordered and directed by the mayor, and will pay or cause to be paid any and all expense, cost or damage the city may be put to or sustain in removing and taking down said poles and wires, if said company should fail or neglect to remove the same at the time designated

above, or upon the order and direction of the mayor; and further conditioned, that said company will at all times comply with this ordinance and the provisions thereof, and the directions and orders of the mayor or commissioner of public works, in regard to the erection, maintaining or removal of the same.

PACIFIC & ATLANTIC TELEGRAPH COMPANY.

§ 885. Pacific & Atlantic Telegraph company.

¶ 1. Grant—route.
¶ 2. Location, etc., of poles.
¶ 3. Subject to ordinances.

An ordinance authorizing the Pacific & Atlantic Telegraph company of the United States to erect telegraph poles on the streets of the city of Chicago. (Passed September 6, 1869.)

¶ 1. **Grant—route.**] Be it ordained by the common council of the city of Chicago: § 1. That the Pacific and Atlantic Telegraph Company of the United States is hereby authorized to erect telegraph poles on the streets of the city of Chicago as hereinafter specified, and to construct and maintain a line or lines of telegraph in connection with the same, viz.: On Halsted street, from Egan avenue to Twenty-sixth street; on Twenty-sixth street, from Halsted street to Wentworth avenue; on Wentworth avenue, from Twenty-sixth street to Twenty-second street; on Twenty-second street, from Wentworth avenue to Burnside street; on Burnside street, from Twenty-second street to Fourteenth street; on Fourteenth street, from Burnside street to Fourth avenue; on Fourth avenue, from Fourteenth street to Polk street; on Polk street, from Fourth avenue to Griswold street; on Griswold street, from Polk street to Jackson street; on Jackson street, from Griswold street to La Salle street; on the east side of La Salle street, from Jackson street to Washington street, and thence to such places on La Salle, Washington or Clark streets as said company shall select for their general offices, the precise route to be determined by the board of public works. The telegraph poles erected along the streets specified in this section, and which will be north of Thirty-first street, shall be planed and painted.

¶ 2. **Location, etc., of poles.**] § 2. The poles hereby authorized to be erected shall be placed at the edge or curb of the sidewalk, and the whole manner of placing the same, and the manner of constructing said telegraph lines, to the height, size and kind of poles, their position on the streets named herein and otherwise, shall be as the board of public works shall direct.

¶ 3. **Subject to ordinances.**] § 3. All the proceedings of said telegraph company under this ordinance shall be subject to any ordinance relative to the said telegraph line, which may hereafter be passed by the common council of the city of Chicago.

POSTAL TELEGRAPH COMPANY.

§ 886. Postal Telegraph company.

¶ 1. Grant—route—conditions—acceptance.

An order authorizing the Postal Telegraph company to erect and maintain a telegraph line in the village of Washington Heights. (Passed December 4, 1882.)

¶ 1. **Grant—route—conditions—acceptance.**] Ordered, that permission be and is hereby granted to the Postal Telegraph Company to erect and maintain a telegraph line through this village on and along Vincennes road, from South street north to 95th street, with the express understanding that none of the poles or wires of the said line shall be placed so as to interfere with or impede the flow of water in the ditches along said road, or with travel along the same, or along the sidewalk, crosswalks, cross streets, alleys or private ways connected with, or across or along the said Vincennes road, and that said telegraph poles shall be set a distance of not less than eight feet east of the east line of the road-bed of said highway; and further, that the village of Washington Heights shall have the right to attach a wire or wires to said poles within the village limits; and the president of this board is hereby empowered to draw up a proper consent in writing covering the conditions of this permit, and the committee on streets and highways of this board is hereby empowered to direct the erection of the poles mentioned herein, and see that the provisions and conditions of this permit are complied with, which permit shall have no binding force unless accepted in writing by said Postal Telegraph Company.

§ 887. Postal Telegraph company.

¶ 1. Grant—route.
¶ 2. Indemnity clause.
¶ 3. Transfer, etc., to terminate grant.
¶ 4. Rights reserved—removal of poles.
¶ 5. When in force—acceptance.

An ordinance authorizing the Postal Telegraph company to erect and maintain a line of telegraph poles and wires in the town of Lake. (Passed December 22, 1882. Accepted January 12, 1883.)

¶ 1. **Grant—route.**] Be it ordained by the board of trustees of the town of Lake: § 1. That permission and authority is hereby granted to the Postal Telegraph Company, for a period of ten (10)

years from this date, to erect, construct, maintain and securely brace and guy one line of telegraph poles with cross arms and wires strung thereon for supporting the insulators, wires and other necessary fixtures of such line in such manner and at such points as the superintendent of public works of the town of Lake may direct, in and along and upon the following streets and alleys within the town of Lake, to wit: On Halsted street, from the south line of the town of Lake to Seventy-first street; thence west on Seventy-first street to Center avenue; thence north on Center avenue to the north side of Forty-seventh street; also on Thirty-ninth street from the west side of Halsted street to School street.

¶ 2. **Indemnity clause.**] § 2. The permission and authority hereby granted are upon the further express condition that the said telegraph company shall and will forever indemnify and save harmless the town of Lake against and from any and all damages, judgments, decrees and costs and expenses of the same which it may suffer, or which may be recovered or obtained against said town for or by reason of the granting of said privilege and authority, and for, or by reason of, growing out of, and resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privilege hereby granted, or from any act or acts of the said company under or by virtue of the provisions of this ordinance.

¶ 3. **Transfer, etc., to terminate grant.**] § 3. The permission and authority hereby granted are upon the further express condition that in case of a transfer of the telegraph line herein provided for, or a sale or lease by the said Postal Telegraph Company of its property or franchise to any other corporation whatever, or in case the title to said property should become changed by the operation of law, then and from thenceforth the rights and privileges granted by this ordinance shall cease and determine, and the town of Lake shall have the right to remove the poles and wires which may be erected or strung under this ordinance from the streets and alleys of said town.

¶ 4. **Rights reserved—removal of poles.**] § 4. The permission and authority hereby granted are upon the further express condition that whenever the public convenience, in the judgment of the board of trustees of the town of Lake, may require that any of the telegraph poles, which may be erected under this ordinance, should be removed to some other location to be designated by said board of trustees, the said telegraph company should, within ten (10) days after written notice to any officer of said company, cause said change to be made at the expense of said telegraph company, and in case of a failure so to do, the board of trustees of the town of Lake may, at the cost of the said company, remove the poles so ordered to be removed, without erecting others in their stead.

¶ 5. **When in force—acceptance.**] § 5. This ordinance shall not be in force until the written acceptance thereof by the said Postal Telegraph Company shall be filed with the town clerk of the town of Lake, which acceptance must be filed within fifteen (15) days from this date

Note.—See following amendatory ordinance.

§ 888. Postal Telegraph company.

¶ 1. Amending section 1 of foregoing ordinance.
¶ 2. Amendment.

An ordinance amending section 1 of a ordinance passed by the board of trustees of the town of Lake December 22, 1882, authorizing the Postal Telegraph company to erect a line of telegraph. (Passed May 8, 1883.)

¶ 1. **Amending section 1 of foregoing ordinance.**] Be it ordained by the board of trustees of the town of Lake: That section one of an ordinance adopted by the board of trustees of the town of Lake on the 22nd day of December, A. D. 1882, granting right of way to the Postal Telegraph Company to erect poles and string wires for telegraph purposes over some streets in said town be and the same is hereby amended so as to read as follows, to wit:

¶ 2. **Amendment.**] § 1. That permission and authority is hereby granted to the Postal Telegraph Company for a period of ten (10) years from this date to erect, construct, maintain and securely brace and guy one line of telegraph poles with cross arms and wires strung thereon for supporting the insulators, wires and other necessary fixtures of such line in such manner and at such points as the superintendent of public works of the town of Lake may direct in and along and upon the following streets and alleys within the town of Lake, to wit: On Halsted street from the south line of the town of Lake to Seventy-first (71st) street, thence west on Seventy-first (71st) to Center avenue, thence north on Center avenue to the north side of Forty-seventh street; also on Thirty-ninth street from the west side of Halsted street to Wentworth avenue.

§ 889. Postal Telegraph company.

¶ 1. Grant—route.
¶ 2. Subject to ordinances.
¶ 3. Indemnity clause.
¶ 4. When in force.

An ordinance authorizing the Postal Telegraph company to erect, maintain and operate a line of telegraph on certain streets therein named. (Passed October 13, 1883.)

¶ 1. **Grant—route.**] Be it ordained by the board of trustees of the town of Cicero, in meeting assembled: § 1. Permission and authority are hereby given and granted by the town of Cicero to the Postal Telegraph Company to erect, maintain and operate a line of telegraph over, along and upon the following named streets in said

town, viz.: Commencing at the intersection of Thirty-fifth (35th) street and the Union Stock Yards Railroad and running thence west on said street to Kinkade avenue, thence south on Kinkade avenue to Thirty-sixth (36th) street, thence west on said street to Kedzie avenue, and thence north on said avenue to the Illinois and Michigan canal.

¶ 2. **Subject to ordinances.**] § 2. The permission and authority hereby given and granted are given and granted upon the express condition that the said company shall and will keep and perform all obligations and duties that are now or hereafter may be imposed by any general or special ordinance of said town pertaining to the management, regulation and control of telegraph companies, and also as to the police powers and ordinances and health regulations of said town, and that the poles of the said telegraph line hereby authorized to be erected shall be placed in such portions of the highways as the said board of trustees of said town shall from time to time direct.

¶ 3. **Indemnity clause.**] § 3. The permission and authority hereby given and granted are so given and granted upon the express further condition that the said company, its grantees, lessees, successors or assigns, shall at all times save and keep harmless the said town of Cicero of and from any and all damages, costs, judgments, decrees and expenses which may be incurred or sustained by, or which may be rendered against said town by reason of the passage of this ordinance, or by reason of the exercising the permission and authority hereby given and granted to said company.

And this permission and authority is hereby granted to the Postal Telegraph Company upon the express condition that the rights hereby given are not to be assigned to, or in any manner controlled by, any other party or company.

¶ 4. **When in force.**] § 4. This ordinance shall be in force from and after its passage.

UNITED STATES TELEGRAPH COMPANY.

§ 890. United States Telegraph company.

¶ 1. Grant—conditions.

An ordinance authorizing the United States Telegraph company to construct and maintain a line of telegraph. (Passed September 21, 1863.)

¶ 1. **Grant—conditions.**] Be it ordained by the common council of the city of Chicago: § 1. That the United States Telegraph Company is hereby authorized to construct and maintain a line or lines of telegraph through the streets, and under the bed of Chicago river and its branches, so as in nowise to interfere, now or hereafter, with the navigation of said river and branches; the line or lines to be constructed along such streets, and across the river or branches, at such points and in such manner as to the kind and position of the tele-

graph poles, the height of the wires above the streets, and in all other particulars, as the board of public works may direct; Provided, however, that all the doings of said telegraph company, under this ordinance, shall be subject to any ordinance which may hereafter be passed by the council concerning the same.

WESTERN UNION TELEGRAPH COMPANY.

§ 891. Western Union Telegraph company.

¶ 1. Grant—route.
¶ 2. Construction.
¶ 3. Subject to ordinances.
¶ 4. Rights reserved—use of poles.

An ordinance authorizing the Western Union Telegraph company to erect and maintain a line of telegraph in the village of Hyde Park. (Passed and approved June 27, 1884.)

¶ 1. **Grant—route.**] Be it ordained by the board of trustees of the village of Hyde Park: § 1. That the Western Union Telegraph Company is hereby authorized to erect telegraph poles and maintain a line of telegraph thereon on Sixty-first street, from State street to a point in rear of the grand stand of the Washington Driving Park.

¶ 2. **Construction.**] § 2. The whole manner of constructing said telegraph line, as to position and otherwise, shall be as the village electrician shall direct.

¶ 3. **Subject to ordinances.**] § 3. All the proceedings of said telegraph company under this ordinance shall be subject to any ordinance relative to the same which may hereafter be passed by the board of trustees of the village of Hyde Park.

¶ 4. **Rights reserved—use of poles.**] § 4. The village of Hyde Park shall have the right to string and maintain wires on said poles.

§ 892. Western Union Telegraph company.

¶ 1. Grant—route.
¶ 2. Construction.
¶ 3. Rights reserved—use of poles.
¶ 4. Indemnity clause.
¶ 5. Subject to ordinances.
¶ 6. Term of grant.
¶ 7. When in force, acceptance.

An ordinance authorizing the Western Union Telegraph company to erect telegraph poles in the town of Lake. (Passed April 21, 1882. Accepted June 9, 1882.)

¶ 1. **Grant—route.**] Be it ordained by the board of trustees of the town of Lake: § 1. That the Western Union Telegraph Company is hereby authorized to erect telegraph poles in the town of Lake, as hereinafter specified, and to construct and maintain a line or lines of telegraph in connection with the same, as follows: On the west side of Wallace street, from Forty-eighth street to Seventy-fifth street, and on the north side of Forty-eighth street, from Wallace street to the east side of Stewart avenue.

¶ 2. **Construction.**] § 2. The poles hereby authorized to be erected shall be placed at the edge or curb of the sidewalk, and the whole manner of constructing said telegraph lines, as to the length of the poles, their size and kind, their position on the streets named herein and otherwise, shall be as the board of trustees of the town of Lake shall direct.

¶ 3. **Rights reserved—use of poles.**] § 3. The said telegraph company shall furnish and reserve, for the use of the town of Lake, the top cross arm upon all poles which may be erected along the streets specified in this ordinance. Upon said arm (which shall be for four wires) the said telegraph company shall, within sixty days from this date, place two No. 9 wires for the exclusive use of the town of Lake, and extend the same to the intersection of Wallace street and Vincennes avenue; and the town of Lake may also furnish and put upon said cross arms two additional wires for its own use. It is, however, specially understood that all wires put up by or for the town of Lake, under this ordinance, shall be used for its proper corporate business only, and shall not be rented or leased or in any manner used by any other corporation, firm or individual.

¶ 4. **Indemnity clause.**] § 4. The authority hereby granted to said telegraph company is upon the express condition that the said telegraph company shall indemnify and hold the said town harmless from any and all damages and expense to which it may be subjected by reason of the passage of this ordinance, and against all damages which may result to shade trees, and which may result from the falling of its poles and wires along any of the streets specified in this ordinance.

¶ 5. **Subject to ordinances.**] § 5. All the proceedings of said telegraph company under this ordinance shall be subject to any ordinance relative to the same, which may hereafter be passed by the board of trustees of the town of Lake, or relative to the placing of telegraph lines, wires or electric conductors, used and operated within the corporate limits of said town, under the streets of said town, and subject to all the regulations which may be prescribed by such ordinance or ordinances.

¶ 6. **Term of grant.**] § 6. The grants and privileges herein conferred shall expire and determine ten years from the date of the passage of this ordinance.

¶ 7. **When in force—acceptance.**] § 7. The permission of this ordinance shall extend to and be binding upon all the grantees, lessees or purchasers deriving title through or under said Western Union Telegraph Company, and this ordinance shall not be in force until a written acceptance thereof by said company is filed with the town clerk of the town of Lake, and the provisions of section three of this ordinance are complied with, and which must be done within sixty days from this date.

APPENDIX.*

CHAPTER XIX. Cemeteries.
CHAPTER XX. Electric Light and Heat.
CHAPTER XXI. Parks, Boulevards and Driveways.
CHAPTER XXII. Private Privileges.
CHAPTER XXIII. Railways—Track Elevation.
CHAPTER XXIV. Street Railways.
CHAPTER XXV. Switch Tracks.

CHAPTER XIX.—CEMETERIES.

SISTERS OF THE POOR CLAIR.

§ 893. Sisters of the Poor Clair.

¶ 1. Permission to use a private cemetery.
¶ 2. Subject to ordinance.
¶ 3. When in force.

An ordinance to establish a cemetery for the Sisters of the Poor Clair. (Passed June 8, 1897.)

¶ 1. Permission to use a private cemetery.] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby granted to the Sisters of the Poor Clair, located in the city of Chicago, to use a private cemetery within their grounds for the interment of members of their order who die while residing at their institute. The premises to be used as a cemetery is situated in Chicago, Cook county, Illinois, described as lots 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, P. S. Barber's subdivision of section 8, township 38, north of range 14.

¶ 2. Subject to ordinances.] § 2. This permit is granted subject to the requirements of sections 837 and 836, article 6, of the revised code of the city of Chicago, 1897.

¶ 3. When in force.] § 3. This ordinance shall take effect and be in force from and after its passage.

*Special ordinances passed since April 8, 1897.

CHAPTER XX.—ELECTRIC LIGHT, HEAT AND POWER.

§ 894. American Development Co.
§ 895. Commonwealth Electric Company.
§ 896. Consumers' Electric Light Company.
§ 897. Herman Grossman & Co.
§ 898. Sparr & Weiss.

AMERICAN DEVELOPMENT COMPANY.

§ 894. American Development Company.

¶ 1. Preamble.
¶ 2. Agreement.
¶ 3. Agreement.
¶ 4. Contracts confirmed.
¶ 5. Adopted by city.
¶ 6. Appropriations.
¶ 7. When in force.

An ordinance ratifying contracts between the city of Chicago and the American Development Company. (Dated September 22d, A. D. 1897.)

¶ 1. **Preamble.**] § 1. Whereas, In the annual appropriation ordinance, passed on the 18th day of March, A. D. 1897, there was included the sum of $600,000 for street lighting, and therein and thereby it was provided that the said sum so appropriated should be spent under the direction of the comptroller; and

Whereas, Under and by virtue of the authority duly conferred upon him, the said comptroller duly advertised for bids for lighting the outlying streets of the city of Chicago with gasoline lamps, and the American Development Company was the lowest responsible bidder upon such advertisement; and

Whereas, In pursuance of such advertisement and bidding, two contracts were duly executed with the said American Development Company by the city of Chicago, the comptroller and mayor executing the same in behalf of the city of Chicago, the said two contracts being in words and figures as follows, to wit:

¶ 2. **Agreement.**] § 2. "This agreement, made and entered into this 22nd day of September, A. D., 1897, by and between the city of Chicago, a municipal corporation in the county of Cook and state of Illinois, party of the first part, and the American Development Company, a corporation of the state of Minnesota, party of the second part,

Witnesseth: That the said party of the second part for and in consideration of the covenants, articles and agreements hereinafter men-

tioned to be performed, kept and observed by the party of the first part, its successors and assigns, hereby agrees with said party of the first part that it, the party of the second part, will operate in the manner hereinafter set forth, two thousand eight hundred (2,800) street lamps (more or less) in the city of Chicago, for and during the term of this agreement, as hereinafter set forth.

The said twenty-eight hundred (2800) lamps (more or less) to be operated and lighted by said party of the second part, to be the twenty-eight hundred (2800) street lamps (more or less), posts and appliances formerly owned and operated by the party of the first part, and by it transferred to the Globe Light and Heat Company on the 30th day of January, A. D. 1897, and the party of the first part agrees to repurchase at a price not to exceed the sum of seven thousand, four hundred and seventy-nine dollars ($7,479) all of said street lamps, posts and appliance so transferred, and to turn over same to the party of the second part upon payment by said party of the second part to the party of the first part of the sum of seven thousand, four hundred and seventy-nine dollars ($7,479).

And the party of the second part hereby agrees that when said twenty-eight hundred (2,800) lamps, posts and appliances (more or less) are so turned over to it, it will place upon said lamps its own burners, and will operate same during the continuance of this contract, according to the following specifications:

Material to be used for lighting purposes to be gasoline; said gasoline to be furnished by and at the expense of the party of the second part. Each of said lamps to be lit every night in each month, and to be kept lit from dusk until dawn; said lamps to be lit, extinguished and kept in repair by and at the expense of the party of the second part. Lamps to be cleaned by the party of the second part to the acceptance of the party of the first part.

Price to be paid to the party of the second part to be at the rate of eleven dollars and forty-eight cents ($11.48) per annum for each and every lamp lighted; payments to be made monthly. All claims for lamps not lighted to be reported by the party of the first part to the party of the second part at once, giving date, location, hour, and by whom reported, otherwise no claim for lamps not lighted to be allowed.

And in consideration of the performance by the party of the second part of the foregoing agreements and specifications, the party of first part hereby agrees to turn over, on or before the first day of October, A. D. 1897, to the party of the second part the twenty-eight hundred (2,800) lamps (more or less) hereinbefore described, upon payment to it by the party of the second part of the sum of seven thousand, four hundred and seventy-nine dollars ($7,479). And said first party further agrees to pay said party of the second part for the lighting of said lamps, and the operating thereof according to the terms of the foregoing agreement, at the rate of eleven dollars and forty-eight cents

($11.48) per lamp, per annum for each and every lamp lighted by the party of the second part as aforesaid; said payments to be made monthly.

It is hereby understood and agreed by and between the parties hereto, that this agreement shall take effect on and from the first day of October, A. D. 1897, and shall continue in force and effect for a period of one year from and after such date; provided, however, that if the party of the second part shall desire to continue this contract, in force and effect for a further period of one year beginning on the first day of October, A. D. 1898, upon the same terms and conditions as provided for herein, said party of the second part shall have the privilege of so doing, upon its giving at least thirty (30) days notice in writing before the first day of October, A. D. 1898, to the party of the first part of its intention and desire to so continue this agreement in force and effect for another year.

In Witness Whereof, the parties hereto have caused their respective seals to be hereto affixed and attested by the signatures of their duly authorized officers or agents, upon this the twenty-second day of September, A. D. 1897.

(Signed) CARTER H. HARRISON,
Mayor.

R. A. WALLER,
City Comptroller.

AMERICAN DEVELOPMENT COMPANY.

By C. A. PETTINGILL,
Secretary.

ROBERT SEEGER,
Manager.

¶ 3. **Agreement.**] § 3. "This agreement made and entered into this 22nd day of September, A. D. 1897, by and between the city of Chicago, a municipal corporation in the county of Cook and state of Illinois, party of the first part, and the American Development Company, a corporation of the state of Minnesota, party of the second part.

Witnesseth: That the said party of the second part, for and in consideration of the covenants, articles and agreements hereinafter first part, its successors and assigns, hereby agrees with said party of the first part, that it, the said second party, will light and operate according to the terms and specifications and for the number of nights and hours per night hereinafter set forth, seven thousand (7,000) street lamps, more or less; said lamps to be erected and operated at such places in the city of Chicago as may be designated by the party of the first part.

All lamps to be lighted and the posts to be furnished by said party of the second part under the terms of this agreement shall be of the

same general design and quality as the standard lamps with cedar posts now exhibited and used in the streets of the city of Chicago.

All lamps operated under this agreement to be fitted and equipped with the burners used and owned by the party of the second part.

The material to be used in the lighting of said lamps to be gasoline, and all lamps operated under this agreement shall be lighted every night in each month at dusk, and kept lighted from dusk until dawn.

All lamps operated under this agreement shall be supplied, lighted, cleaned, extinguished, operated, and kept in repair by and at the expense of the party of the second part.

All lamps to be cleaned during the continuance of this agreement to the acceptance of the party of the first part.

The price to be paid by the party of the first part to the party of the second part for the lighting and operation of the said seven thousand (7,000) street lamps, more or less, shall be at the rate of eleven dollars and forty-eight cents ($11.48) per lamp per annum for every lamp lighted by the party of the second part under this agreement.

Payments to be made by the party of the first part to the party of the second part monthly, from and after the going into effect of this agreement.

All claims for lamps not lighted to be reported by the party of the first part to the party of the second part at once, stating date, location, hour and by whom reported, otherwise no claims for lamps not lighted to be allowed.

At the expiration of this agreement the entire plant so furnished and operated by the party of the second part, under this agreement, shall remain the property of said second party.

This agreement to take effect and be in force on and from the 1st day of April, A. D. 1898, and to continue in force and effect for a period of one year from and after such date; provided, however, that if the party of the second part shall desire to continue this contract in force and effect for a further period of one year, beginning on the 1st day of April, 1899, upon the same terms and conditions as provided for herein, said party of the second part shall have the privilege of so doing upon its giving at least thirty (30) days' notice in writing before the 1st day of April, 1899, to the party of the first part of its intention and desire to so continue this agreement in force and effect for another year.

In witness whereof, the parties hereto have caused their respective seals to be hereunto affixed and attested by the signatures of their

duly authorized officers or agents upon this the 22nd day of September, A. D. 1897.

(Signed) CARTER H. HARRISON.
Mayor.

R. A. WALLER,
City Comptroller.

AMERICAN DEVELOPMENT COMPANY,

By C. A. PETTINGILL,
Secretary.

ROBERT SEEGER,
Manager.

And whereas, pursuant to the said contract first above set out, the American Development Company have been since the 1st day of October, A. D. 1897, and now are fulfilling the same in all respects satisfactorily, and are ready and willing to fulfill the second of said contracts in the time and manner fixed therein; therefore,

¶ 4. **Contracts Confirmed.**] Be it ordained by the city council of the city of Chicago: § 1. That the action of the comptroller in advertising for bids and opening the same and awarding the said contracts to the said American Development Company be and the same is hereby in all things ratified and confirmed.

¶ 5. **Adopted by city.**] § 2. That the action of the said mayor and comptroller in executing the said contracts for the city of Chicago be and the same is hereby in all things ratified, approved and confirmed, and the said contracts are in all respects and for all purposes hereby declared to be the valid contracts of the city of Chicago.

¶ 6. **Appropriations.**] § 3. That for all services performed by the said American Development Company under said contracts during the fiscal year 1898 ample provision will be made in the annual appropriation ordinance of the city of Chicago, and that the consideration provided to be paid under said contracts for work hereafter done can only be paid out of such valid and legal appropriations as may be hereafter made by the city council of the city of Chicago, the said American Development Company to have no claim against the city of Chicago in any event, except out of valid and legal appropriations to be made in each fiscal year during the life of such contracts.

¶ 7. **When in force.**] § 4. This ordinance to be in force from and after the date of its passage.

COMMONWEALTH ELECTRIC COMPANY.

§ 895. Commonwealth Electric Company.

¶ 1. Grant.
¶ 2. Terms and conditions.
¶ 3. Outside systems.
¶ 4. Permit—bond.
¶ 5. Restoration of streets.
¶ 6. Protection from wires.
¶ 7. Indemnity.
¶ 8. Time of construction limited.
¶ 9. Charge to consumer.
¶ 10. Compensation.
¶ 11. Other companies' conduits—City may use.
¶ 12. Term of grant.
¶ 13. Acceptance and bond.
¶ 14. When in force.

An ordinance granting right to the Commonwealth Electric Company. (Passed June 28, 1897.)

¶ 1. **Grant.**] Be it ordained by the city council of the city of Chicago: § 1. Subject to the terms and conditions of this ordinance, there is hereby granted to the Commonwealth Electric Company, a corporation organized and existing under and by virtue of the laws of the state of Illinois, the right to construct, maintain and operate a plant or plants, and in connection therewith to construct, repair, maintain, operate and use in, through, upon, over and under the streets, avenues, alleys, sidewalks, public ways, tunnels and upon viaducts and under the Chicago river and its various branches within the city of Chicago, a line or lines of wire or other electrical conductors to be used for the production, transmission and distribution of electricity for the purpose of furnishing light, heat and power, and the transmission of sound and signals or any or either of them.

¶ 2. **Terms and Conditions.**] § 2. All such lines of wire or other electrical conductors, except those passing through the tunnels or upon viaducts within the following boundaries, namely: Commencing at the intersection of the lake and North avenue, thence west on North avenue to Wells street, south on Wells street to Lake street, west on Lake street to Ashland avenue, south on Ashland avenue to Sixteenth street, east on Sixteenth street to Butterfield street, south on Butterfield street to Fifty-fifth street, east on Fifty-fifth street to the lake, shall be placed in underground conduits. Said company shall at all times place and keep on file with the commissioner of public works plans showing the location of each conduit laid and number of ducts and wires in each conduit, and upon laying any new conduit, said company shall file with the commissioner of public works a plan showing where each conduit is laid, the location of man-holes or other openings to gain access to said conduit, and each cover for such opening shall have placed thereon the name of said company.

¶ 3. **Outside System.**] § 3. The said company may, outside

of the district above described in section 2, erect a system of poles and wires thereon in any of the streets and alleys in Chicago, and over buildings, with the consent of the owners thereof, and in going from one building to another, if necessary, said company may cross streets, alleys, sidewalks, and city property, but before any such poles shall be so placed, the plans thereof shall be filed with the commissioner of public works, provided that the city of Chicago shall have the right to the top cross arm of each of said poles free from charge for the use of the city telegraph and telephone wires. All poles to be erected under the provisions of this ordinance shall be cedar poles not less than thirty (30) feet high, and symmetrical in form, unless the commissioner of public works shall approve of poles of a different height or form upon application being made to him for said purpose. Where the above mentioned wires, electrical conductors and cables are to be placed under ground, the said company shall, for the purpose of reaching and connecting with their subscribers, patrons, consumers and branch offices, have the privilege of bringing the said wires, conductors and cables to the surface within every four blocks and attaching them to houses and carrying them over the roofs should they desire so to do, provided the consent is first obtained from the owner to whose property they propose to attach said wires, conductors and cables, and said wires shall be kept at least twelve (12) feet above the surface of the roofs, except in such building as the wires are to enter, and the said company may in so doing cross streets, alleys, sidewalks and city property with wires grouped in cables. Where the consent of an owner referred to in this section is refused, the commissioner of public works is directed to allow the said Commonwealth Electric Company to erect in alleys poles upon which the said company may place its wires for the purpose of distribution.

¶ 4. **Permits—bonds, etc.**] § 4. Said company shall not construct any conduits or erect any poles or string any wires, or do any work in any of said public streets or alleys or public places, or in any way disturb the surface thereof, until it shall have filed with the commissioner of public works a plan showing the location of said conduits and the intended work, or in case it intends to erect poles and string wires thereon, showing the location of said poles, and until it shall have procured a permit from the department of public works of said city for said work, and whenever said company shall make application in writing to such department for such permit or permits, and shall have complied with the terms and conditions of this section of this ordinance, it shall be the duty of such department to forthwith issue such permit or permits.

When the said company shall first apply to the department of public works of said city of Chicago for a permit as herein provided, the said company shall deposit with said department the sum of ten thousand ($10,000) dollars as a guaranty that said company shall restore the streets, pavements, sidewalks, grounds, water pipes, sewer

or gas pipes, to a condition equally as good as before, and if said company shall fail or refuse to so restore such streets, pavements, sidewalks, grounds, water pipes, sewer or gas pipes to a condition equally as good as before, within a reasonable time after notice served upon said company so to do, then said deposit, or so much thereof as may be necessary, may be used by said department for such purposes, the balance of such deposit, if any there be, shall be restored to said company, or in case said company shall so restore such streets, pavements, side walks, grounds, water pipes, sewer or gas pipes to a condition equally as good as before, then such deposit shall be returned to said company.

¶ 5. **Restoration of Streets.**] § 5. Said company shall do no permanent injury to any street, sidewalk, or alley or in any manner unnecessarily interfere with any water pipe, sewer or gas pipe, telegraph or electric wires, cables or pipes which are now or may hereafter be laid by the city of Chicago or any authorized company or corporation, and whenever said company shall open any street, alley or public way, or interfere with any sewer or gas pipe, cable wire or conduit therein, the said street, alley or public way shall be restored forthwith to as good condition as before said opening or encumbrance. The said restoration to be made at the expense of said company. In case said company shall fail to make such restoration in accordance with these conditions, the same may be done by said city, and said company shall be liable to said city for the costs thereof. Said company shall not open or encumber more of any street, avenue, alley or public place at any one time than may be necessary to enable it to proceed with advantage in the laying of any conduit within the territory described in section 2, hereof, nor shall said company permit any such street, avenue, alley or public place to remain open or encumbered for a longer period than shall be necessary to execute the work for which the same shall have been opened, or without putting up the necessary barrier and lights, so as to effectually prevent the happening of any accident in consequence of such opening or encumbering of such street, alley, avenue or public place.

In the district bounded by Twelfth street on the south, the Chicago river on the west and north and Lake Michigan on the east no excavation of the street shall be made except between the hours of 9 p. m. and 6 a. m., and then only upon condition that the street shall be restored to a passable condition for traffic purposes during the hours from 6 a. m. to 9 p. m.

¶ 6. **Protection from wires.**] § 6. All conductors and wires owned and operated by the said company under the provisions of this ordinance shall be properly insulated and all overhead conductors used by said company shall be protected by guard wires or other suitable mechanical device or devices.

¶ 7. **Indemnity.**] § 7. The said Commonwealth Electric Company shall be liable to and shall compensate the city of Chicago

and pay any private individual owner or owners or parties interested in any property adjacent to any street, avenue or alley opened, or injured by it, for all damages which may result by reason of said company having negligently opened, encumbered, protected or guarded any such street, avenue or alley in said city or from or by reason of any negligence or failure on the part of said company in the exercise of any of the privileges granted by this ordinance.

¶ 8. **Time of construction, limited.**] § 8. Said company shall within three years from the passage of this ordinance erect, construct, and have ready for operation a plant or plants, and in connection therewith, have constructed underground conduits or erected poles and strung wires thereon, or both, the actual bona fide cost of all of which shall be one hundred thousand ($100,000) dollars.

¶ 9. **Charge to Consumer.**] § 9. The said company shall not charge any private consumer a sum exceeding one cent per hour for each sixteen candle power light. Said company shall not charge more than $10.50 per month for each arc light sixteen hundred (1,600) candle power, when such arc light is operated the entire night and the maximum charge for each such arc light when the same is operated until 12:30 o'clock a. m. shall not exceed $7.50 per month. Said company shall not charge any private consumer more than forty cents per horse power per day for all power furnished by it and the charge for the use of said wires for any other purpose shall be a reasonable one.

¶ 10. **Compensation.**] § 10. The rights and privileges hereby granted are upon the express condition that the Commonwealth Electric Company shall after the expiration of five years from the date upon which it shall commence to operate its said plant or plants pay annually to said city of Chicago for and in consideration of the rights and privileges hereby granted an amount equal to three per centum of the gross revenue and receipts of said company from the operation of its said plant or plants. Such payment shall be made in the manner following: At the expiration of six years from the date upon which it shall commence to operate its said plant or plants the president or other chief officer of said company shall file with the comptroller of said city of Chicago a statement under oath showing the amount of gross annual revenue or receipts of said company for the preceding year, and shall at the same time pay to said comptroller the said amount of three per centum of the annual gross revenue or receipts from the operation of its said plant or plants for said year. Said respective payments to be made as herein described annually thereafter. Such statement, however, shall not be final or binding upon the city and the comptroller of the city of Chicago or his authorized agent shall at all times upon such statement being made as herein contemplated have the right to examine the books of said company, showing said gross receipts for the purpose of verifying the same.

¶ 11. **Other companies' conduits; city may use.**] § 11. Said company may place its wires and conductors within conduits be-

longing to any other corporation and whom it may arrange for that purpose, now located or which hereafter may be located within such streets or alleys within the territory above mentioned and may likewise string its wires upon the poles of any corporation now or hereafter having poles in said city, within the territory which it is provided by this ordinance that said company may erect poles, and it is expressly understood that said city of Chicago shall have the right to place wires owned or used by it for telegraph and telephone service in any one of the conduits of the said company without any further consideration than the passage of this ordinance.

¶ 12. **Term of grant.**] § 12. The rights and privileges hereby granted by this ordinance are granted for the term of fifty (50) years from and after the acceptance of this ordinance and said rights and privileges are hereby granted on the express condition that at the end of said term of fifty (50) years from and after the acceptance of this ordinance, the city of Chicago, shall have the right to purchase the entire plant or plants of said company and all its property and effects of every kind and nature within said city of Chicago at an appraised value which shall be ascertained and determined by three competent and disinterested appraisers who shall have full access to all books, papers and other documents bearing on or appertaining to the subject and such appraisers shall be selected in the following manner; to wit: One of said appraisers shall be appointed by the said city of Chicago, one by said company and the two so selected shall choose a third, and if said two appraisers cannot agree upon a third then such third appraiser shall be selected by a majority of the members of the Circuit Court of Cook county, Illinois, and the said three appraisers so chosen shall within six months after the appointment of the last appraiser make report in writing of the value of said property to the said city of Chicago and to said company, and the said city of Chicago shall have the option at any time within six months after the receipt of said report to purchase said plant or plants and property together with all its appurtenances and equipment at the aforesaid value so fixed by said appraisers; Provided, however, that if said city shall so elect to so purchase said plant or plants and property then said company shall have the right to operate said plant or plants and property and receive the profit therefrom during the time such arbitration is in progress and until the same shall be completed and the purchase price as fixed by the arbitration has been paid.

¶ 13. **Acceptance and Bond.**] § 13. This ordinance shall not be in force as to said Commonwealth Electric Company until it shall have been accepted by said company, such acceptance to be made and notice thereof in writing filed with the city clerk within ninety (90) days from the passage of the same nor until said company shall have given and filed in the city clerk's office a good and sufficient bond, with sureties to be approved by the mayor of the city of Chicago in the penal sum of fifty thousand dollars ($50,000); Providing, that said com-

pany will well and truly pay or cause to be paid any and all damages that may accrue by delay in repairing, removing or laying its wires and conduits and erecting said poles and stringing wires upon the same, and shall indemnify and save harmless the said city of Chicago from any and all costs and expenses of every kind whatsoever which may be recovered against said city in consequence of the neglect of said company or its authorized agents or servants and will save and keep harmless the said city of Chicago from any and all damages, loss or expenses caused by or incident to the erection of said poles, the laying of said conduits and operation of said wires and maintenance thereof.

¶ 14. **When in force.**] § 14. This ordinance shall be in force and effect from and after its passage.

CONSUMERS' ELECTRIC LIGHT COMPANY.

§ 896. Consumers' Electric Light Company.

¶ 1. Extension of time—agreement.
¶ 2. When in force.

An ordinance to continue the permission granted to the Consumers' Electric Light Company. (Passed March 7, 1898.)

¶ 1. **Extension of time—agreement.**] Be it ordained by the city council of the city of Chicago: § 1. That the permission and authority given and granted unto the Consumers' Electric Light Company, by a certain ordinance, passed December 12th, 1887, to construct and maintain a line of wires in Blue Island avenue, between West Twelfth and Henry streets, be and the same are hereby extended and continued to July 2d, 1908, subject to all the provisions and conditions contained in the two ordinances heretofore granted said company; this ordinance is passed upon the express agreement and understanding that the Consumers' Electric Light Company, before availing itself of any of the rights or privileges granted by this ordinance, shall file with the city clerk its acceptance of all the terms of this ordinance, as well as of its two previous ordinances, and shall file with the comptroller of the city on the first day of January and July of each year, a statement of the gross receipts of all of the business of said company, within the city of Chicago, for the six months next preceding such statement, which statement shall be sworn to by the president or secretary of such company, and at the time of filing said statement the said company shall pay into the city treasury five (5) per cent of the amount of the gross receipts. Said semi-annual payments shall continue during the exercise of the rights and privileges granted in the ordinance.

¶ 2. **When in force.**] § 2. This ordinance shall be in force

from and after its passage and acceptance by said company, providing said acceptance is filed with the city clerk within thirty days after the passage hereof.

HERMAN GROSSMAN & COMPANY.

§ 897. Herman Grossman & Company.

¶ 1. Grant—route.
¶ 2. Disturbance of conduits, water or gas pipes, etc.
¶ 3. Restoration of streets.
¶ 4. Permits, etc.
¶ 5. Term of grant.
¶ 6. When in force.

An ordinance authorizing Grossman and Company to lay underground wires in certain streets. (Passed June 1, 1897.)

¶ 1. **Grant—route.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance of the terms and conditions of this ordinance, permission and authority are hereby given to the firm of Herman Grossman & Co. to lay wires for the purpose of furnishing electric light across the following streets, at the points designated, to wit: Starting in the alley between State street and Wabash avenue, at a point about one hundred and fifty (150) feet south of Adams street, in rear of building known as No. 213 State street, the wires to be laid north through said alley across Adams street to a point about two hundred and fifty (250) feet north of Adams street. Said wires shall be laid underground and as nearly as practicable at right angles with the streets and alleys intersected.

¶ 2. **Disturbance of Conduits, water or gas pipes, etc.**] § 2. The said Herman Grossman & Co. shall not disturb or injure any conduit, water or gas pipe, sewer, or any other underground structure in said street and alleys, and shall not disturb the surface of any street or alley until they shall first deposit with the commissioner of public works the sum of fifty dollars ($50.00) for each crossing as security that they will repair the pavement or surface of such street so that the same shall be in as good condition as before such openings were made.

¶ 3. **Restoration of Streets.**] § 3. It shall be and is hereby made the duty of said Herman Grossman & Co., whenever they shall have disturbed the surface of any alley or street, for the purpose of laying such wires, to at once restore said alley or street to as good condition as it was before being disturbed; and all pavements, sidewalks, or other structures shall be so restored and repaired by them in such manner as to suffer no injury.

¶ 4. **Permits, etc.**] § 4. Before disturbing any street or alley, said Herman Grossman & Co. shall obtain a permit therefor from the commissioner of public works, and all work done by said parties, under the permission and authority of this ordinance, shall be under the supervision of and satisfactory to the commissioner of public works.

¶ 5. **Term of grant.**] § 5. The rights and privileges hereby granted shall expire at the end of twenty (20) years from and after the passage of this ordinance; Provided, that the right to discontinue the wires hereby authorized, and to remove, or cause to be removed, the same, is hereby reserved to the city, and such right may be exercised by the commissioner of public works on behalf of the city whenever deemed desirable by him, after notice to said Herman Grossman & Co.

¶ 6. **When in force.**] § 6. This ordinance shall be in force from and after its passage and acceptance by said Herman Grossman & Co.

SPARR & WEISS.

§ 898. Sparr & Weiss.

¶ 1. Grant.
¶ 2. Conditions.
¶ 3. Limit.
¶ 4. Acceptance.
¶ 5. When in force.

An ordinance granting to Sparr & Weiss permission to lay underground wires on certain streets.

¶ 1. **Grant.**] Be it ordained by the city council of the city of Chicago: § 1. Whereas, by an ordinance duly enacted on June 18, 1894, permission and authority was given to the firm of Sparr & Weiss to lay underground wires, properly insulated, and to be carried in conduits not exceeding one foot in diameter, for the purpose of furnishing electric light across North Halsted street, adjacent to the northerly line of Milwaukee avenue, and across sundry other streets and alleys mentioned in said ordinance, which said ordinance has been heretofore duly accepted by the said Sparr & Weiss, who have complied with all of its terms and conditions, including the filing of a bond, as thereby required; and whereas, the said Sparr & Weiss, in order to avail themselves of the privilege of said ordinance, and to furnish electric lights as contemplated thereby, desire that permission and authority be given to them to lay underground wires around the block bounded by Mil-

waukee avenue, West Ohio street and North Halsted street, and across West Ohio street at a point adjacent to the easterly line of North Green street: now, therefore, in consideration of the acceptance of the terms and conditions of this ordinance, permission and authority are hereby given the firm of Sparr & Weiss to lay underground wires, properly insulated, and to be carried in conduits not exceeding one foot in diameter, for the purpose of furnishing electric lights around the block bounded by Milwaukee avenue, West Ohio street, and North Halsted street, and across West Ohio street at a point adjacent to the easterly line of North Green street.

¶ 2. **Conduits.**] § 2. The permission and authority hereby granted to the said Sparr & Weiss shall be exercised by them, subject to all the terms, conditions, restrictions and penalties imposed by said ordinance of June 18, 1894, and before disturbing any street or alley, the said Sparr & Weiss shall obtain the permission therefore from the commissioner of public works, and all work done by such parties under the permission and authority of this ordinance shall be done under the supervision of, and satisfactory to, the commissioner of public works.

¶ 3. **Limit.**] § 3. The rights and privileges hereby granted shall expire at the same time as the expiration of the rights and privileges granted to said firm of Sparr & Weiss by said ordinance of June 18, 1894, and shall not be sold or assigned by said Sparr & Weiss except under the conditions set forth in said ordinance of June 18, 1894.

¶ 4. **Acceptance.**] § 4. Said Sparr & Weiss shall be entitled to no rights or privileges under this ordinance until they shall file with the city clerk an acceptance thereof, in writing, and a stipulation that the provisions of the bonds heretofore filed by said firm shall extend and be applicable to the rights and privileges hereby conferred upon said Sparr & Weiss.

¶ 5. **When in force.**] § 5. This ordinance shall be in force and effect from and after its passage and filing of said acceptance and stipulation, as herein provided for, within sixty days.

CHAPTER XXI.—PARKS, BOULEVARDS AND DRIVEWAYS.

§ 899. Bickerdike Square.
§ 900. Inglehart's Subdivision Lot One.
§ 901. Inglehart's Subdivision Lot One.
§ 902. Homan Avenue.
§ 903. Shedd's Park.
§ 904. South Halsted Street.
§ 905. South Park Avenue.
§ 906. West Madison and West Lake Streets.

BICKERDIKE SQUARE.

§ 899. Bickerdike square.

¶ 1. Grant.
¶ 2. Alter, use.
¶ 3. Conditions.
¶ 4. When in force.

An ordinance granting consent to the West Chicago Park Commissioners to take, regulate and control Bickerdike square. (Passed Feb. 7, 1898.)

¶ 1. Grant.] Be it ordained by the city council of the city of Chicago: § 1. That in accordance with the petition of a majority of the owners of property abutting on Bickerdike square, consent and authority be and the same is hereby granted to the West Chicago Park Commissioners to take, regulate, control and govern, in the same manner as they may control and govern other parks under the control of said commissioners, all that public park known as Bickerdike square, and to that end the management and control of said Bickerdike square is hereby surrendered to the West Chicago Park Commissioners.

Provided, however, that the management and control of said Bickerdike square is so surrendered to the West Chicago Park Commissioners upon the express condition that said commissioners shall take charge of, maintain, improve and keep in good condition and repair said Bickerdike square at their own expense, and entirely without cost, charge or expense of any kind to the city of Chicago, and that in the event of a failure or neglect on the part of said commissioners to so maintain, improve and keep said park in good condition and repair, said Bickerdike square shall revert back to the city of Chicago.

¶ 2. Alter, use.] § 2. Nothing herein contained shall authorize said West Chicago Park Commissioners, or any other person, to alter, change or use said Bickerdike square for any other or different purpose than that for which said Bickerdike square was dedicated.

¶ 3. **Conditions.**] § 3. Unless the said West Chicago Park Commissioners shall, within ninety days from the passage of this ordinance, accept the same and take charge and control of Bickerdike square, as herein authorized, this ordinance shall cease to be of any force and effect, and the consent and authority herein given to so take control shall be deemed withdrawn.

¶ 4. **When in force.**] **§ 4.** This ordinance shall be in force and take effect from and after its passage.

INGLEHART'S SUBDIVISION LOT ONE.

§ 900. Inglehart's subdivision lot one.

¶ 1. Description.
¶ 2. Grant.
¶ 3. When in force.

An ordinance authorizing the Lincoln Park commissioners to take and control Lot 1, Inglehart's Subdivision. Section 17, 40, 14. (Passed May 24, 1897; and again passed June 28, 1897.)

¶ 1. **Description.**] Be it ordained by the city council of the city of Chicago: § 1. The board of Lincoln Park Commissioners are desirous of taking charge of and improving, at their own charge and expense, and without cost or expense to the city of Chicago, lot one (1), Inglehart's subdivision of the west half of the southeast quarter of section seventeen (17), township forty (40) north, range fourteen (14) east of the third principal meridian; said above described lot having been deeded to the town of Lake View on April 23rd, 1877, by Junius Simons and George W. Post and wife; and said lot being a small, triangular parcel of land situated at the intersection of Evanston avenue, Montrose avenue and Sheridan road.

¶ 2. **Grant.**] § 2. Therefore the city of Chicago, as the successor of the city of Lake View, and for the purpose aforesaid, hereby grants authority to the said board of Lincoln Park Commissioners to take charge of, improve and maintain said above described parcel of land, under such plans and in such manner as shall be approved by them, and to that end the management and control of the said parcel of land is hereby surrendered to said board of Lincoln Park Commissioners; Provided, however, that the said parcel of land above described shall be used for no other than park purposes; and provided, further however, the said board of Lincoln Park Commissioners shall improve, maintain and keep in repair said parcel of land; otherwise the control thereof shall revert back to the city of Chicago.

¶ 3. **When in force.**] § 3. Unless the said board of Lincoln

Park Commissioners shall, within thirty days after the passage of this ordinance, by vote of said board, select and take the said parcel of land for the purposes aforesaid, this ordinance shall cease to be of any force or effect, and the consent hereby given shall be deemed to be withdrawn.

§ 901. Inglehart's subdivision lot one.

¶ 1. Police supervision.
¶ 2. Grant.
¶ 3. When in force.

An ordinance authorizing the Lincoln Park Commissioners to exercise police supervision and control over Lot 1, Inglehart's Subdivision, Section 17, 40, 14.

¶ 1. Police Supervision.] Be it ordained by the city council of the city of Chicago: § 1. The residents and property owners in the vicinity being desirous that the Commissioners of Lincoln Park should exercise police supervision and control over the following described real estate, to wit:

Lot one (1) in Inglehart's subdivision of the west half of the southeast quarter of section seventeen (17), township forty (40) north, range fourteen (14) east of the third principal meridian, said lot having been deeded to the town of Lake View on April 23d, 1877, by Junius Simons and George W. Post and wife, and being a small triangular parcel of land situated at the intersection of Evanston avenue, Montrose avenue and Sheridan road.

¶ 2. Grant.] § 2. Therefore, the city of Chicago, as the successor of the city of Lake View, and for the purpose aforesaid, hereby grants authority to said Commissioners of Lincoln Park to take sole and exclusive police supervision and control over each and every part and portion of said lot, and maintain such supervision and control from the date of the approval hereof, such police control and supervision to be at the sole cost and charges of the said Commissioners of Lincoln Park.

¶ 3. When in force.] § 3. Unless the said board of Lincoln Park Commissioners shall within thirty days after the passage of this ordinance, by resolution of said board, assume such police supervision and control, this ordinance shall cease to be of any force or effect, and the consent hereby given shall be deemed to be withdrawn.

HOMAN AVENUE.

§ 902. Homan avenue.

¶ 1. Consent given.
¶ 2. Conditions.
¶ 3. Rights reserved.
¶ 4. Limitations.
¶ 5. When in force.

An ordinance granting the Board of West Chicago Park Commissioners to take, regulate, control and improve Homan avenue, from the south line of Lake street to the north line of Madison street. (Passed Feb. 7, 1898.)

¶ 1. **Consent given.**] Be it ordained by the city council of the city of Chicago: § 1. Whereas the board of West Chicago Park Commissioners are about selecting and taking, for the uses and purposes mentioned, in an act of the general assembly of the state of Illinois, entitled "An act to enable park commissioners or park authorities to take, regulate, control and improve public streets, and to pay for the improvement thereof," approved June 21st, 1895, in force July 1st, 1895, all that portion or part of Homan avenue, from the south line of Lake street to the north line of Madison street, in the town of West Chicago, city of Chicago, state of Illinois, and the consent of the owners of a majority of the frontage of the lots and lands abutting on said Homan avenue, so far as taken or proposed to be taken, having been obtained, therefore, consent is hereby given and granted to the said board of West Chicago Park Commissioners, to take, regulate, control and improve that described part of Homan avenue in manner and for the uses provided in the said act of the general assembly, as a park driveway and for park purposes only. And full power and authority are hereby granted to said board to control, improve and maintain the part of said Homan avenue, as aforesaid, so to be taken, as aforesaid, for the purpose of carrying out the provisions of said act of the general assembly.

¶ 2. **Conditions.**] § 2. The permission hereby given is granted only upon the express condition that said board of West Chicago Park Commissioners shall never, at any time hereafter, grant, permit or give to any person, persons or corporation now in existence, or that may hereafter be organized, any permission or right of way to construct on said boulevard any horse, cable, steam, electric or other railway of any character or description whatever, whether such railway is proposed to be placed beneath, on or above the surface of said boulevard.

¶ 3. **Rights reserved.**] § 3. The city of Chicago hereby expressly reserves the right to lay under the surface of said avenue water, gas or other pipes, and to build and repair sewers in said Homan avenue, to lay electric or other wires, and make such other underground improvements in the same manner and to the same extent that said city of Chicago might heretofore have done.

¶ 4. **Limitations.**] § 4. Unless said board of West Chicago Park Commissioners shall within ninety (90) days of the passage of

this ordinance, by the vote of said board, select and take the said part of the said avenue, for the purposes aforesaid, this ordinance shall cease to be of any force and effect, and the consent given by section 1 aforesaid, shall be deemed to be withdrawn.

¶ 5. **When in force.**] § 5. This ordinance shall be in force from and after its passage.

SHEDD'S PARK.

§ 903. Shedd's Park.

¶ 1. Grant—conditions.
¶ 2. Alter, use, etc.
¶ 3. Acceptance.
¶ 4. When in force.

An ordinance granting consent to the West Chicago Park Commissioners to take, regulate and control Shedd's Park. (Passed June 13, 1898.)

¶ 1. **Grant, conditions.**] Be it ordained by the city council of the city of Chicago: § 1. That in accordance with the petition of a majority of the owners of property abutting on Shedd's Park, consent and authority be and the same is hereby granted to the West Chicago Park Commissioners to take, regulate, control and govern in the same manner as they may control and govern other parks under the control of said commissioners, all that public park known as Shedd's Park, and to that end the management and control of said Shedd's Park is hereby surrendered to the West Chicago Park Commissioners. Provided, however, that the management and control of said Shedd's Park is so surrendered to the West Chicago Park Commissioners upon the express condition that said commissioners shall take charge of, maintain, improve and keep in good condition and repair said Shedd's Park at their own expense, and entirely without cost, charge or expense of any kind to the city of Chicago, and that in the event of a failure or neglect on the part of said commissioners to so maintain, improve and keep said park in good condition and repair, said Shedd's Park shall revert back to the city of Chicago.

¶ 2. **Alter, use, etc.**] § 2. Nothing herein contained shall authorize said West Chicago Park Commissioners or any other person, to alter, change, or use said Shedd's Park for any other or different purpose than that for which said Shedd's Park was dedicated.

¶ 3. **Acceptance.**] § 3. Unless the said West Chicago Park Commissioners shall, within ninety days from the passage of this ordinance, accept the same and take charge and control of Shedd's Park, as herein authorized, this ordinance shall cease to be of any force and

effect, and the consent and authority herein given to so take control shall be deemed withdrawn.

¶ 4. **When in force.**] § 4. This ordinance shall be in force and take effect from and after its passage.

SOUTH HALSTED STREET.

§ 904. South Halsted street.

¶ 1. Description.
¶ 2. Grant.
¶ 3. When in force—acceptance.

An ordinance to turn over part of South Halsted street to West Chicago Park Commissioners. (Passed June 27, 1898.)

¶ 1. **Description.**] Be it ordained by the city council of the city of Chicago: § 1. Whereas, the West Chicago Park Commissioners are desirous of taking charge of and improving that part of South Halsted street which is bounded on the east by the east boundary line of said South Halsted street extended, on the south by the south boundary line of Washington street extended, on the west by the east line of said South Halsted street, on the north by the north boundary line of said Washington street extended, at their own charge and expense, and without cost, charge or expense to the city of Chicago.

¶ 2. **Grant.**] § 2. Therefore, for the purpose aforesaid, authority is hereby given to the said West Chicago Park Commissioners to take charge of, improve and maintain said above described premises, otherwise control thereof shall revert back to the city of Chicago.

¶ 3. **When in force—acceptance.**] § 3. The West Chicago Park Commissioners shall accept the provisions hereof within thirty days from date of the passage hereof, otherwise this ordinance shall be null and void.

SOUTH PARK AVENUE.

§ 905. South Park avenue.

¶ 1. Grant.
¶ 2. Thirty-fifth street boulevard surrendered to the city.
¶ 3. When in force.

An ordinance authorizing the South Park Commissioners to take and control South Park avenue and Thirty-third street, for boulevard purposes. (Passed February 28, 1898.)

¶ **1. Grant.**] Be it ordained by the city council of the city of Chicago: § 1. That consent be and is hereby given that South Park avenue, from the south line of Thirty-fifth street to the north line of Thirty-third street, and Thirty-third street from the east line of South Park avenue to the east line of Michigan avenue boulevard, be selected and taken by the South Park Commissioners for a boulevard connection between Grand boulevard and Michigan avenue boulevard, in accordance with the provisions of the acts of the legislature of the state of Illinois; and said South Park Commissioners shall have full power and authority to regulate, control, improve and maintain the parts of said streets so to be taken as aforesaid for boulevard connections; Provided, however, that nothing in this ordinance contained shall be construed as a waiver or relinquishment by or on the part of the city of Chicago of any of its rights or powers in relation to the laying of water mains and pipes and connections therewith, and the construction of sewers and drains in said city, and the regulating of openings for the same, or the repairing of water mains, pipes, sewers or drains in said streets, and all powers that the city of Chicago now has in relation to water mains, pipes and sewers and their connections and the regulation of the same and the openings of the same in the streets of said city, are hereby expressly reserved to said city as to the parts of said streets hereinabove authorized to be selected and taken by the South Park Commissioners for boulevard connections.

¶ **2. Thirty-fifth street boulevard surrendered to the city.**] § 2. That consent be and is hereby given that Thirty-fifth street boulevard, between the west line of Grand boulevard and the east line of Michigan avenue boulevard, be abandoned and surrendered over by the South Park Commissioners to the city of Chicago, and the proper corporate authorities thereof; and the city of Chicago, hereby agrees upon the abandonment and surrender of said Thirty-fifth street as aforesaid by the South Park Commissioners, to assume and exercise control and jurisdiction over the same.

¶ **3. When in force.**] § 3. This ordinance shall be in force from and after its passage.

WEST MADISON AND WEST LAKE STREETS.

§ 906. West Madison and West Lake streets.

¶ 1. Permit.
¶ 2. When in force.

An ordinance authorizing the West Chicago Park Commissioners to improve West Madison street and West Lake street from Homan avenue to Hamlin avenue. (Passed May 24, 1897.)

¶ 1. **Permit.**] Be it ordained by the city council of the city of Chicago: § 1. That permission be and is hereby granted to the West Chicago Park Commissioners to improve the N. ½ (except railroad right of way) of West Madison street, from Homan avenue to the east line of Central Park avenue, and the full width (except railroad right of way) of said West Madison street, from the east line of Central Park avenue to Hamlin avenue; also the S. ½ (except railroad right of way) of West Lake street, from Homan avenue to the middle of Central Park avenue, and the full width of said West Lake street (except railroad right of way), from the middle of Central Park avenue to Hamlin avenue, in accordance with the plats hereto attached.

¶ 2. **When in force.**] § 2. This ordinance shall be in force from and after its passage.

CHAPTER XXII.—PRIVATE PRIVILEGES.

§ 907. Joseph Bohmann.
§ 908. Dr. G. W. Green.
§ 909. Kimball & Bornheim.
§ 910. Geo. K. Shoenberg.
§ 911. Estate of Geo. K. Shoenberg.
§ 912. Mary O. Strong.
§ 913. Edward F. Swift.
§ 914. Charles E. Westlake.
§ 915. William A. Wieboldt.
§ 916. W. C. Zimmerman.

JOSEPH BOHMANN.

§ 907. Joseph Bohmann.

¶ 1. Grant.
¶ 2. When in force.

An ordinance granting permission to Joseph Bohmann to make excavation in alley in rear of 376 West Madison street. (Passed Sept. 27, 1897.)

The following is the ordinance as passed.

¶ 1. Grant.] Be it ordained by the city council of the city of Chicago: § 1. That permission is hereby given Joseph Bohmann to make an excavation in the alley in the rear of No. 376 West Madison street as a place for the storage of coal and ashes. Such excavation shall be constructed in accordance with the rules and regulations of the commissioner of public works in such cases made and provided.

¶ 2. When in force.] § 2. This ordinance shall take effect and be in force from and after its passage.

DR. G. W. GREEN.

§ 908. Dr. G. W. Green.

¶ 1. Permit.

An ordinance granting permission to Dr. G. W. Green for a telephone wire from 2765 N. Lincoln street to 1296 E. Ravenwood Park. (Passed Oct. 13, 1897.)

¶ 1. **Permit.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby given to Dr. G. W. Green to string a telephone wire from his residence 2765 North Lincoln street to 1296 East Ravenswood Park; Provided, that the mayor shall have the right to remove such wire whenever he shall deem it necessary to do so.

KIMBALL & BORNHEIM.

§ 909. Kimball & Bornheim.
¶ 1. Permit.

An ordinance granting permit to Kimball & Bornheim to erect a frame shed. (Passed June 27, 1898.)

¶ 1. **Permit.**] Be it ordained by the city council of the city of Chicago: § 1. That Kimball & Bornheim be and they are hereby permitted to erect a frame shed ten (10) feet by fourteen (14) feet on the ground and one story high on the rear of lot fourteen (14), block four (4), O. R. Keith's subdivision in W. ½ S. E. ¼ Sec. 14, T. 38 N., R. 14, and that the commissioner of buildings is authorized to issue a permit therefor upon payment of the usual fees.

GEORGE K. SHOENBERG.

§ 910. Geo. K. Shoenberg.
¶ 1. License.
¶ 2. When in force.

An ordinance granting permit to the estate of Geo. K. Shoenberg to put in sewer pipes on West 12th street. (Passed Oct. 13, 1897.)

¶ 1. **License.**] Be it ordained by the city council of the city of Chicago: § 1. That the estate of Geo. K. Shoenberg be and is hereby authorized and empowered, upon payment of one license fee of $240, to put in forty-eight six-inch sewer pipes or stubs on the south side of West Twelfth street, between Forty-fourth and Forty-sixth streets, extending said sewers four feet inside the curb line and connecting to the sewers on West Twelfth street, said drains to be laid by a licensed drain layer and without cost or charge to the city of Chicago.

¶ 2. **When in force.**] § 2. This ordinance to take effect on and after its passage.

§ 911. Estate of Geo. K. Shoenberg.

¶ 1. License.
¶ 2. When in force.

An ordinance granting license to the estate of Geo. K. Shoenberg to put in water service pipes in West 12th street. (Passed Oct. 13, 1897.)

¶ 1. **License.**] Be it ordained by the city council of the city of Chicago: § 1. That the estate of Geo. K. Shoenberg be and is hereby authorized and empowered, upon payment of one license fee of $168, to put in forty-eight water service pipes on the south side of West Twelfth street, between Forty-fourth and Forty-sixth streets, extending said pipes four feet inside curb wall, and connecting to the city main on West Twelfth street. One-inch taps for said connection to be put in by the city of Chicago, according to section 1742 of Municipal Code of Chicago.

¶ 2. **When in force.**] § 2. This ordinance to take effect on and after its passage.

MARY O. STRONG.

§ 912. Mary O. Strong.

¶ 1. License.
¶ 2. When in force.

An ordinance to permit Mary O. Strong to lay house drains or stubs on Kenesaw terrace on paying one license fee of five dollars. (Passed June 21, 1897.

¶ 1. **License.**] Be it ordained by the city council of the city of Chicago: § 1. That Mary O. Strong be and she hereby is authorized and empowered, upon the payment to the commissioner of public works of one license fee of five dollars, to put in twenty six-inch side drains or stubs on Kenesaw terrace, between Clarendon avenue and a point on Kenesaw terrace five hundred feet east of Clarendon avenue, extending the same from the lot line to, and connecting them with, the sewer lately constructed by her in said terrace. Such drains or pipes to be laid by a licensed sewer builder, and without cost, charge or damage to the city of Chicago.

¶ 2. **When in force.**] § 2. This ordinance shall take effect and be in force from and after its passage.

EDWARD F. SWIFT.

§ 913. Edward F. Swift.

¶ 1. Permit.

An ordinance granting permit to Edward F. Swift to erect frame addition to his frame residence. (Passed May 16, 1898.)

¶ 1. Permit.] Be it ordained by the city council of the city of Chicago: § 1. That Edward F. Swift be and he is hereby authorized and permitted to erect a frame addition to his frame residence at the northeast corner of Greenwood avenue and 50th street, as per blue print hereto attached, upon payment of all building permit fees.

CHARLES E. WESTLAKE.

§ 914. Charles E. Westlake.

¶ 1. Grant—acceptance.
¶ 2. Compensation.
¶ 3. Contents of fountains.
¶ 4. Duration of right—license fee.
¶ 5. Bond.
¶ 6. When in force.

An ordinance granting a permit to Charles E. Westlake to construct, erect, operate and maintain automatic drinking fountains in the city of Chicago. (Passed June 8, 1897.)

¶ 1. Grant—acceptance.] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof, and the undertaking of Charles E. Westlake to comply with the provisions hereof, authority, permission and consent are hereby given, granted and duly vested in the said Westlake, his successors or assigns, to construct, erect, operate and maintain automatic drinking fountains in such places in the city of Chicago, near the edge of the sidewalk, where lamp or electric posts now are, or may hereafter be placed. The said fountains when placed shall not be used for any other purpose whatsoever, and shall not exceed two feet square, nor exceed five feet in height, and shall be of iron or steel and great durability and attractively ornamented, and shall be located and approved by the commissioner of public works of the city of Chicago; Provided, however, that no advertisement of whatsoever nature shall be placed thereon.

¶ 2. Compensation.] § 2. The said Charles E. Westlake shall have the right to charge consumers or users of the contents of such drinking fountains one cent per glass, and no more; Provided, how-

ever, that no intoxicating drinks, or beverages other than pure drinking water, shall be vended or drawn therefrom; and provided further, that all waters used in said fountain shall first be filtered or be natural spring water.

¶ 3. **Contents of fountains.**] § 3. The commissioner of health shall at all times have the right to examine said fountains as to their contents and cleanliness.

¶ 4. **Duration of right — license fee.**] § 4. The right to erect and use such fountains shall extend to five years, and the license fee shall be $5.00 per year for each and every one erected, and permission is hereby further granted to the said Charles E. Westlake to place one or more of said fountains in each and every school building in the city of Chicago free of charge.

¶ 5. **Bond.**] § 5. The said Charles E. Westlake shall execute a bond in the penal sum of five thousand ($5,000) dollars for the faithful performance of all the terms and conditions of this ordinance, and to indemnify and protect the city of Chicago from any loss or damage by reason of the powers and privileges granted to said Westlake.

¶ 6. **When in force.**] § 6. This ordinance shall take effect and be in force from and after its passage and acceptance by the said Charles E. Westlake.

WILLIAM A. WIEBOLDT.

§ 915. William A. Wieboldt.

¶ 1. Permit.
¶ 2. Subject to ordinances.
¶ 3. Bond.
¶ 4. When in force.

An ordinance granting permit to William A. Wieboldt to construct, maintain, and use passageways across alley. (Passed Dec. 20, 1897.)

¶ 1. **Permit.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same are hereby granted to William A. Wieboldt to construct, maintain and use passageways across the alley separating lots 6 and 7, and lots 48 and 49, in block 3, in Bauwan & Hoffmann's subdivision, in the city of Chicago; Provided, said Wieboldt shall construct and maintain said passageways according to plans hereto attached, and so as not to interfere with sewer, water, gas or other pipes, or with electrical wires or conduits, now contained or hereafter to be placed in said alley.

¶ 2. **Subject to ordinances.**] § 2. This permission and au-

thority, and the passageways so to be constructed thereunder, are subject to all general ordinances of the city of Chicago, and the same may be revoked at any time, in the discretion of the mayor or commissioner of public works.

¶ 3. **Bond.**] § 3. The permission and authority hereby granted are granted upon the further condition that the said William A. Weiboldt shall execute and give to the city of Chicago a good and sufficient bond in the penal sum of five thousand ($5,000) dollars, with two sureties, to be approved by the mayor of the city of Chicago; and be it further provided, that the said William A. Weiboldt shall not maintain any combustible or destructive material or machinery or anything hazardous or dangerous to life and property in the said passageways.

¶ 4. **When in force.**] § 4. This ordinance shall take effect and be in force from and after its passage and acceptance by said William A. Weiboldt, said acceptance to be filed within thirty days after the passage of this ordinance.

W. C. ZIMMERMAN.

§ 916. W. C. Zimmerman.

¶ 1. Permit.

An ordinance granting permit to W. C. Zimmerman to enlarge his frame dwelling house. (Passed May 16, 1898.)

¶ 1. **Permit.**] Be it ordained by the city council of the city of Chicago: § 1. That W. C. Zimmerman be and he is hereby authorized and permitted to enlarge his frame dwelling house, 5621 Washington avenue, by making a frame addition thereto to conform to the plans hereto attached upon payment of all regular permit fees.

CHAPTER XXIII.—RAILWAYS—TRACK ELEVATION.

§ 917. Atchison, Topeka & Santa Fe Railroad Co.
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ATCHISON, TOPEKA AND SANTA FE RAILROAD COMPANY.

§ 917. Atchison, Topeka and Santa Fe Railroad Company, and other companies.

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An ordinance requiring the Atchison, Topeka & Santa Fe Railroad Company, the Chicago, Madison & Northern Railroad Company, the Chicago, Alton & St. Louis Railroad Company, the Union Stock Yards & Transit Company, the Chicago Terminal Transfer Railroad Company, and the Pittsburg, Cincinnati, Chicago & St. Louis Railway Company, respectively, to change the plane of certain of their roadbeds and railway tracks within the city of Chicago. (Passed January 24, 1898.)

¶ 1. **Manner and Conditions.**] Be it ordained by the city council of the city of Chicago: § 1. That the Atchison, Topeka and Santa Fe Railroad Company, the Chicago, Madison and Northern Railroad Company, the Chicago, Alton and St. Louis Railroad Company, the Union Stock Yards and Transit Company, the Chicago Terminal Transfer Railroad Company and the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company are each, respectively, hereby ordered and required to elevate the plane of certain of their roadbeds and tracks, within certain limits of the city of Chicago, in manner and upon the conditions hereinafter specified, that is to say:

¶ 2. **Point of beginning—Gradient, Eighteenth street.**] ¶ 1. Beginning at a point immediately under the Eighteenth street viaduct, on the existing tracks of the Atchison, Topeka and Santa Fe Railroad Company, the Chicago, Madison and Northern Railroad Company, and the Chicago, Alton and St. Louis Railroad Company, the roadbeds and tracks of said railroad companies shall continue in a southerly and westerly direction, and shall rise on the most suitable gradient convenient and practicable to said railroad companies, to a point about 10 feet east of the most easterly track of the Pittsburg, Fort Wayne and Chicago Railway, where an elevation of not less than 17.6 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a southerly and westerly direction on a level grade for a distance of about 150 feet, to a point about 10 feet west of the most westerly track of the Chicago and Western Indiana Railway, where an elevation of not less than 17.6 feet above city datum shall be attained, and crossing at grade in said last mentioned course, the proposed elevated roadbeds and tracks of the Pittsburg, Fort Wayne and Chicago Railway and the Chicago and Western Indiana Railway; thence said elevated roadbed and tracks of said railway companies shall continue in a southerly and westerly direction on an ascending gradient of about 0.30 per centum, for a distance of about 1,450 feet, to a point about 700 feet south of the south line of Twenty-second street, as measured along the roadbeds and tracks, where an elevation of not less than 22.0 feet above city datum shall be attained; thence said elevated roadbeds and tracks shall continue in a southerly and westerly direction and on a level grade for a distance of about 8,360 feet to a point about on the west line of South Ashland avenue, where an elevation of not less than 22.0 feet above city datum shall be attained; thence said elevated roadbeds and tracks of the Atchison, Topeka and Santa Fe Railroad Company and the Chicago, Madison and Northern Railroad Company shall diverge to the north and west

and shall continue in a westerly direction and on an ascending gradient of about 0.05 per centum, for a distance of about 3,000 feet to a point about 10 feet east of the east end of the bridge over the Illinois and Michigan Canal, to a connection with their present roadbeds and tracks.

¶ 3. **Ashland avenue.**] ¶ 2. From a point about on the west line of South Ashland avenue and where the roadbed and tracks of the Chicago, Alton and St. Louis Railroad Company diverge to the south and west from the proposed elevated roadbed and tracks of the Atchison, Topeka and Santa Fe Railroad Company and the Chicago, Madison and Northern Railroad Company, the roadbeds and tracks of said Chicago, Alton and St. Louis Railroad Company shall continue in a southerly and westerly direction and on an ascending gradient of about .02 per centum for a distance of about 7,500 feet to a point about on the west right of way line of the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, where an elevation of not less than 23.5 feet above city datum shall be attained, and crossing at grade in said last mentioned course the proposed elevated roadbeds and tracks of the Union Stock Yards and Transit Company, the Chicago Terminal Transfer Railroad Company and the Pittsburg, Cincinnati, Chicago and St. Louis Railway; thence said elevated roadbed and tracks of said Chicago, Alton and St. Louis Railroad Company shall continue in a westerly direction and on a descending gradient of about .26 per centum for a distance of about 700 feet to a point about on the west line of South Rockwell street, where an elevation of not less than 21.5 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a westerly direction, and they shall descend on the most suitable gradient convenient and practicable to said railroad company to a connection with its present roadbed and tracks, west of South Rockwell street.

¶ 4. **Illinois and Michigan Canal bridge — gradient.**] ¶ 3. From the most desirable point on the existing roadbeds and tracks, at or near the bridge over the Illinois and Michigan Canal, the roadbeds and tracks of the Union Stock Yards and Transit Company, the Chicago Terminal Transfer Railroad Company and the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company shall rise on the most suitable gradient convenient and practicable to said railway companies, to a point about on the north line of West Thirty-fifth street, where an elevation of not less than 23.5 feet above city datum shall be attained; and crossing at grade in said last mentioned course the proposed elevated roadbed and tracks of the Chicago, Alton and St. Louis Railroad; thence said elevated roadbed and tracks of said railway companies shall continue in a southerly and easterly direction and on a level grade for a distance of about 3,100 feet to a point about on the east line of Western Avenue boulevard, where an elevation of not less than 23.5 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a southerly and easterly direc-

tion, and shall descend on the most suitable gradient convenient and practicable to said railway companies to a connection with their present roadbed and tracks.

¶ 5. **Changes authorized.**] ¶ 4. The railway companies named in this ordinance are hereby authorized to make such changes in the position and alignment of their respective main and side tracks and switch connections as may be desirable in order to carry out the provisions of this ordinance.

¶ 6. **Chicago and Alton "Y" tracks. P., F. W. & C. R. Co.**] ¶ 5. Permission and authority is also hereby given to the Chicago, Alton and St. Louis Railroad Company to elevate the "Y" tracks of its main line where the same connects with the tracks of the Pittsburg, Fort Wayne and Chicago Railway south of the railroad bridge across the south branch of the Chicago river in Stewart avenue; and to make such changes in their location as said company may deem necessary in order to carry out the provisions of this ordinance.

¶ 7. **Same, "Y" tracks and connections.**] ¶ 6. Permission and authority are hereby given to the Chicago, Alton and St. Louis Railroad Company, the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, the Chicago Terminal Transfer Railroad Company and the Union Stock Yards and Transit Company to elevate their "Y" tracks and connections, where same are located at or near the crossing of the Chicago, Alton and St. Louis Railroad near Campbell avenue, and to make such changes in the location as said companies may deem necessary in order to carry out the provisions of this ordinance.

¶ 8. **Top of rail.**] ¶ 7. All elevation of railroad tracks mentioned in this ordinance shall refer to the top of the rail.

¶ 9. **Embankments, how constructed.**] § 2. The embankment or embankments on which said elevated roadbeds shall be constructed, within the aforesaid limits, shall be composed of sand, clay, gravel, loam, broken stone and whatever else may compose the surplus material excavated from the subways and from the foundation pits and trenches along the line of said work. The side slopes and lateral dimensions of said embankments will be fixed and determined by the natural angle of repose of the materials of which said embankments may be constructed, but whenever it may become necessary, for the purpose of keeping said embankments entirely within the lines of the right of ways of said companies, such portions of said embankments, at all such points, shall be kept within said right of way lines by, or they shall be confined between retaining walls of stone or brick masonry; Provided, however, that whenever said retaining walls are of insufficient height to properly protect said right of way, and to prevent trespassing thereon, then said retaining walls as aforesaid shall be surmounted with a suitable fence or railing, but whenever said retaining walls are not used at all, the right of ways of said companies shall be fenced in, or otherwise properly enclosed, in compliance with the pres-

ent ordinances of the city of Chicago relating to the fencing of railroad tracks.

¶ 10. **Intersections, bridges and subways.**] § 3. The said elevated tracks shall be carried across all intersecting streets, avenues and alleys, which, by the terms of this ordinance, are to be provided with subways, on suitable bridges of one, two, three or four spans, whose superstructure shall consist of iron or steel main girders, with iron or steel main floor, or ordinary track stringers; but should the latter method be adopted, some suitable device shall be provided to prevent storm water, dirt, oil and other substances from dropping from such elevated structure upon the subways beneath. The said bridges shall be supported on abutments of concrete, stone or brick masonry, or on rows of iron or steel columns, braced together laterally and erected on and anchored to masonry foundations, constructed within the lines of the railroads right of way and in curb lines of the intersecting avenues and streets.

¶ 11. **Subways to be constructed, where.**] § 4. ¶ 1. Subways shall be constructed beneath the tracks of the Atchison, Topeka and Santa Fe Railroad Company, the Chicago, Madison and Northern Railroad Company, and the Chicago, Alton and St. Louis Railroad Company, where said tracks are intersected and crossed by Twenty-second street, Canal street, Grove street, Wallace street, South Halsted street, Salt street, Quarry street, Mary street, Stark street, Throop street, Farrell street, Bonfield street, South Loomis street, Fuller street, Church street, Lock street and South Ashland avenue.

¶ 12. **Subway beneath tracks Atchison, Topeka and Santa Fe Railroad.**] ¶ 2. A subway shall be constructed beneath the tracks of the Atchison, Topeka and Santa Fe Railroad Company and the Chicago, Madison and Northern Railroad Company, where said tracks are intersected and crossed by Robinson street and Wood street.

¶ 13. **Subways, Chicago, Alton and St. Louis Railroad Company.**] ¶ 3. Subways shall be constructed beneath the tracks of the Chicago, Alton and St. Louis Railroad Company, where said tracks are intersected and crossed by West Thirty-first street, South Wood street (West Thirty-third street and South Lincoln street), South Robey street, West Thirty-fourth street, South Hoyne avenue, South Hamilton avenue, West Thirty-fifth street, South Leavitt street (West Thirty-sixth street and Oakley avenue), Western avenue boulevard, South Western avenue, Campbell avenue and South Rockwell street.

¶ 14. **Subways, Pittsburg, Cincinnati, Chicago and St. Louis Railway Co., Chicago Terminal Transfer Railroad Co. and Union Stock Yards and Transit Co.**] ¶ 4. Subways shall be constructed beneath the tracks of the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, the Chicago Terminal Transfer Railroad Company and the Union Stock Yards and Transit Company, where said tracks are intersected and crossed by Bross avenue, West Thirty-fifth street,

West Thirty-sixth street, Archer avenue, South Western avenue and Western Avenue boulevard.

¶ 15. **Subway beneath "Y" tracks at Campbell avenue.**] ¶ 5. A subway shall be constructed beneath the "Y" tracks of the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company and the Chicago, Alton and St. Louis Railroad Company, where said "Y" tracks are intersected and crossed by South Campbell avenue.

¶ 16. **Subways to be constructed jointly.**] ¶ 6. The subways mentioned in section 4, paragraph 1, of this ordinance, are to be constructed jointly with the Atchison, Topeka and Santa Fe Railroad Company, the Chicago, Madison and Northern Railroad Company and the Chicago, Alton and St. Louis Railroad Company; and the Atchison, Topeka and Santa Fe Railroad Company shall construct all that portion of said subways and south approaches lying south of its north line of right of way; and the Chicago, Madison and Northern Railroad Company shall construct all that portion of said subways lying between its right of way lines; and the Chicago, Alton and St. Louis Railroad Company shall construct the remaining portion of said subways and north approaches lying north of the south line of its right of way.

¶ 17. **Subways Robinson and Wood streets, construction—joint.**] ¶ 7. The subways in Robinson street and Wood street mentioned in section 4, paragraph 2, of this ordinance, shall be constructed jointly by the Atchison, Topeka and Santa Fe Railroad Company and the Chicago, Madison and Northern Railroad Company; and the Atchison, Topeka and Santa Fe Railroad Company shall construct that portion and south approaches of said subway lying south of the north line of its right of way; and the Chicago, Madison and Northern Railroad Company shall construct the remaining portion and north approaches of said subway lying north of the south line of its right of way.

¶ 18. **Subways constructed jointly.**] ¶ 8. The subways in section 4, paragraph 4, of this ordinance are to be constructed jointly with the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, the Chicago Terminal Transfer Railroad Company and the Union Stock Yards and Transit Company; and the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company shall construct all that portion of said subways and the west approaches lying west of its east line of right of way; and the Chicago Terminal Transfer Railroad Company shall construct all that portion of said subways lying between its east and west right of way lines; and the Union Stock Yards and Transit Company shall construct the remaining portion of said subways and east approaches lying east of its west line of right of way.

¶ 19. **Subways and crossings, location of.**] ¶ 4a. The several subways and street grade crossings, hereinbefore referred to in

section 4 of this ordinance, and which shall be constructed with the elevations upon which such tracks are to be placed, shall, as to their size and dimensions, locations and other details, be in accordance with the following schedule:

Subway in Twenty-second street, under the Atchison, Topeka and Santa Fe Railroad, Chicago, Madison and Northern Railroad, Chicago, Alton and St. Louis Railroad. (Street, 66 feet wide.)

The depression of street shall not exceed 6.4 feet below the present surface of tracks, making the elevation of the floor of subway not less than 5.7 feet above city datum. This level shall extend on the east 10 feet beyond the east portal of subway, and on the west 10 feet beyond the west portal of subway. From this level the east approach shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with McGlashen street, and the new grade of Twenty-second street, as it shall be changed midway between the subways of the Atchison, Topeka and Santa Fe Railroad and the Chicago and Western Indiana Railway; and the elevation of the new grade at the point which is midway between the above mentioned subways shall not be less than 8.0 feet above city datum; and the west approach shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street; including the approach into Canal street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each, in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12.5 feet.

Subway in Canal street, under the Atchison, Topeka and Santa Fe Railroad, Chicago, Madison and Northern Railroad, Chicago, Alton and St. Louis Railroad. (Street, 66 feet wide.)

The depression of street shall not exceed 5.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 6.6 feet above city datum. This level shall extend on the south 10 feet beyond the south portal of subway, and on the north 10 feet beyond the north portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the approach into Twenty-second street subway.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each, in subway.

Width of roadway and sidewalks outside of subway shall be the

same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12.0 feet.

Subway in Grove street, under the Atchison, Topeka and Santa Fe Railroad, Chicago, Madison and Northern Railroad, Chicago, Alton and St. Louis Railroad.

The depression of street shall not exceed 2.7 feet below the present surface of tracks, making the elevation of the floor of subway not less than 9.5 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of streets, including the approaches of Butler street and Twenty-third street on the south.

Width between walls of subway, 33 feet.

Width of roadway, 28 feet in subway.

Width of one sidewalk on the east side in subway, 5 feet wide.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Clear head room, 11 feet.

Subway in Wallace street, under the Atchison, Topeka and Santa Fe Railroad, Chicago, Madison and Northern Railroad, Chicago, Alton and St. Louis Railroad.

The depression of street shall not exceed 2.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 9.5 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of streets, including the approaches into Archer avenue.

Width between walls of subway, 33 feet.

Width of roadway, 28 feet in subway.

Width of one sidewalk on the east side in subway, 5 feet.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Clear head room, 11 feet.

Subway in South Halsted street under the Atchison, Topeka and Santa Fe Railroad, Chicago, Madison and Northern Railroad, Chicago, Alton and St. Louis Railroad. (Street 66 feet wide.)

The depression of street shall not exceed 4.2 feet below the present surface of tracks, making the elevation of the floor of subway not less than 7.5 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 13 feet.

Subway in Salt street, under the Atchison, Topeka and Santa Fe Railroad, Chicago, Madison and Northern Railroad, Chicago, Alton and St. Louis Railroad. (Street, 55 feet wide.)

The depression of street shall not exceed 0.4 feet below the present surface of tracks, making the elevation of the floor of subway not less than 9.5 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the approaches shall extend on a grade of not to exceed 1.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 33 feet.

Width of roadway, 28 feet in subway.

Width of one sidewalk on the east side in subway, 5 feet.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

Clear head room, 11 feet.

Subway in Quarry street, under the Atchison, Topeka and Santa Fe Railroad, Chicago, Madison and Northern Railroad, Chicago, Alton and St. Louis Railroad. (Street, 66 feet wide.)

The depression of street shall not exceed 1.4 feet below the present surface of tracks, making the elevation of the floor of subway not less than 8.5 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Clear head room, 12 feet.

Subway in Mary street, under the Atchison, Topeka and Santa Fe Railroad, Chicago, Madison and Northern Railroad, Chicago, Alton and St. Louis Railroad. (Street, 55 feet wide.)

The depression of street shall not exceed 0.7 feet below the present surface of tracks, making the elevation of the floor of subway not less than 9.5 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 55 feet.

Width of roadway, 35 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway.

Clear head room, 11 feet.

Subway in Stark street, under the Atchison, Topeka and Santa Fe Railroad, Chicago, Madison and Northern Railroad, Chicago, Alton and St. Louis Railroad. (Street, 60 feet wide.)

The depression of street shall not exceed 1.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 9.5 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet, to a connection with the present surface of street.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet in each subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway and about one foot above the level of the same.

Clear head room, 11 feet.

Subway in South Throop street, under the Atchison, Topeka and Santa Fe Railroad, Chicago, Madison and Northern Railroad, Chicago, Alton and St. Louis Railroad. (Street, 66 feet wide.)

The depression of street shall not exceed 4.7 feet below the present surface of tracks, making the elevation of the floor of subway not less than 7.5 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet

beyond the south portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway and about one foot above the level of the same.

Clear head room, 13 feet.

Subway in Farrel street, under the Atchison, Topeka and Santa Fe Railroad, Chicago, Madison and Northern Railroad, Chicago, Alton and St. Louis Railroad. (Street, 45 feet wide.)

The depression of street shall not exceed 2.9 feet below the present surface of tracks, making the elevation of the floor of subway not less than 9.5 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 45 feet.

Width of roadway, 33 feet.

Width of sidewalks, 6 feet each in subway.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Clear head room, 11 feet.

Subway in Bonfield street, under the Atchison, Topeka and Santa Fe Railroad, Chicago, Madison and Northern Railroad, Chicago, Alton and St. Louis Railroad. (Street, 56 feet wide.)

The depression of street shall not exceed 2.8 feet below the present surface of tracks, making the elevation of the floor of subway not less than 9.5 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 56 feet.

Width of roadway, 36 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Clear head room, 11 feet.

Subway in South Loomis street, under the Atchison, Topeka and Santa Fe Railroad, Chicago, Madison and Northern Railroad, Chicago, Alton and St. Louis Railroad. (Street, 66 feet wide.)

The depression of street shall not exceed 3.7 feet below the present surface of tracks, making the elevation of the floor of subway not less than 8.5 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Clear head room, 12 feet.

Subway in Fuller street, under the Atchison, Topeka and Santa Fe Railroad, Chicago, Madison and Northern Railroad, Chicago, Alton and St. Louis Railroad. (Street, 66 feet wide.)

The depression of street shall not exceed 2.6 feet below the present surface of tracks, making the elevation of the floor of subway not less than 8.5 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of streets, including the approach into Short street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12 feet.

Subway in Church street, under the Atchison, Topeka and Santa Fe Railroad, Chicago, Madison and Northern Railroad, Chicago, Alton and St. Louis Railroad. (Street, 59 feet wide.)

The depression of street shall not exceed 1.1 feet below the present surface of tracks, making the elevation of the floor of subway not less than 9.5 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 59 feet.

Width of roadway, 39 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

Clear head room, 11 feet

Subway in Lock street, under the Atchison, Topeka and Santa Fe Railroad, Chicago, Madison and Northern Railroad, Chicago, Alton and St. Louis Railroad. (Street, 66 feet wide.)

The depression of street shall not exceed 2.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 8.5 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Clear head room, 12 feet.

Subway in South Ashland avenue, under the Atchison, Topeka and Santa Fe Railroad, Chicago, Madison and Northern Railroad, Chicago, Alton and St. Louis Railroad. (Street, 66 feet wide.)

The depression of street shall not exceed 4.9 feet below the present surface of tracks, making the elevation of the floor of subway not less than 7.5 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street; including the approach into May street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 13 feet.

Subway in Robinson street, under the Atchison, Topeka and Santa Fe Railroad, Chicago, Madison and Northern Railroad. (Street, 33 feet wide.)

The depression of street shall not exceed 3.7 feet below the present surface of tracks, making the elevation of the floor of subway not less than 8.8 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 33 feet.

Width of roadway, 25 feet in subway.

Width of sidewalks, 4 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Clear head room, 12 feet.

Subway in Wood street, under the Atchison, Topeka and Santa Fe Railroad, Chicago, Madison and Northern Railroad. (Street, 66 feet wide.)

The depression of street shall not exceed 7.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 9.2 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street; including the approach into West Thirty-first street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Clear head room, 12 feet.

Provided, however, that the said Atchison, Topeka and Santa Fe Railroad Company and the Chicago, Madison and Northern Railroad Company shall not be required to construct any part of this subway, or to provide any opening whatever of this street across or through its proposed elevated embankment or structure as required by the terms of this ordinance, until such time as the land necessary for a continuous street 66 feet in width for at least one-half of a mile in length upon each side of the right of way of said railway company shall have been properly dedicated or condemned for public street purposes, and said

street shall have been graded or otherwise properly prepared for the general use of the public.

Subway in West Thirty-first street, under the Chicago, Alton and St. Louis Railroad. (Street, 66 feet wide.)

The depression of street shall not exceed 2.3 feet below the present surface of tracks, making the elevation of the floor of subway not less than 8.7 feet above city datum. This level shall extend on the northwest 10 feet beyond the southeast portal of subway, and on the southeast 10 feet beyond the southeast portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of streets, including the approaches of Robinson street and Market square.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12 feet.

Subway in South Wood street, under the Chicago, Alton and St. Louis Railroad. (Street, 66 feet wide.)

The depression of street shall not exceed 1.3 feet below the present surface of tracks, making the elevation of the floor of subway not less than 8.8 feet above city datum. This level shall extend on the northwest 10 feet beyond the northwest portal of subway, and on the southeast 10 feet beyond the southeast portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of streets, including the approaches into West Thirty-second street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12 feet.

Junction subway in South Lincoln street and West Thirty-third street, under the Chicago, Alton and St. Louis Railroad. (South Lincoln street, 66 feet wide.) (West Thirty-third street, 66 feet wide.)

The depression of street shall not exceed 1.8 feet below the present

surface of tracks, making the elevation of the floor of subway not less than 9.1 feet above city datum. This level shall extend on the northwest 10 feet beyond the northwest portal of subway, and on the southeast 10 feet beyond the southeast portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of streets.

Width of roadway, 46 feet in each subway in South Lincoln street and West Thirty-third street.

Width of sidewalks, 10 feet each in each subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Two lines of posts may be placed in curb lines and inside thereof, and one line of posts in the center of roadway to support girders.

Clear head room, 12 feet.

Subway in South Robey street, under the Chicago, Alton and St. Louis Railroad. (Street, 66 feet wide.)

The depression of street shall not exceed 2.9 feet below the present surface of tracks, making the elevation of the floor of subway not less than 9.2 feet above city datum. This level shall extend on the northwest 10 feet beyond the northwest portal of subway, and on the southeast 10 feet beyond the southeast portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12 feet.

Subway in West Thirty-fourth street, under the Chicago, Alton and St. Louis Railroad. (Street, 66 feet wide.)

The depression of street shall not exceed 0.8 feet below the present surface of tracks, making the elevation of the floor of subway not less than 9.3 feet above city datum. This level shall extend on the northwest 10 feet beyond the southwest portal of subway, and on the southeast 10 feet beyond the southeast portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the approach into Lundy's avenue.

Width between walls of subway, 66 feet.
Width of roadway, 46 feet in subway.
Width of sidewalks, 10 feet each in subway.
Width of roadway and sidewalks outside of subway shall be the same as they now exist.
Two lines of posts may be placed in curb lines and inside thereof to support girders.
Clear head room, 12 feet.

Subway in South Hoyne avenue, under the Chicago, Alton and St. Louis Railroad. (Avenue, 66 feet wide.)

The depression of street shall not exceed 1.0 foot below the present surface of tracks, making the elevation of the floor of subway not less than 9.4 feet above city datum. This level shall extend on the northwest 10 feet beyond the northwest portal of subway, and on the southeast 10 feet beyond the southeast portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.
Width of roadway, 46 feet in subway.
Width of sidewalks, 10 feet each in subway.
Width of roadway and sidewalks outside of subway shall be the same as they now exist.
The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.
Two lines of posts may be placed in curb lines and inside thereof to support girders.
Clear head room, 12 feet.

Subway in South Hamilton avenue, under the Chicago, Alton and St. Louis Railroad. (Avenue, 66 feet wide.)

The depression of street shall not exceed 1.8 feet below the present surface of tracks, making the elevation of the floor of subway not less than 10.5 feet above city datum. This level shall extend on the northwest 10 feet beyond the northwest portal of subway, and on the southeast 10 feet beyond the southeast portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the approach into West Thirty-fifth street.

Width between walls of subway, 33 feet.
Width of roadway, 25 feet in subway.
Width of sidewalks, 4 feet each in subway.
Width of roadway and sidewalks outside of subway shall be the same as they now exist.
Clear head room, 11 feet.

Subway in West Thirty-fifth street, under the Chicago, Alton and St. Louis Railroad. (Street, 66 feet wide.)

The depression of street shall not exceed 4.4 feet below the present

surface of tracks, making the elevation of the floor of subway not less than 8.0 feet above city datum. This level shall extend on the northwest 10 feet beyond the northwest portal of subway, and on the southeast 10 feet beyond the southeast portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of streets; including the approach into South Hamilton avenue.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 13.5 feet.

Subway in South Leavitt street, under the Chicago, Alton and St. Louis Railroad. (Street, 66 feet wide.)

The depression of street shall not exceed 4.4 feet below the present surface of tracks, making the elevation of the floor of subway not less than 9.6 feet above city datum. This level shall extend on the northwest 10 feet beyond the northwest portal of subway, and on the southeast 10 feet beyond the southeast portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12 feet.

Subway in West Thirty-sixth street, under the Chicago, Alton and St. Louis Railroad. (Street, 66 feet wide.)

The depression of street shall not exceed 5.0 feet below the present surface of tracks, making the elevation of the floor of subway not less than 9.7 feet above city datum. This level shall extend on the northwest 10 feet beyond the northwest portal of subway, and on the southeast 10 feet beyond the southeast portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of streets, including the approach into Oakley avenue.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Clear head room, 12 feet.

Subway in Western Avenue boulevard, under the Chicago, Alton and St. Louis Railroad. (Boulevard, 200 feet wide.)

The subway shall be constructed of such dimensions and according to such plans as may be agreed upon between the South Park Commissioners and the said Chicago, Alton and St. Louis Railroad Company.

Subway in South Western avenue, under the Chicago, Alton and St. Louis Railroad. (Avenue, 60 feet wide.)

The depression of street shall not exceed 5.5 feet below the present surface of tracks making the elevation of the floor of subway not less than 9.9 feet above city datum. This level shall extend on the northwest 10 feet beyond the northwest portal of subway, and on the southeast 10 feet beyond the southeast portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12 feet.

Subway in South Campbell avenue, under the main tracks of the Chicago, Alton and St. Louis Railroad. (Avenue, 66 feet wide.)

The depression of street shall not exceed 4.3 feet below the present surface of tracks, making the elevation of the floor of subway not less than 10.8 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the north approach shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the new grade of South Campbell avenue, as it shall be changed to an elevation of not less than 12.7 feet above city datum; at a point midway between the subway under the Chicago, Alton and St. Louis Railroad Company's main tracks and the subway under the Chicago, Alton and St. Louis Railroad Company's "Y" con-

nection tracks; and the south approach shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the new grade of South Campbell avenue, as it shall be changed to an elevation of not less than 12.7 feet above city datum, midway between the subway under the Chicago, Alton and St. Louis Railroad Company's main tracks and the subway under the Pittsburg, Cincinnati, Chicago and St. Louis Railway's "Y" connection tracks.

Width between walls of subway, 50 feet.

Width of roadway, 38 feet.

Width of sidewalks, 6 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

Clear head room, 11 feet.

Subway in South Campbell avenue, under the Chicago, Alton and St. Louis Railroad's "Y" connection tracks. (Avenue, 66 feet wide.)

The depression of street shall not exceed 4.3 feet below the present surface of tracks, making the elevation of floor of subway not less than 10.8 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the south approach shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the new grade of South Campbell avenue, as it shall be changed to an elevation of not less than 12.7 feet above city datum, as hereinbefore mentioned in the details of subway under the Chicago, Alton and St. Louis Railroad Company's main tracks, and the north approach shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of the street.

Width between walls of subway, 50 feet.

Width of roadway, 38 feet in subway.

Width of sidewalks, 6 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalk shall be uniform with the roadway, and about one foot above the level of the same.

Clear head room, 11 feet.

Subway in South Campbell avenue, under the "Y" connection tracks of the Pittsburg, Cincinnati, Chicago and St. Louis Railroad. (Avenue, 66 feet wide.)

The depression of street shall not exceed 4.3 feet below the present surface of tracks, making the elevation of the floor of subway not less than 10.8 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the north approach shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the new grade of South Campbell avenue, as hereinbefore mentioned in the details of subway under the Chicago, Alton

and St. Louis Railroad Company's main tracks; and the south approach shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 50 feet.

Width of roadway, 38 feet in subway.

Width of sidewalks, 6 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Clear head room, 11 feet.

Subway in South Rockwell street, under the Chicago, Alton and St. Louis Railroad. (Street, 66 feet wide.)

The depression of street shall not exceed 5.9 feet below the present surface of tracks, making the elevation of the floor of subway not less than 9.1 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Clear head room, 11 feet.

Subway in Bross avenue, under the Pittsburg, Cincinnati, Chicago and St. Louis Railway, Chicago Terminal Transfer Railroad, Union Stock Yards and Transit Company's Railroad. (Avenue, 80 feet wide.)

The depression of street shall not exceed 12.0 feet below the present surface of tracks, making the elevation of the floor of subway not less than 9.5 feet above city datum. This level shall extend on the east 10 feet beyond the east portal of subway, and on the west 10 feet beyond the west portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the approach into South Campbell avenue.

Width between walls of subway, 50 feet.

Width of roadway, 38 feet in subway.

Width of sidewalks, 6 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway,

and about one foot above the level of the same.

Clear head room, 12 feet.

Subway in West Thirty-fifth street, under the Pittsburg, Cincinnati, Chicago and St. Louis Railway, Chicago Terminal Transfer Railroad, Union Stock Yards and Transit Company's Railroad. (Street, 66 feet wide.)

The depression of street shall not exceed 10.1 feet below the present surface of tracks, making the elevation of the floor of subway not less than 8.5 feet above city datum. This level shall extend on the east 10 feet beyond the east portal of subway, and on the west 10 feet beyond the west portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the approach into South Campbell avenue.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Clear head room, 13.5 feet.

Subway in West Thirty-sixth street, under the Pittsburg, Cincinnati, Chicago and St. Louis Railway, Chicago Terminal Transfer Railroad, Union Stock Yards and Transit Company's Railroad. (Street, 66 feet wide.)

The depression of street shall not exceed 7.1 feet below the present surface of tracks, making the elevation of the floor of subway not less than 10.0 feet above city datum. This level shall extend on the east 10 feet beyond the east portal of subway, and on the west 10 feet beyond the west portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the approach into South Campbell avenue.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadways, and about one foot above the evel of the same.

Clear head room, 12 feet.

Subway in Archer avenue, under the Pittsburg, Cincinnati, Chicago and St. Louis Railway, Chicago Terminal Transfer Railroad, Union Stock Yards and Transit Company's Railroad. (Avenue, 60 feet wide.)

The depression of street shall not exceed 5.4 feet below the present surface of tracks, making the elevation of the floor of subway not less than 8.5 feet above city datum. This level shall extend on the east 10 feet beyond the east portal of subway, and on the west 10 feet beyond the west portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewaks shall be uniform with the roadway, and about one foot above the level of the same.

Clear head room, 13.5 feet.

Subway in South Western avenue, under the Pittsburg, Cincinnati, Chicago and St. Louis Railway, Chicago Terminal Transfer Railroad, Union Stock Yards and Transit Company's Railroad. (Avenue, 60 feet wide.)

The depression of street shall not exceed 3.4 feet below the present surface of tracks, making the elevation of the floor of subway not less than 10.0 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the west approach of Thirty-ninth street.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway and about one foot above the level of the same.

Two lines of posts may be placed in curb lines and inside thereof, and one line of posts in the center of roadway to support girders.

Clear head room, 12 feet.

Subway in Western Avenue boulevard, under the Pittsburg, Cincinnati, Chicago and St. Louis Railway, Chicago Terminal Transfer Railroad, Union Stock Yards and Transit Companys Railroad. (Boulevard, 200 feet wide.)

This subway shall be constructed of such dimensions and according to such plans as may be agreed upon between the South Park Commissioners and the above mentioned railroad companies.

¶ 20. **Grade to correspond.**] § 4b. The grade of all the streets that intersect the approaches to subways described in section 4

of this ordinance shall be depressed so as to conform to the grade of the approaches into such subways.

¶ 21. **Vertical curves.**] § 4c. In the several subways mentioned in this ordinance there shall be constructed a vertical curve where the head of approaches connects with the present grade of street, and said vertical curve shall extend not less than 20 feet each side of said intersection of grades, and the middle ordinate of the vertical curve shall be equal to one-half of the difference between the elevation of the points on said intersecting grades.

¶ 22. **Excavations, streets to be restored by railroad company.**] § 5. All such excavations shall be made in the streets as may be required for the depression of such subways and the approaches thereto. But the depressed portion of the streets shall be restored to serviceable condition for the use of the public as soon as practicable, and all water pipes, conduits, sewers and other similar substructures belonging to the city that may be disturbed by such excavations or required to be moved or deflected from the position in which they are found shall be replaced or suitable expedients and arrangements shall be devised and provided to restore them as fully as may be to their former state of usefulness, but the gradients of the sewers shall not be reduced in any event. All such work shall be done by the respective railroad companies as indicated in section 4a, at their sole expense, and under the immediate supervision and to the satisfaction of the commissioner of public works of the city of Chicago. And if in the construction of any of said subways or approaches it shall become necessary to disturb, remove or destroy any pipes, conduits, wires or other property belonging to any private corporation or individual, all of the cost and expense thereof and all damage thereto shall be borne and assumed by the city of Chicago, and the said city will, by condemnation, purchase or otherwise secure to said railway company the free and uninterrupted right to prosecute its work, and will save the said railway company harmless from any and all claims, demands and suits arising therefrom, and all damages which may be recovered therefor.

¶ 23. **Grade of streets changed.**] § 6. The grade of all the streets and alleys in which any subways are to be built, in accordance with the provisions of this ordinance, or where streets shall be depressed in accordance with the provisions of this ordinance along the line of the several subways, shall be and the same are hereby changed so as to conform to the grades of such subways as they shall be depressed and constructed pursuant to the provisions of this ordinance.

¶ 24. **Drainage—receiving basins.**] § 7. Provision shall be made for the drainage of the several depressed subways provided for in this ordinance by the construction of receiving basins properly located in or immediately adjacent to said subways, which said receivng basins shall be connected with, and discharge their contents into the

adjacent city sewers. In case the lowest point of the surface of any of said subways should be below the grade of the adjacent sewer, some other adequate means of drainage satisfactory to the commissioner of public works must be devised and provided by said railroad companies at their expense.

¶ 25. **Structural requirements, paving, etc.**] § 8. Paragraph 1. The subways and approaches thereto, so to be constructed by said companies in said streets and avenues aforesaid, shall all conform to the following structural requirements, viz: The roadways shall be paved with a single course of vitrified brick of standard quality, laid at right angles with the curb lines and set upon a solid foundation of hydraulic cement concrete of not less than six (6) inches thick or deep when solidly tamped in place and otherwise finished and properly crowned ready for the brick wearing surface, between which and the concrete there shall be interposed a layer of screened sand not less than one-half inch thick. The curb shall be of sound, hard limestone of standard dimensions and finish, and the sidewalks in subways shall be finished and paved with Portland cement concrete of standard quality and workmanship, and with the curbing and roadway paving, shall be made, finished and put in permanent place in accordance with the requirements of the department of public works of the city of Chicago. The approaches of subways shall be excavated to the grade established by this ordinance and shall be in all other respects restored as near as may be their condition before being so excavated.

¶ 26. **Restoration of sidewalks and streets.**] ¶ 2. As to streets in this section mentioned, which are already paved or provided with sidewalks, such paving and sidewalks shall be restored with the present material, when the same is in good condition, by said railroad company or companies, at their own expense, in such portions of said streets as are required to be constructed by said company or companies, except that said railway company or companies are not required to restore any part of the paving of approaches or subways, which it will be the duty of any street railway company, or other corporation, itself to restore under existing laws and ordinances.

¶ 27. **Roadway, paving of.**] ¶ 3. Said company or companies shall pave the entire length and width of the roadway in such portions of the subways as are required to be constructed by said company or companies, as mentioned in this ordinance, except that such company or companies shall not be required to pave any part of the subways to be occupied by, or adjacent to street railway tracks, which by reason of existing laws or ordinances it will be the duty of any street railway company or other corporation itself to pave.

¶ 28. **Grade of streets — conform to.**] ¶ 4. Any street railway company occupying any of the streets in the city of Chicago crossed by said elevated railway of either of said companies, shall, when and as the grade of such street

shall be changed, as in this ordinance provided, at its own expense, without claim for damages, conform the grade of its track or tracks to the said change of grade of said streets, and nothing in this ordinance shall operate or be held to relieve such street railway companies from any liability now existing, however created, to pave or bear the expense of paving such streets between or on either side of the rails of its said tracks, in the manner and form as now required.

¶ 29. **Subways, paving of when, notice to.**] ¶ 5. Whenever the elevated tracks and roadbed, constructed under and in accordance with the provisions of this ordinance, shall pass over any street, alley, avenue or public way, at which, according to the terms of this ordinance, a subway is required to be constructed by said railway company or companies, which street, alley, avenue or public way shall not already be paved or provided with sidewalks at the time of such construction, and for which pavement or sidewalks no ordinance shall have been passed by the city council of the city of Chicago, then and in that case the paving of such subway shall be delayed until the improvement of the portions of the street contiguous shall be ordered by the city council and the contract therefor shall be let. Thereupon, on notice from the commissioner of public works, said company or companies shall proceed at once with the work of paving, or with the construction of the sidewalks in accordance with the provisions of section 8, and paragraphs 1 to 4, inclusive, of this ordinance. Should any company, after such notice, fail or neglect so to proceed with its work, the commissioner of public works of the city of Chicago shall have and is hereby given the right, power and authority to take charge of and cause such work to be done, and the expense thereof shall thereupon be paid by such delinquent company.

¶ 30. **Incidental or consequential damages, etc.**] ¶ 6. Nothing in this ordinance contained shall be so construed as to require the said railway companies, or either of them, to assume, or pay, any incidental or consequential damages to adjacent property or business caused by the passage and enforcement of this ordinance, or by the excavation, depression or change of grade made in any of the public avenues, streets or alleys, or to defend any suit or suits which may be brought against any party or parties for the recovery of any such damages, but it is understood, and the city of Chicago hereby agrees, that all such damages, if there are any, shall be adjusted and paid by the city of Chicago, and said city will assume the defense of any and all suits brought for the recovery of the same, intervening therein, if necessary for the purpose, and will wholly relieve said railway companies from defending the same, and will assume and pay all judgments recovered therein. The above stipulations in this paragraph are, however, upon the condition precedent that, in case any suit be brought against any of said companies, said company will, before the last day to plead therein,

give notice in writing of such suit and of such service to the mayor and the corporation counsel of said city, for the purpose of enabling such defense to be made by the city.

¶ 31. **Commissioner of public works to superintend, approval and submission of plans.**] § 9. All the work hereinbefore in this ordinance required to be done by said company or companies, upon or in connection with the public avenues and streets of the city, shall be done and performed under the superintendence and subject to the inspection and approval of the commissioner of public works of said city. At least ten (10) days prior to the commencement of any part of such work, the plans and specifications therefor shall be submitted to said commissioner of public works for his examination, and if found to be in accordance with the provisions of this ordinance, in so far as this ordinance contains specific provisions, and in the absence of such specific provisions if they shall be satisfactory to the commissioner of public works in regard to matters and details, which by this ordinance are left to his discretion and judgment, such plans shall be approved by him, and after such approval, all of the work outlined and included therein shall be constructed in strict conformity therewith.

¶ 32. **Permission to obstruct streets.**] § 10. Permission and authority are hereby given to said companies, whenever the same shall be necessary in the prosecution of the work which they are herein authorized or required to perform, to obstruct temporarily, any public street, avenue or alley to such extent, and for such length of time as may be approved by the commissioner of public works, and they are also hereby authorized, whenever the same shall become necessary to erect and maintain temporary structures and false work in any of said streets and avenues during the construction of their said elevated railway tracks, subject to like approval of the commissioner of public works.

¶ 33. **Ordinances as to speed, gates, signals and watchmen, to cease. Trespass.**] § 11. When the said railroads, in section 1 of this ordinance mentioned, shall have elevated their respective tracks in accordance with this ordinance, so that the same shall be ready for use, then and thereupon all provisions of the ordinances of the city of Chicago relating to the speed of railway trains, the length of trains, the number of cars to constitute a train, and the maintenance of gates, flagmen, watchmen, signals and signal towers, and the ringing of bells shall cease to be applicable to said railroad; Provided, however, that this ordinance is not to be construed as a waiver or surrender by the city of Chicago of any of its police powers or of the right at any time hereafter to pass necessary and reasonable police ordinances in relation to the matters last above enumerated. After such elevation it shall be unlawful for any person or persons, save employes of said companies, or either of them, in the discharge of their duties, to enter or be upon or to walk along or across the said elevated struc-

ture or roadway at any place. If any person shall wilfully trespass upon said elevated roadway, such person and all others aiding, abetting or assisting therein shall be liable to a fine of not less than five dollars nor more than one hundred dollars for each and every offense.

¶ 34. **Plans, submission of, when.**] § 12. Said railway company or companies mentioned in this ordinance shall at least ten (10) days prior to the commencement of any part or parts of said work submit to the commissioner of public works, for his approval, complete plans and specifications of said part or parts of said proposed work, for the purpose of ascertaining whether the same are in strict compliance with the provisions of this ordinance; and after the approval of all such plans and specifications by the commissioner of public works, all of said work shall be constructed in strict accordance therewith, and to the entire satisfaction of the commissioner of public works, and not otherwise, except as herein otherwise provided.

¶ 35. **Work when commenced. Prosecution of. When completed city may intervene.**] § 13. The railway companies mentioned in section 1 of this ordinance, and which are required to elevate their tracks, shall commence the work of such elevation on or before the first day of May, 1898; Provided, this ordinance shall have been accepted by the said railway companies hereby required to elevate their tracks, and after such work has been commenced the same shall be prosecuted continuously and with all practicable diligence, and shall be fully and finally completed within two years from said May 1, 1898; unless prevented by strikes or riots or restrained by injunction or other order or process of a court of competent jurisdiction; the time during which said railway companies shall be so prevented, as aforesaid, shall be added to the time hereby added for the completion of said work; Provided, said railway companies give notice to the corporation counsel of the city of Chicago of the institution of said legal proceedings. The city of Chicago shall thereupon have the right to intervene in any suit or proceeding brought by any person or persons seeking to enjoin or restrain, or in any manner interfere with the prosecution of said work, and move for a dissolution of such injunction and restraining order, and for any other proper order in such suit.

And it is further distinctly understood and agreed that if said railway companies, or either of them, shall be delayed in the prosecution of the said work required to be done under the provisions of this ordinance, by reason of the obstruction of pipes, conduits, wires or other property of private corporations or individuals, as mentioned in section 5 of this ordinance, or by reason of any delay on the part of the city of Chicago, or of any of its officers in performing the duties imposed upon the city and its officers by this ordinance in respect to the work herein required to be done by said railway companies respectively, then and in that case the time which said railway companies or either of them shall be so delayed, shall be added to the two years from May 1st,

1898, during which said companies are required by the terms of this ordinance to complete said work.

¶ 36. **Condition — time, failure, notice, etc.**] § 14. Each of the companies required by this ordinance to elevate its tracks shall do its portion of the work in accordance with the terms hereof, in apt and proper time, so as not to interfere with the proper and orderly prosecution of such work as a whole. Should either of the companies mentioned in section 1 of this ordinance fail or neglect so to prosecute its work the commissioner of public works of the city of Chicago shall have and is hereby given the right, power and authority to give ten days' notice in writing to said delinquent company to prosecute its work. If such company shall fail or neglect to comply with said notice, the commissioner of public works may take charge of and cause such work to be done, and the expense thereof shall thereupon be paid by such delinquent company

¶ 37. **Dedication for street.**] § 15. In consideration of the right and privileges hereby granted to the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company said railway company shall within three months after the passage of this ordinance, procure and dedicate for the purpose of a public street the following described property, namely:

A strip of ground fifty (50) feet in width of lot one (1) in subdivisions of lots twenty-two (22), twenty-seven (27) and thirty (30), town of Brighton, in the southeast quarter (S. E. ¼) of section thirty-six (36), town thirty-nine (39) north, range thirteen (13), east of the third (3d) principal meridian; lying west of and adjoining a line deflected from a point in the west line of the present Campbell avenue; in a northwesterly direction to a point in the south line of Thirty-sixth street, thirty-four (34) feet east of the east line of the north and south alley as opened in the subdivision of lots twenty-two (22), twenty-seven (27) and thirty (30), town of Brighton, above described, also the west thirty (30) feet of lots fifty-nine (59) to eighty-two (82), both inclusive, in the subdivision of lots one (1) to twenty (20), both inclusive, in the town of Brighton; also the west fifty (50) feet of the east one hundred and forty-two (142) feet of blocks thirty-six (36), thirty-seven (37) and that part of block thirty-eight (38) lying south of alley; also the fifty (50) feet of that part of block thirty-eight (38) north of alley, lying within the east and west lines of said fifty (50) feet strip south thereof, heretofore described, produced straight north across said part of block thirty-eight (38), north of alley, to Bross avenue; all of and in S. J. Walker's subdivision of that part south of the Illinois and Michigan canal, of the northwest quarter (N. W. ¼) section thirty-one (31), township thirty-nine (39) north, range fourteen (14) east of the third principal meridian; also that part, south of canal of the east half (E. ½) northeast quarter (N. E. ¼) section thirty-six (36), township thirty-nine (39) north, range thirteen (13) east of the third (3d) principal meridian.

¶ 38. **Condemnation, costs of.**] In case said Pittsburg, Cincinnati, Chicago and St. Louis Railway Company shall be unable to purchase said property, or any part thereof described in section 15, at a price deemed by said railway company to be reasonable, then the same shall be condemned by the city of Chicago for street purposes, and the compensation and damages awarded in such proceedings, including court costs and all other expenses of litigation that may be incurred in such condemnation proceedings, shall be paid by said Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, and said company shall have the right to take part in said condemnation proceedings in behalf of the city by counsel specially employed by it, and shall have the right to have all witnesses that it may name called to testify in said condemnation proceedings.

¶ 39. **Opening and extension of streets; waiver of compensation; bridges, etc.**] § 16. In consideration of the acceptance of this ordinance by the several railway companies mentioned in this ordinance, it is hereby agreed that if the city of Chicago shall at any time hereafter open and extend any street or streets, avenue, alley or public way across the right of way and lands of said company, such crossing shall be made by subway only and no claim for compensation on account of land taken for right of way of such street or streets, avenue or alley or public way, will be made by said railway company, and such waiver of compensation shall attach to and run with such land in the hands of any grantee or grantees of such railway company, but the sole cost and expense of the construction of such subway or subways and of such bridge or bridges as may be necessary to carry all the tracks on said company's lands and right of way, and over such highways, shall be borne and paid by the city of Chicago without expense to said railway company mentioned in this ordinance, and in no case shall any such bridge or bridges or such subway or subways so to be built be inferior in any respect to the bridges and subways to be built by the railway company across the streets provided for in this ordinance. Such bridges shall conform to the general plan of the bridges provided for in this ordinance, except as to such changes in the details thereof as may be agreed upon by the city engineer of the city of Chicago and the chief engineer of said railway company; but in all other respects such crossing shall be constructed in accordance with the provisions thereof in respect to the streets named in this ordinance. The work of such construction shall be done by the railway company, and the amount to be paid by the city for such work and construction shall not exceed the actual and reasonable cost thereof. Said bridges respectively, shall support all the tracks of said company then existing and in use across the lines of the proposed street or streets at the time of the construction of such subway across such right of way of said company; but said railway company shall not be required to do any work toward the construction of any such subway or subways until the cost thereof, as may be estimated by the city engineer and chief

engineer of said railway company, shall have been first paid over to said railway company, or deposited in some responsible bank for its benefit and to be paid over to it at once upon the completion of said work.

¶ **40. When in force; companies to file agreements.**] § 17. This ordinance shall take effect from and after its passage, approval and publication; Provided, however, this ordinance shall be null and void unless each and every one of said companies which are by this ordinance permitted and required to elevate their railroad tracks, shall through their authorized officers file with the mayor of the city of Chicago, within thirty days from the passage and approval by the mayor of this ordinance, agreement or agreements, duly executed, whereby said railway companies shall undertake to do and perform all the matters and things required of them respectively by this ordinance. After the filing of said agreement or agrements by said companies, and not before, this ordinance shall not be materially modified or amended without the consent of either company affected by any proposed modification, unless said company or companies shall be in default in the performance of the several matters and things required by this ordinance and undertaken to be done by such agreement.

CHICAGO, BURLINGTON AND QUINCY RAILROAD COMPANY.

§ 918. Chicago, Burlington and Quincy Railroad Company and other companies.

¶ 1. Manner and conditions.
¶ 2. Chicago & N. W. Ry. Co., Chicago, T. T. Ry. Co., and Pittsburgh C. C. & St. L. Ry. Co. tracks.
¶ 3. Chicago, B. & Q. R. R. Co., tracks.
¶ 4. Route—gradient.
¶ 5. Chicago, T. T. R. R. Co., gradient.
¶ 6. "Y" connecting, route and gradient.
¶ 7. A. T. & S. F. Gradient.
¶ 8. "Y" Elevation, permission for.
¶ 9. Change of location.
¶ 10. Top rail
¶ 10a. Obstruction may be moved.
¶ 11. Embankments, how constructed.
¶ 12. Authority given to elevate tracks upon open trestle.
¶ 13. Intersecting streets, superstructures, subways.
¶ 14. Subways to be constructed, where.
¶ 15. Subways, location of.
¶ 16. Subways, where.
¶ 17. Southwestern Ave., subways at.
¶ 18. Subways, who shall contruct.
¶ 19. Viaduct at Western Ave. and Eighteenth Street.
¶ 20. Grade crossing, Loomis Street.
¶ 21. Subways at W. Twelfth Street, to be revised.
¶ 22. Schedule of subways, viaducts and crossings.
¶ 23. Intersecting streets, grade of.
¶ 24. Approaches, vertical curves.
¶ 25. Excavations, restoration of streets.
¶ 26. Grade of streets changed, where.
¶ 27. Receiving basins, drains.
¶ 28. Subways, structural requirements of.
¶ 29. Streets and sidewalks to be restored.
¶ 30. Subways, paving of.
¶ 31. Street railways to conform to grade.
¶ 32. Paving to be delayed when.
¶ 33. Damages to adjacent property, city to adjust.
¶ 34. Superintendence, inspection and approval of work
¶ 35. Ordinances repealed, exceptions.
¶ 36. Permission to obstruct, when.
¶ 37. Ordinances as to speed, trains, gates, watchmen and signals to cease, when.
¶ 38. Consideration of acceptance, additional subways, expense of.
¶ 39. Elevated railway crossings, requirements of.
¶ 40. Commencement and termination of work.
¶ 41. Work, how to be prosecuted, failure or negligence.
¶ 42. To be completed, when.
¶ 43. Consideration, dedication of streets, condemnation.
¶ 44. When in force, conditions.

An ordinance requiring the elevation of the plane of the roadbed and tracks of the Chicago, Burlington & Quincy Railroad Company, the Chicago & Northwestern Railway Company, the Chicago Terminal Transfer Railroad Company, the Pittsburgh, Cincinnati, Chicago & St. Louis Railway Company, the Union Stock Yards & Transit Company, and the Atchison, Topeka & Santa Fe Railroad Company, respectively, to change the plane of certain of their tracks within the city of Chicago, thereby to eliminate the grade crossings of the tracks of the Chicago, Burlington & Quincy Railroad Company with the tracks of the Pittsburgh, Cincinnati, Chicago & St. Louis Railway Company and the Union Stock Yards & Transit Company and the Chicago Terminal Transfer Railroad Company, at a point about 600 feet southwest of the intersection of West Eighteenth street and Western avenue, as measured along the tracks of the Chicago, Burlington & Quincy Railroad Company in said city. (Passed Jan. 24, 1898.)

¶ 1. **Manner and conditions.**] Be it ordained by the city council of the city of Chicago: § 1. That the Chicago, Burlington and Quincy Railroad Company, the Chicago and Northwestern Railway Company, the Chicago Terminal Transfer Railroad Company, the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, the Union Stock Yards and Transit Company and the Atchison, Topeka and Santa Fe Railroad Company are all hereby ordered and required to change the plane of certain of their tracks. The Chicago Terminal Transfer Railroad Company, the Chicago and Northwestern Railway Company, the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company and the Union Stock Yards and Transit Company's Railroad are to be elevated, while the tracks of Chicago, Burlington and Quincy Railroad Company are to be depressed, within certain limits, in manner and upon such conditions hereinafter specified, that is to say:

¶ 2. **Chicago & N. W. Ry. Co., Chicago T. T. Ry. Co. and Pittsburg, C., C. & St. L. Ry. Co. Tracks.**] Paragraph 1. The Chicago and Northwestern Railway Company, the Chicago Terminal Transfer Railway Company and the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company shall begin the elevation of their roadbeds and tracks at the most desirable point north of West 12th street on the existing elevated roadbeds and tracks of said railway companies; from said initial point said elevated roadbeds and tracks shall continue in a southerly and easterly direction, and on the most suitable gradient convenient and practicable to said railway companies, to a point about on the south line of West 12th street, where an elevation of not less than 22.5 feet above city datum shall be attained; thence said elevated roadbeds and tracks of said railway companies shall continue in a southerly and easterly direction for a distance of about 1,300 feet to a point about on the south line of Ogden avenue boulevard, where an elevation of not less than 22.5 feet above city datum shall be attained; thence said elevated roadbeds and tracks of the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, the Chicago Terminal Transfer Railroad Company and the Union Stock Yards and Transit Company shall continue in a southerly direction and

on an ascending gradient of about .18 per centum for a distance of about 2,200 feet to a point about on the north line of the right of way of the Chicago, Burlington and Quincy Railroad Company, where an elevation of not less than 26.5 feet above city datum shall be attained; thence said elevated roadbeds and tracks of said last mentioned railroad companies shall continue in a southerly direction on a level grade for a distance of about 85 feet to a point about on the south line of the right of way of said Chicago, Burlington and Quincy Railroad Company; and crossing in said last mentioned course above and over the proposed depressed tracks of said Chicago, Burlington and Quincy Railroad, as hereinafter described in section 1, paragraph 2; thence said elevated roadbeds and tracks of said railway companies shall continue in a southerly direction and on a descending gradient of about .08 per centum for a distance of about 1,000 feet to a point about on the north line of West 21st street, where an elevation of not less than 25.7 feet above city datum shall be attained; thence said elevated roadbeds and tracks of said railway companies shall continue in a southerly direction and on a descending gradient of about .14 per centum for a distance of about 1,400 feet to a point about on the south line of West 23rd street, where an elevation of not less than 23.7 feet above city datum shall be attained; thence said elevated roadbeds and tracks of said railway companies shall continue in a southerly direction and on a descending gradient of about .13 per centum for a distance of about 1,900 feet to a point about on the north line of West 26th street, where an elevation of not less than 21.2 feet above city datum shall be attained; thence said elevated roadbed and tracks of said railway companies shall continue in a southerly direction and on a descending gradient of about .04 per centum for a distance of about 2,640 feet to a connection with the present elevated roadbeds and tracks of said railway companies near the north line of West 31st street; and crossing at grade in said mentioned course the proposed elevated roadbed and tracks of the Atchison, Topeka and Santa Fe Railroad Company, as hereinafter described in section 1, paragraph 4.

¶ 3. **Chicago, B. & Q. R. R. Co. Tracks.**] Paragraph 2. Beginning at the most desirable point on the existing tracks of the said Chicago, Burlington and Quincy Railroad Company, where same crosses underneath the tracks of the Chicago and Western Indiana Railroad and Belt Railway of Chicago, where same is now located at the west line of the city limits, the roadbed and tracks of the said Chicago, Burlington and Quincy Railroad Company shall rise on the most suitable gradient convenient and practicable to said railroad company, to a point about on the west line of South Forty-second avenue, where an elevation of not less than 30.10 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a northeasterly direction and on a descending grade of .16 per centum for a distance of about 2,700 feet to a point about on east line of South Hamlin avenue, where an elevation of not less than 25.6 feet above

city datum shall be attained; thence said elevated roadbed and tracks shall continue in a northeasterly direction and on a descending grade of about .04 per centum for a distance of about 5,990 feet to a point about on the east line of Southwest boulevard, where an elevation of not less than 23.2 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a northeasterly direction and on a descending grade of about .06 per centum for a distance of about 940 feet to a point about on west line of California avenue, where an elevation of not less than 22.6 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a northeasterly direction, and they may descend on the most suitable gradient convenient and practicable to said railway company, to a point about on west line of the right of way of the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, where the tracks of said company are now located, in South Campbell avenue, and which tracks are to be elevated, as hereinbefore described in section 1, paragraph 1, of this ordinance; and the elevation of said depressed roadbed and tracks of said Chicago, Burlington and Quincy Railroad Company shall not exceed 9.0 feet above city datum; thence said roadbed and tracks shall continue in a northeasterly direction and on a level grade to east right of way line of Union Stock Yards and Transit Company, where an elevation of not less than 9.0 feet above city datum shall be attained, and crossing in said last mentioned course underneath the proposed elevated roadbeds and tracks of Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, Chicago Terminal Transfer Railroad Company and the tracks of the Union Stock Yards and Transit Company; thence said roadbed and tracks of the Chicago, Burlington and Quincy Railroad Company shall continue in a northeasterly direction and on an ascending gradient of about .04 per centum for a distance of about 650 feet to a point about on the east line of South Western avenue, which point shall be east of the proposed viaduct in South Western avenue; thence said roadbed and tracks of said Chicago, Burlington and Quincy Railroad Company shall continue in a northeasterly direction, and may rise on the most suitable gradient convenient and practicable to said railroad company, to a point on the west line of Lincoln street, where an elevation of not less than 18.7 feet above city datum shall be attained; thence said elevated roadbeds and tracks shall continue in an easterly direction and on an ascending gradient of about .30 per centum for a distance of about 660 feet, to the west line of Wood street, where an elevation of not less than 20.5 feet above city datum shall be attained; thence said elevated roadbeds and tracks shall continue in an easterly direction and on a level grade for a distance of about 1,430 feet, to the east line of Ashland avenue, where an elevation of not less than 20.5 feet above city datum shall be attained; thence said elevated roadbeds and tracks shall continue in an easterly direction and on a descending gradient of about .23 per centum for a distance of about 630 feet, to a point about on the east line of Laflin

street, where an elevation of not less than 19 feet above city datum shall be attained; thence said elevated roadbeds and tracks shall continue in an easterly direction, and they may descend on the most suitable gradient convenient and practicable to said company, to a connection with their present roadbed and tracks.

¶ 4. **Route and gradient.**] Paragraph 3. From a point on the proposed elevated roadbed and tracks of the said Chicago and Northwestern Railway Company, and where same diverges to the east from the tracks of the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, immediately north of Ogden avenue, and which tracks are located immediately south of and parallel to the tracks of the Chicago Terminal Transfer Railroad, from Ogden avenue to Blue Island avenue viaduct, the said elevated roadbed and tracks of the said Chicago and Northwestern Railway Company shall continue in a southerly and easterly direction and on the most suitable gradient convenient and practicable to said railway company, to a point about on the east line of South Western avenue, where an elevation of not less than 22.5 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a southerly and easterly direction and on the most suitable gradients convenient and practicable to said railway company to a point about on the west line of Lincoln street, where an elevation of not less than 18.1 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in an easterly direction and on an ascending gradient of about 0.36 per centum for a distance of about 660 feet to a point about on the west line of Wood street, where an elevation of not less than 20.5 feet above city datum will be attained; thence said elevated roadbeds and tracks shall continue on an easterly direction and on a level grade for a distance of about 1,430 feet to the east line of Ashland avenue, where an elevation of not less than 20.5 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in an easterly direction and on a descending gradient of about .23 per centum for a distance of about 630 feet to a point about on the east line of Laflin street, where an elevation of not less than 19 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in an easterly direction, and they may descend on the most suitable gradient convenient and practicable to said company to a connection with their present roadbed and tracks.

¶ 5. **Chicago, T. T. R. R. Co., gradient.**] Paragraph 4. From a point about 2,000 feet west of the center of Kedzie avenue, or from such other point west of Kedzie avenue as may be most convenient for said Chicago Terminal Transfer Railroad Company, on the plane of their existing roadbed and tracks; from said above mentioned point said roadbed and tracks shall ascend on the most suitable gradient convenient and practicable to said railroad company to a point about on the west line of Kedzie avenue, where an elevation of not less than 24.50 feet above city datum shall be attained; thence said elevated

roadbed and tracks shall continue in an easterly direction and on an ascending gradient to about .04 per centum for a distance of about 2,725 feet to a point about on the east line of California avenue, where an elevation of not less than 25.59 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in an easterly and southerly direction and on a descending gradient of about .23 per centum for a distance of about 1,350 feet to a point on the west line of the right of way of the railroad tracks in Rockwell street, where an elevation of not less than 22.5 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a southeasterly direction and on a substantially level grade and crossing at grade said elevated roadbed and tracks of the Chicago and Northwestern Railway Company and the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, to a point about on the east line of the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company's right of way, where an elevation of not less than 22.50 feet above city datum shall be attained; thence said elevated roadbed and tracks of said Chicago Terminal Transfer Railroad Company shall continue in a southerly and easterly direction on the most suitable gradient convenient and practicable to said railway company to a point about on the east line of South Western avenue, where an elevation of not less than 22.50 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a southerly and easterly direction and on the most suitable gradients convenient and practicable to said railroad company to a point about on the west line of Lincoln street, where an elevation of not less than 17.7 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in an easterly direction on an ascending gradient of about .43 per centum for a distance of 660 feet to a point about on the west line of Wood street, where an elevation of not less than 20.5 feet above city datum shall be attained; thence said elevated roadbeds and tracks shall continue in an easterly direction and on a level grade for a distance of about 1,430 feet to the east line of Ashland avenue, where an elevation of not less than 20.5 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in an easterly direction and on a descending gradient of about .24 per centum for a distance of about 630 feet to a point about on the east line of Laflin street where an elevation of not less than 19 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in an easterly direction, and they may descend on the most suitable gradient convenient and practicable to said company to a connection with their present roadbed and tracks.

¶ 6. "Y" connecting route and gradient.] Paragraph 5. From a point on the proposed depressed roadbed and tracks of the Chicago, Burlington and Quincy Railroad Company, immediately west of the proposed viaduct over Western avenue, the roadbed and tracks of the Y connecting track which runs in a southwesterly and southerly direc-

tion parallel to the said proposed elevated tracks of the Union Stock Yards and Transit Company, the Chicago Terminal Transfer Railroad Company and the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company from 21st street to 26th street; from said last mentioned point the roadbed and tracks of said Chicago, Burlington and Quincy Railroad Company shall ascend on the most suitable gradient, convenient and practicable to said company, to a point about on the north line of West 21st street, where an elevation of all the roadbeds and tracks of the said above named companies' tracks, which now cross West 21st street, shall not be less than 25.7 feet above city datum; thence said elevated roadbed and tracks of said railroad company shall continue in a southerly direction and on a descending gradient of about .14 per centum for a distance of about 1,400 feet to a point about on the south line of West 23d street, where an elevation of not less than 23.7 feet above city datum shall be attained; thence said elevated roadbed and tracks of said railroad company shall continue in a southerly and easterly direction and on a descending gradient of about .11 per centum for a distance of about 2,350 feet to a point about on the east line of South Western avenue, where an elevation of not less than 21.2 feet above city datum shall be attained, and crossing at grade in said last mentioned course the proposed elevated roadbed and tracks of the Atchison, Topeka and Santa Fe Railroad Company; thence said elevated roadbed and tracks shall continue in a southerly and easterly direction, and they shall descend on the most suitable gradient convenient and practicable to said railroad company to a connection with their present roadbed and tracks.

¶ 7. **A., T. & S. F. gradient.**] Paragraph 6. From the most desirable point east of South Western avenue, on the existing tracks of the Atchison, Topeka and Santa Fe Railroad Company's branch line, the track of said railroad company may rise on the most suitable gradient convenient and practicable to said railroad company to a point about on the east line of South Western avenue, where an elevation of not less than 21.2 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a westerly direction on a level grade for a distance of about 750 feet to a point about on the west boundary line of the right of way of the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, and crossing at grade in said last mentioned course the branch tracks of the Chicago, Burlington and Quincy Railroad Company and the main tracks of the Union Stock Yards and Transit Company, the Chicago Terminal Transfer Railroad Company and the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company; thence said elevated roadbed and tracks shall continue in a westerly direction, and they may descend on the most suitable gradient convenient and practicable to said railroad company to a connection with its present roadbed and tracks.

¶ 8. **"Y" Elevation, permission for.**] Paragraph 7. Permission is hereby granted to all of the railroad companies mentioned in this or-

dinance which are required to elevate their roadbed and tracks, to elevate their Y tracks, and to make such changes in their location and alignment as said railroad companies may deem necessary to maintain their proper connections with each other's tracks.

¶ 9. **Change of location.**] Paragraph 8. Nothing in this ordinance shall prevent the various companies owning their tracks mentioned herein from changing the location of said tracks by the mutual agreement of those interested, as they may deem necessary, provided that no change of location shall be made that will prevent the separation of the grades of said tracks as contemplated in this ordinance.

The railway companies named in this ordinance are hereby authorized to make such changes in the position and alignment of their respective main and side tracks and switch connections as may be desirable in order to carry out the provisions of this ordinance.

¶ 10. **Top rail.**] Paragraph 9. All elevations of railroad tracks mentioned in this ordinance shall refer to the top of the rail.

¶ 10a. **Obstructions may be moved.**]. Paragraph 10. If any bridge, viaduct, approach thereto, or other structure belonging to, or under the control of the city of Chicago in any street or avenue shall be found by said commissioner of public works to constitute an obstruction to or interfere with the work of constructing, maintaining or using the elevated structure hereinbefore required, the said commissioner of public works is hereby authorized and directed to promptly remove the same at the expense of said railroad companies, or said commissioner of public works may grant to said railroad companies permission to use the material in the work of the elevation of their roadbed and tracks.

¶ 11. **Embankments, how constructed.**] § 2. The embankment or embankments on which said elevated roadbed shall be constructed within the aforesaid limits shall be composed of sand, clay, gravel, loam, broken stone, or whatever else may compose the surplus material excavated from the subways and from the foundation pits and trenches along the line of said work; the side slopes and lateral dimensions of said embankments will be fixed and determined by the natural angle of repose of the materials of which said embankments may be constructed, but whenever it may become necessary, for the purpose of keeping said embankments entirely within the lines of the right of way of said company, such portions of said embankments at all such points shall be kept within said right of way lines, by, or they shall be confined between, retaining walls of stone or brick masonry; Provided, however, that whenever said retaining walls are of insufficient height to properly protect said right of way, and to prevent trespassing thereon, thence said retaining walls as aforesaid shall be surmounted with a suitable fence or railing, but wherever said retaining walls are not used at all, the right of way of said company shall be fenced in, or otherwise properly inclosed in compliance with the present ordinances of the city of Chicago relating to the fencing of railroad tracks.

¶ 12. **Authority given to elevate tracks upon open trestle.**] § 2a. To enable the Atchison, Topeka and Santa Fe Railroad Company to prosecute the work of the elevation of their roadbed and tracks in accordance with the provisions of this ordinance, permission and authority is hereby granted to the Atchison, Topeka and Santa Fe Railroad Company to elevate its roadbed and tracks between the points named in paragraph 6, section 1, of this ordinance, upon an open trestle work structure, but the abutments of the subway at the intersection of South Western avenue shall be constructed of stone, in accordance with the provisions described in section 4a of this ordinance, and neither the passage of this ordinance, the incurring of any expense, nor the doing of any work thereunder by the Atchison, Topeka and Santa Fe Railroad Company shall ever be construed in any manner whatever to estop or prevent the city of Chicago from hereafter passing an ordinance for the elevation of its roadbed and tracks beyond the points mentioned in this ordinance.

¶ 13. **Intersecting streets, superstructures, subways.**] § 3. The said elevated tracks shall be carried across all intersecting streets, avenues and alleys, which by the terms of this ordinance are to be provided with subways, on suitable bridges of one, two, three or four spans, whose superstructure shall consist of iron or steel main girders, with iron or steel main floor or ordinary track stringers; but should the latter method be adopted, some suitable device shall be provided to prevent storm water, dirt, oil and other substances from dropping from such elevated structure upon the subways beneath.

The said bridges shall be supported on abutments of concrete, stone or brick masonry, as indicated in the schedule of subways, or on rows of iron or steel columns, braced together laterally and erected on and anchored to masonry foundations, constructed within the lines of the railroad right of way and in the center and curb lines of the intersecting avenues and streets.

¶ 14. **Subways to be constructed, where.**] § 4. Paragraph 1. Subways shall be constructed beneath the main tracks of the Chicago, Burlington and Quincy Railroad Company where said tracks are intersected and crossed by South Forty-fourth avenue, South Forty-second avenue, Fairmont avenue, South Fortieth avenue, South Hamlin avenue, Bonney avenue, Lawndale avenue, Millard avenue, Central Park avenue, Clifton Park avenue (West Twenty-second and Trumbull avenue), Spalding avenue, Kedzie avenue, Albany avenue, South West Boulevard, California avenue, Washtenaw avenue, Lincoln street, Wood street, Paulina street, Ashland avenue and Laflin street.

Paragraph 2. Subways shall be constructed beneath the tracks of the Chicago and Northwestern Railway Company where said tracks are intersected and crossed by Ogden avenue, Western avenue, Lincoln street, Wood street, Paulina street, Ashland avenue and Laflin street.

Paragraph 3. Subways shall be constructed beneath the tracks of the Chicago Terminal Transfer Railroad Company, where said tracks are intersected and crossed by Kedzie avenue, Albany avenue, Sacramento avenue, Francisco avenue, California avenue, Fairfield avenue, Washtenaw avenue, Ogden avenue, Western avenue, Lincoln street, Wood street, Paulina street, Ashland avenue and Laflin street.

¶ **15. Subways, location of.**] Paragraph 4. Subways shall be constructed beneath the tracks of the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company and the Chicago Terminal Transfer Railroad Company, and the Union Stock Yards and Transit Company, where said tracks are intersected and crossed by Ogden avenue, Sixteenth street, Eighteenth street, at the crossing of the Chicago, Burlington and Quincy Railroad Company, where the tracks of said Chicago, Burlington and Quincy Railroad Company are to be depressed; West Twenty-first street, West Twenty-second street, West Twenty-third street, West Twenty-fourth street, West Twenty-fifth street, West Twenty-sixth street and West Twenty-ninth street.

¶ **16. Subways, Where.**] Paragraph 5. Subways shall be constructed beneath the side tracks of the Chicago, Burlington and Quincy Railroad, which are located immediately east of and parallel with the Union Stock Yards and Transit Company, from West Twenty-first street to West Twenty-sixth street, where said tracks are intersected and crossed by West Twenty-first street, West Twenty-second street, West Twenty-third street, West Twenty-fourth street, West Twenty-fifth street, West Twenty-sixth street and South Western avenue.

¶ **17. South Western avenue, subway at.**] Paragraph 6. A subway shall be constructed beneath the tracks of the Atchison, Topeka and Santa Fe Railroad Company, where said tracks are intersected and crossed by South Western avenue.

¶ **18. Subways, who shall construct.**] Paragraph 7. As to the subways mentioned in section 4, paragraph 1, of this ordinance, the subways at Lincoln street, Wood street, Paulina street, Ashland avenue and Laflin street are to be constructed jointly by the Chicago and Northwestern Railway, the Chicago Terminal Transfer Railroad Company and the Chicago, Burlington and Quincy Railroad Company and all that portion of said last mentioned subways and south approaches shall be constructed by the Chicago, Burlington and Quincy Railroad Company lying south of its north line of right of way of said company; and the Chicago and Northwestern Railroad Company shall construct that portion of the subway lying between its right of way lines; and the Chicago Terminal Transfer Railroad Company shall construct the remaining portion and north approaches of said subway lying north of its south line of right of way. As to subways mentioned in section 4, paragraph 2, of this ordinance, the subway at Ogden avenue shall be constructed jointly by the Chicago and Northwestern Railway Company, the Chicago Terminal Transfer Railroad Company, the

Pittsburgh, Cincinnati, Chicago and St. Louis Railway Company, and the Union Stock Yards and Transit Company, and the subway in Western avenue shall be constructed jointly by the Chicago and Northwestern Railway Company and the Chicago Terminal Transfer Railroad Company, and the Chicago and Northwestern Railway Company shall construct that portion of subway and south approach lying south of its north line of right of way, and the Chicago Terminal Transfer Railroad Company shall construct the remaining portion and north approach of said subway lying north of its south line of right of way; and the subways at Lincoln street, Wood street, Paulina street, Ashland avenue and Laflin street shall be constructed jointly by the Chicago and Northwestern Railway Company, the Chicago Terminal Transfer Railroad Company and the Chicago, Burlington and Quincy Railroad Company, as hereinbefore mentioned in section 4, paragraph 5. The subways at Sixteenth street, Eighteenth street and Twenty-ninth street, and the over crossings of the Chicago, Burlington and Quincy Railroad Company, shall be constructed jointly by the Chicago Terminal Transfer Railroad Company, the Union Stock Yards and Transit Company, and the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company and the subways at West Twenty-first street, West Twenty-second street, West Twenty-third street, West Twenty-fourth street, West Twenty-fifth street and West Twenty-sixth street shall be constructed jointly by Pittsburgh, Cincinnati, Chicago and St. Louis Railway Company, Chicago Terminal Transfer Railroad Company, Union Stock Yards and Transit Company and the Chicago, Burlington and Quincy Railroad Company; and the subway in South Western avenue shall be constructed jointly by the Chicago, Burlington and Quincy Railroad Company and the Atchison, Topeka and Santa Fe Railroad Company.

¶ 19. **Viaduct at Western avenue and Eighteenth street.**] Paragraph 8. At the point where the Chicago, Burlington and Quincy Railroad Company's tracks cross Western avenue and West Eighteenth street a viaduct shall be constructed passing over and above said depressed tracks, and said viaduct shall conform to the description, specifications and dimensions and other particulars contained in the schedule set forth and embodied in section 4a of this ordinance.

¶ 20. **Grade crossing, Loomis street.**] Paragraph 9. At the intersection of Loomis street with the elevated roadbed and tracks of said railroads on the descending grade there shall be constructed a grade crossing which shall conform and be in accordance with the description, specifications, dimensions and other particulars contained in the schedule set forth in section 4a of this ordinance.

¶ 21. **Subway at W. Twelfth street to be revised.**] Paragraph 10. Where said elevated roadbeds and tracks are intersected and crossed by West Twelfth street on the new elevated grade, as herein described, the subway in West Twelfth street shall be revised and shall now conform to the following dimensions, specifications and other par-

ticulars set forth and embodied in section 4a of this ordinance, under the subheading of revised subway in West Twelfth street.

¶ 22. **Shedule of subways, viaducts and crossings.**] § 4a. The several subways, the viaduct and the street grade crossing hereinbefore referred to in section 4 of this ordinance, and which shall be constructed with the elevation upon which such tracks are to be placed, shall, as to their size and dimensions, location and other details, be in accordance with the following schedule:

Subway in South Forty-fourth Avenue, Under the Chicago, Burlington and Quincy Railroad. (South Forty-fourth Avenue, 80 feet Wide.)

The depression of street shall not exceed 6.4 feet below the present surface of tracks, making the elevation of the floor of subway not less than 16.1 feet above city datum. This level shall extend on the northwest 10 feet beyond the northwest portal of subway, and on the southeast 10 feet beyond the southeast portal of subway. From this level the approaches shall extend on a grrade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway shall be the clear full width of street.

Width of roadway and sidewalks shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway and about one foot above the level of the same.

Two lines of posts may be placed in curb lines and inside thereof, and one line of posts in the center of roadway to support girders.

Clear head room, 12.5 feet.

Provided, however, that the said Chicago, Burlington and Quincy Railroad Company shall not be required to construct any part of this subway or to provide any opening whatever of this street across or through its proposed elevated embankment or structure as required by the terms of this ordinance until such time as the land necessary for a continuous street, 80 feet in width for at least one-half of a mile in length upon each side of the right of way of said railway company shall have been properly dedicated or condemned for public street purposes, and said street shall have been graded or otherwise properly prepared for general use of the public. Then and in that event said Chicago, Burlington and Quincy Railroad Company shall at their own expense elevate the plane of their roadbed and tracks commencing at a point on the west line of South Forty-second avenue, and continuing in a southerly and westerly direction and on a level grade to a point about on the west line of South Forty-fourth avenue, where an elevation of not less than 30.10 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a southerly and westerly direction and they shall descend on the most suitable gradient convenient and practicable to said railroad company, to a connection with their present roadbed and tracks.

Subway in South Forty-second Avenue, Under the Chicago, Burlington and Quincy Railroad. (Avenue, 80 feet Wide.)

The depression of street shall not exceed 4.9 feet below the present surface of tracks, making the elevation of the floor of subway not less than 16.7 feet above city datum. This level shall extend on the northwest 10 feet beyond the northwest portal of subway, and on the southeast 10 feet beyond the southeast portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway shall be the clear full width of street.

Width of roadway and sidewalks shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway and about one foot above the level of the same.

Two lines of posts may be placed in curb lines and inside thereof, and one line of posts in the center of roadway to support girders.

Clear head room, 12 feet.

Subway in Fairmount Avenue, Under the Chicago, Burlington and Quincy Railroad. (Avenue, 80 Feet Wide.)

The depression of street shall not exceed 4.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 16.0 feet above city datum. This level shall extend on the northwest 10 feet beyond the northwest portal of subway, and on the southeast 10 feet beyond the southeast portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway shall be the clear full width of street.

Width of roadway and sidewalks shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway and about one foot above the level of the same

Two lines of posts may be placed in curb lines and inside thereof, and one line of posts in the center of roadway to support girders.

Clear head room, 12 feet.

Subway in South Fortieth Avenue, Under the Chicago, Burlington and Quincy Railroad. (Avenue, 73 Feet Wide.)

The depression of street shall not exceed 4.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 13.9 feet above city datum. This level shall extend on the northwest 10 feet beyond the northwest portal of subway, and on the southeast 10 feet beyond the southeast portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway shall be the clear full width of street

Width of roadway and sidewalks shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway and about one foot above the level of the same.

Two lines of posts may be placed in curb lines and inside thereof, and one line of posts in the center of roadway to support girders.

Clear head room, 13 feet.

Subway in Hamlin Avenue, Under the Chicago, Burlington and Quincy Railroad. (Avenue, 66 Feet Wide.)

The depression of street shall not exceed 4.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 12.2 feet above city datum. This level shall extend on the northwest 10 feet beyond the northwest portal of subway, and on the southeast 10 feet beyond the southeast portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subways.

Width of roadway and sidewalks outside of subway shall be the the same as they now exist

The depression of sidewalks shall be uniform with the roadway and about one foot above the level of the same.

Clear head room, 12 feet.

Subway in Bonney Avenue, Under the Chicago, Burlington and Quincy Railroad. (Avenue, 66 Feet Wide.)

The depression of street shall not exceed 4.1 feet below the present surface of tracks, making the elevation of the floor of subway not less than 12.1 feet above city datum. This level shall extend on the northwest 10 feet beyond the northwest portal of subway, and on the southeast 10 feet beyond the southeast portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subways.

Width of roadway and sidewalks outside of subway shall be the the same as they now exist.

The depression of sidewalks shall be uniform with the roadway and about one foot above the level of the same.

Clear head room, 12 feet.

Subway in Lawndale Avenue, Under the Chicago, Burlington and Quincy Railroad. (Avenue, 66 Feet Wide.)

The depression of street shall not exceed 3.6 feet below the present surface of tracks, making the elevation of the floor of subway not less than 11.5 feet above city datum. This level shall extend on the northwest 10 feet beyond the northwest portal of subway, and on the south-

east 10 feet beyond the southeast portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subways.

Width of roadway and sidewalks outside of subway shall be the the same as they now exist.

The depression of sidewalks shall be uniform with the roadway and about one foot above the level of the same.

Clear head room, 12.5 feet.

Subway in Millard Avenue, Under the Chicago, Burlington and Quincy Railroad. (Avenue, 66 Feet Wide.)

The depression of street shall not exceed 3.8 feet below the present surface of tracks, making the elevation of floor of subway not less than 11.8 feet above city datum. This level shall extend on the northwest 10 feet beyond the northwest portal of subway, and on the southeast 10 feet beyond the southeast portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subways.

Width of roadway and sidewalks outside of subway shall be the the same as they now exist.

The depression of sidewalks shall be uniform with the roadway and about one foot above the level of the same.

Clear head room, 12 feet.

Subway in Central Park Avenue, Under the Chicago, Burlington and Quincy Railroad. (Avenue, 66 Feet Wide.)

The depression of street shall not exceed 3.6 feet below the present surface of tracks, making the elevation of floor of subway not less than 11.8 feet above city datum. This level shall extend on the northwest 10 feet beyond the northwest portal of subway, and on the southeast 10 feet beyond the southeast portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with present surface of street.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalk, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the the same as they now exist

Clear head room, 12 feet.

Subway in Clifton Park Avenue, Under the Chicago, Burlington and Quincy Railroad. (Avenue, 66 Feet Wide.)

The depression of street shall not exceed 3.2 feet below the present surface of tracks, making the elevation of floor of subway not less

than 11.7 feet above city datum. This level shall extend on the northwest 10 feet beyond the northwest portal of subway, and on the southeast 10 feet beyond the southeast portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

The width between the walls of subway shall be 60 feet.

The width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the the same as they now exist.

The depression of sidewalks shall be uniform with the roadway and about one foot above the level of the same.

Clear head room, 12 feet

Subway in West Twenty-second Street and Trumbull Avenue, Under the Chicago, Burlington and Quincy Railroad.

The depression of street shall not exceed 3.7 feet below the present surface of tracks, making the elevation of the floor of subway not less than 11.0 feet above city datum. This level shall extend on the northwest 10 feet beyond the northwest portal of subway, and on the southeast 10 feet beyond the southeast portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of the streets.

The width between the walls of subway shall be 60 feet as measured at right angles to street lines.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of the subways shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway and about one foot above the level of the same.

Clear head room, 12.5 feet.

Subway in Spaulding Avenue, under the Chicago, Burlington and Quincy Railroad. (Avenue, 66 feet wide.)

The depression of street shall not exceed 2.7 feet below the present surface of tracks, making the elevation of floor of subway not less than 11.1 feet above city datum. This level shall extend on the northwest 10 feet beyond the northwest portal of subway, and on the southeast 10 feet beyond the southeast portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with present surface of street.

The width between the walls of subway shall be 60 feet.

The width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of the subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway and about one foot above the level of the same.

Clear head room, 12 feet.

Subway in Kedzie Avenue, under the Chicago, Burlington and Quincy Railroad. (Avenue, 66 feet wide.)

The depression of street shall not exceed 3.8 feet below the present surface of tracks, making the elevation of floor of subway not less than 10.5 feet above city datum. This level shall extend on the northwest 10 feet beyond the northwest portal of subway, and on the southeast 10 feet beyond the southeast portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

The width between the walls of subway shall be 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet in each subway.

Width of roadway and sidewalks outside of the subway shall be the same as they now exist

The depression of sidewalks shall be uniform with the roadway and about one foot above the level of the same.

Clear head room, 12 feet.

Subway in Albany Avenue, under the Chicago, Burlington and Quincy Railroad. (Avenue, 66 feet wide.)

The depression of streets shall not exceed 3.2 feet below the present surface of tracks, making the elevation of floor of subway not less than 10.3 feet above city datum. This level shall extend on the northwest 10 feet beyond the northwest portal of subway, and on the southeast 10 feet beyond the southeast portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

The width between the walls of subway shall be 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet in each subway.

Width of roadway and sidewalks outside of the subway shall be the same as they now exist.

Clear head room, 12 feet

Subway in South West Boulevard, under the Chicago, Burlington and Quincy Railroad. (Boulevard, 250 feet wide.)

This subway shall be constructed of such dimensions and according to such plans as may be agreed upon between the West Chicago Park Commissioners and the said Chicago, Burlington and Quincy Railroad Company.

Subway in California Avenue, under the Chicago, Burlington and Quincy Railroad. (Avenue, 66 feet wide.)

The depression of street shall not exceed 2.9 feet below the present surface of tracks, making the elevation of floor of subway not less than 9.2 feet above city datum. This level shall extend on the northwest 10 feet beyond the northwest portal of subway, and on the southeast 10 feet beyond the southeast portal of subway. From this level

the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of streets.

The width between the walls of subway shall be 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet in each subway.

Width of roadway and sidewalks outside of the subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway and about one foot above the level of the same.

Clear head room, 12 feet.

Subway in Washtenaw Avenue, under the Chicago, Burlington and Quincy Railroad. (Avenue, 66 feet wide.)

The depression of street shall not exceed 5.9 feet below the present surface of the tracks, making the elevation of the floor of subway not less than 6.2 feet above city datum. This level shall extend on the northwest 10 feet beyond the northwest portal of subway, and on the southeast 10 feet beyond the southeast portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.7 feet in 100 feet to a connection with the present surface of street.

The width between the walls of subways shall be 60 feet.

Width of roadway, 40 feet in subway

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of the subway shall be the same as they now exist

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Clear head room, 11 feet

Subway in Lincoln Street, under the Chicago, Burlington and Quincy Railroad, Chicago and Northwestern Railway, Chicago Terminal Transfer Railroad. (Street, 66 feet wide.)

The depression of street shall not exceed 7.0 feet below the present surface of tracks, and the elevation of the floor of subway at the north portal shall not be less than 3.4 feet above city datum, and the elevation of the floor at the south portal of said subway shall not be less than 4.4 feet above city datum. From a point 10 feet beyond each portal the approaches shall extend on a grade of not to exceed 4.0 feet in 100 feet to a connection with the present surface of streets, including the approaches into Fifteenth street and Sixteenth street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist

The depression of sidewalk shall be uniform with roadway and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof, and one line of posts in the center of roadway to support girders.

Clear head room, 12 1-2 feet.

Subway in Wood Street, Under the Chicago, Burlington and Quincy Railroad, Chicago and Northwestern Railway, Chicago Terminal Transfer Railroad. (Street, 66 feet wide.)

The depression of street shall not exceed 3.6 feet below the present surface of tracks, making the elevation of floor of subway not less than 6.8 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of streets, including the approaches into Fifteenth and Sixteenth streets.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway

Width of sidewalks, 10 feet each in subway.

Width of roadways and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalk shall be uniform with roadway and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof, and one line of posts in center of roadway to support girders.

Clear head room, 12 feet

Subway in Paulina Street, under the Chicago, Burlington and Quincy Railroad, Chicago and Northwestern Railway, the Chicago Terminal Transfer Railroad. (Street, 66 feet wide.)

The depression of street shall not exceed 3.0 feet below the present surface of tracks, making the elevation of floor of subway not less than 7.0 feet above city datum. This level shall extend 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of streets, including the approaches into Fifteenth and Sixteenth streets.

Width between walls of subway, 66 feet

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadways and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalk shall be uniform with roadways and about one foot above level of same.

Clear head room, 12 feet.

Subway in Ashland Avenue, Under the Chicago, Burlington and Quincy Railroad and Chicago Terminal Transfer Railway. (Avenue, 100 feet wide.)

The depression of street shall not exceed 3.6 feet below the present surface of tracks, making the elevation of floor of subway not less than 6.5 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.7 feet in 100 feet to a connection with the present surface of streets, including the approaches into Fifteenth and Sixteenth streets.

Width between walls of subway, 100 feet.

Width of roadway, 80 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadways and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with roadways and about one foot above the level of same.

Two lines of posts may be placed in curb line and inside thereof, and one line of posts in the center of roadway to support girders.

Clear head room, 12.5 feet.

Subway in Laflin Street, under the Chicago, Burlington and Quincy Railroad, the Chicago and Northwestern Railway and the Chicago Terminal Transfer Railroad. (Street, 66 feet wide.)

The depression of street shall not exceed 3.3 feet below the present surface of tracks, making the elevation of the floor of subway not less than 6.5 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the approaches shall extend on a grade of not to exceed 4.0 feet in 100 feet to a connection with the present surface of streets, including the approaches into Fifteenth and Sixteenth streets.

Width between walls of subway, 66 feet

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

Depression of sidewalks shall be uniform with roadway, and about one foot above level of same.

Clear head room, 11 feet.

Subway in Ogden Avenue boulevard, under the Chicago Terminal Transfer Railroad, Chicago and Northwestern Railway, Union Stock Yards and Transit Company's Railroad and Pittsburg, Cincinnati, Chicago and St. Louis Railway. (Boulevard, 150 feet wide.)

This subway shall be constructed in accordance with the plans and specifications agreed upon between the West Chicago Park Commissioners and the above named railroad companies.

Subway in West 16th street, under the Chicago Terminal Transfer Railroad, Union Stock Yards and Transit Company's Railroad and Pittsburg, Cincinnati, Chicago and St. Louis Railway. (Street, 66 feet wide.)

The depression of street shall not exceed 1.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 11.0 feet above city datum. This level shall extend on the east 10 feet beyond the east portal of subway and on the west 10 feet beyond the west portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks shall be the same as they now exist.

The depression of sidewalks shall be uniform with roadway, and about one foot above level of the same.

Two lines of posts may be placed in curb lines and inside thereof, and one line of posts in center of roadway, to support girders.

Clear head room, 12 feet.

Subway in West 18th street, under the Chicago Terminal Transfer Railroad, Union Stock Yards and Transit Company's Railroad and Pittsburg, Cincinnati, Chicago and St. Louis Railway. (Street, 66 feet wide.)

There shall be no depression of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

Two lines of posts may be placed in curb lines and inside thereof, and one line of posts in center of roadway, to support girders.

Clear head room, 12.5 feet

Subway in West 21st street, under the Chicago Terminal Transfer Railroad, Union Stock Yards and Transit Company's Railroad, Pittsburg, Cincinnati, Chicago and St. Louis Railway and Chicago, Burlington and Quincy Railroad. (Street, 80 feet wide.)

The depression of street shall not exceed 1.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 11.3 feet above city datum. This level shall extend on the east 10 feet beyond the east portal of subway, and on the west 10 feet beyond the west portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 80 feet.

Width of roadway, 60 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist

The depression of sidewalks shall be uniform with roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof, and one line of posts in center of roadway, to support girders.

Clear head room, 12.5 feet.

Subway in West 22nd street, under the Chicago Terminal Transfer Railroad, Union Stock Yards and Transit Company's Railroad, Pittsburg, Cincinnati, Chicago and St. Louis Railway and Chicago, Burlington and Quincy Railroad. (Street, 73 feet wide.)

The depression of street shall not exceed 3.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 10.7 feet above city datum. This level shall extend on the east 10 feet beyond the east portal of subway, and on the west 10 feet beyond the west portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

The width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalk shall be uniform with roadway, and about one foot above the level of same.

Clear head room, 12.5 feet.

Subway in West 23rd street, under the Chicago Terminal Transfer Railroad, Union Stock Yards and Transit Company's Railroad, Pittsburg, Cincinnati, Chicago and St. Louis Railway and Chicago, Burlington and Quincy Railroad. (Street, 66 feet wide.)

The depression of street shall not exceed 2.7 feet below the present surface of tracks, making the elevation of the floor of subway not less than 10.2 feet above city datum. This level shall extend on the east 10 feet beyond the east portal of subway, and on the west 10 feet beyond the west portal of subway. From this level the approaches shall extend on a grade not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

The width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet in each subway.

Width of roadway and sidewalk outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with roadway, and about one foot above the level of same.

Clear head room, 12 feet.

Subway in West 24th street, under the Chicago Terminal Transfer Railroad, Union Stock Yards and Transit Company's Railroad, Pittsburg, Cincinnati, Chicago and St. Louis Railway and Chicago, Burlington and Quincy Railroad. (Street, 66 feet wide.)

The depression of street shall not exceed 2.9 feet below the present surface of tracks, making the elevation of the floor of subway not less than 9.3 feet above city datum. This level shall extend on the east 10 feet beyond the east portal of subway, and on the west 10 feet beyond the west portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet, to a connection with the present surface of street.

The width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalk outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of same.

Clear head room, 12 feet.

Subway in West 25th street, under the Chicago Terminal Transfer Railroad, Union Stock Yards and Transit Company's Railroad, Pittsburg, Cincinnati, Chicago and St. Louis Railway and Chicago, Burlington and Quincy Railroad. (Street, 66 feet wide.)

The depression of street shall not exceed 3.6 feet below the present surface of tracks, making the elevation of the floor of subway not less than 8.5 feet above city datum. This level shall extend on the east 10 feet beyond the east portal of subway, and on the west 10 feet beyond the west portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

The width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalk outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with roadway, and about one foot above the level of same.

Clear head room, 12 feet.

Subway in West 26th street, under the Chicago Terminal Transfer Railroad, Union Stock Yards and Transit Company's Railroad and Pittsburg, Cincinnati, Chicago and St. Louis Railway. (Street, 83 feet wide.)

The depression of street shall not exceed 5.0 feet below the present surface of tracks, making the elevation of floor of subway not less than 7.2 feet above city datum. This level shall extend on the east 10 feet beyond the east portal of subway of the Union Stock Yards and Transit Company's Railroad, and on the west 10 feet beyond the

west portal of subway under the Pittsburg, Cincinnati, Chicago and St. Louis Railway. From this level the east approach shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the new grade of street, as it shall be changed midway between the subways of the Union Stock Yards and Transit Company's Railroad and the Chicago, Burlington and Quincy Company's railroad branch line, and the elevation of the new grade at the above mentioned point shall not be less than 9.2 feet above city datum, and the west approach shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 50 feet.

Width of roadway and sidewalks shall be the same as now exists.

The depression of sidewalks shall be uniform with roadway, and about one foot above the level of the same.

Clear head room, 12.5 feet.

Provided, however, said railroad companies construct a subway the full width of street, then and in that case they shall have permission to place two lines of posts in curb lines and inside thereof and one line of posts in center of roadway to support girders.

Subway in West 26th street, under the Chicago, Burlington and Quincy Railroad Company's branch line. (Street, 83 feet wide.)

The depression of street shall not exceed 5.0 feet below the present surface of tracks, making the elevation of the floor of subway not less than 7.2 feet above city datum. This level shall extend on the east 10 feet beyond the east portal of subway, and on the west 10 feet beyond the west portal of subway. From this level the west approach shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the new grade of street as it shall be changed midway between the subways of the Chicago, Burlington and Quincy Railroad Company's branch line and the Union Stock Yards and Transit Company's Railroad, and the elevation of the new grade at the above mentioned point shall not be less than 9.2 feet above city datum, and the east approach shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the approach into South Western avenue.

Width between walls of subway, 50 feet.

Width of roadway and sidewalks shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of the same.

Two lines of posts may be placed in the curb lines inside thereof, and one line of posts in center of roadway to support girders.

Clear head room, 12.5 feet.

Subway in West 29th street, under Chicago Terminal Transfer Railroad, Union Stock Yards and Transit Company's Railroad and Pittsburg, Cincinnati, Chicago and St. Louis Railway. (Street, 66 feet wide.)

The depression of street shall not exceed 9.0 feet below the present surface of tracks, making the elevation of the floor of the subway not less than 7.2 feet above city datum. This level shall extend on the east 10 feet beyond the east portal of subway, and on the west 10 feet beyond the west portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of the street.

The width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of same.

Clear head room, 12 feet.

Subway in Western avenue, under the Chicago, Burlington and Quincy Railroad, Atchison, Topeka and Santa Fe Railroad. (Street, 66 feet wide.)

Depression of street shall not exceed 5.0 feet below the present surface of tracks, making the elevation of floor of subway not less than 7.2 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the approach into West Twenty-sixth street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of the same.

Two lines of posts may be placed in curb lines and inside thereof, and one line of posts in center of roadway to support girders.

Clear head room, 12.5 feet.

Subway in Kedzie avenue, under the Chicago Terminal Transfer Railroad. (Avenue, 66 feet wide.)

The depression of street shall not exceed 4.0 feet below the present surface of tracks, making the elevation of floor of subway not less than 10.2 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with roadway, and about one foot above level of same.

Clear head room, 12.5 feet.

Subway in Albany avenue, under Chicago Terminal Transfer Railroad. (Avenue, 66 feet wide.)

The depression of street shall not exceed 2.4 feet below the present surface of tracks, making the elevation of floor of subway not less than 11.2 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the approaches shall extend on a grade of not less than 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with roadway, and about one foot above level of same.

Clear head room, 12 feet.

Subway in Sacramento avenue, under the Chicago Terminal Transfer Railroad. (Avenue, 66 feet wide.)

The depression of street shall not exceed 2.4 feet below the present surface of tracks, making the elevation of the floor of subway not less than 11.5 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway and on the south 10 feet beyond the south portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with roadway, and about one foot above the level of the same.

Clear head room, 12 feet

Subway in Francisco avenue, under the Chicago Terminal Transfer Railroad. (Avenue, 66 feet wide.)

The depression of street shall not exceed 1.6 feet below the present surface of tracks, making the elevation of floor of subway not less than 11.8 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the approaches

shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with roadway, and about one foot above level of same.

Clear head room, 12 feet

Subway in California avenue, under the Chicago Terminal Transfer Railroad. (Avenue, 66 feet wide.)

The depression of street shall not exceed 1.2 feet below the present surface of tracks, making the elevation of the floor of subway not less than 11.6 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Clear head room, 12.5 feet.

Subway in Fairfield avenue, under the Chicago Terminal Transfer Railroad. (Avenue, 66 feet wide.)

Depression of street shall not exceed 0.5 feet below the present surface of track, making the elevation of floor of subway not less than 11.2 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist

The depression of sidewalks shall be uniform with roadway, and about one foot above level of same

Clear head room, 12 feet.

Subway in Washtenaw avenue, under the Chicago Terminal Transfer Railroad Company. (Avenue, 66 feet wide.)

The depression of street shall not exceed 2.5 feet below the present

surface of tracks, making the elevation of floor of subway not less than 10.5 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

Clear head room, 22 feet.

Subway in Western avenue, under the Chicago Terminal Transfer Railroad and Chicago and Northwestern Railway. (Avenue, 66 feet wide.)

The depression of street shall not exceed 2.7 feet below the present surface of tracks, making the elevation of floor of subway not less than 8.4 feet above city datum. This level shall extend on the north 10 feet beyond the north portal of subway, and on the south 10 feet beyond the south portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the approach into 14th street.

The width between walls of subway, 66 feet.

Width of roadway, 46 feet.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with roadway, and about one foot above level of the same.

Two lines of posts may be placed in curb lines and inside thereof, and one line of posts in the center of roadway to support girders.

Clear head room, 12.5 feet.

Revised subway in West 12th street, under the Chicago Terminal Transfer Railway, Pittsburg, Cincinnati, Chicago and St. Louis Railway and the Chicago and Northwestern Railway. (Street, 100 feet wide.)

The floor of said subway shall be elevated 3.3 feet above the present floor of subway, making the elevation of the new floor not less than 8.5 feet above city datum. From this level the new approaches to subway shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the original surface of street.

Width between walls and other specifications shall remain the same as prescribed in ordinance passed January 18th, 1897.

Clear head room, 12.5 feet.

Grade crossing at Loomis street, over Chicago, Burlington and Quincy Railroad, Chicago and Northwestern Railroad and Chicago Terminal Transfer Railroad. (Street, 66 feet wide.)

The above named companies shall construct jointly at the intersection of Loomis street with the elevated roadbed and tracks on the declining grade from Laflin street to Blue Island avenue, across their [illegible] of said street within the limits of said companies' right of said roadbed and tracks, a good and sufficient street crossing of said Loomis street. Said companies shall construct approaches from the north and south in Loomis street upon inclines from the present surface of said street on a substantially level grade. Said crossing shall be well and sufficiently planked across said approach, and said planked crossing shall be of the full width of said Loomis street. Said railroad companies shall also construct a wooden sidewalk, 8 feet in width, on way.

Viaduct in Western avenue and west 18th street, over the depressed tracks of the Chicago, Burlington and Quincy Railroad Company.

The elevation of the floor of viaduct shall not exceed 30.0 feet above city datum, making it about 18.5 feet above the present surface of streets. This level shall extend over all tracks of said railroad company in Western avenue and West Eighteenth street, as they shall be located and depressed as hereinbefore described in section 1, paragraph 2, and this level shall extend to a point about 7 feet north of the most northerly tracks of the Chicago, Burlington and Quincy Railroad Company, and shall also extend to a point which shall be located about 7 feet south of the most southerly track of the said Chicago, Burlington and Quincy Railroad. From said last mentioned point the approaches in Western avenue and West Eighteenth street shall descend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of Western avenue and West Eighteenth street as it shall be diverted at its intersection with Western avenue.

The width of viaduct approaches shall be the clear full width of streets.

The width of wagon roadway on Western avenue viaduct approaches shall be the same as they now exist on Western avenue.

The width of wagon roadway on approaches of West Eighteenth street, 50 feet.

Width of sidewalks on Western avenue approaches shall be the same as they now exist.

Width of sidewalks on West Eighteenth street approaches, 8 feet each.

Width of viaduct over Chicago, Burlington and Quincy Railroad tracks, 63 feet over all.

Width of wagon roadways, 22 feet each on viaduct.

Width of sidewalks, 8 feet each on viaduct.

All approaches to viaduct shall be constructed so as to retain the filling or embankment entirely within the lines of the street by substantial retaining walls of stone masonry or concrete; all subject to the direction and approval of the commissioner of public works.

Substantial and ornamental picket fence and railings shall be provided for viaduct and approaches.

The sidewalks shall be uniform with the roadway, and about one foot above level of same where practicable.

Said viaducts shall be constructed of wrought iron and steel, and the roadway shall be paved with wooden blocks and the design, material and workmanship subject to the direction and approval of the commissioner of public works.

Said viaduct and approaches shall be constructed and maintained by the Chicago, Burlington and Quincy Railroad Company and at their sole expense, and the said Chicago, Burlington and Quincy Railroad Company hereby agrees to assume and pay all incidental or consequential damages to adjacent property or business caused by the erection and construction of said viaduct.

Clear head room over the roadbed and tracks of said railroad company will not be less than 16.0 feet.

¶ 23. **Intersecting street, grade of.**] § 4b. The grade of east and west streets that intersect the approaches to subway, as described in section 4a of this ordinance, shall be depressed so as to conform to the grade of the approaches into such subways.

¶ 24. **Approaches, vertical curves.**] § 4c. In the several subways mentioned in this ordinance, there shall be constructed a vertical curve where the head of approaches connects with the present grade of street; and said vertical curve shall extend not less than 20 feet each side of said intersection of grades, and the middle ordinate of the vertical curve shall be equal to one-half of the difference between the elevation of the points on said intersecting grades.

¶ 25. **Excavations, restoration of streets.**] § 5. All such excavations shall be made in the streets as may be required for the depression of such subways and the approaches thereto. But the depressed portions of the streets shall be restored to servicable condition for the use of the public as soon as practicable, and all water pipes, conduits, sewers and other similar substructures belonging to the city that may be disturbed by such excavations or required to be moved or deflected from the position in which they are found, shall be devised and provided to restore them as fully as may be to their former state of usefulness, but the gradients of the sewers shall not be reduced in any event. All such work shall be done by the respective railroad companies as indicated in section 4a, and at their sole expense, and under the immediate supervision and to the satisfaction of the commissioner of public works of the city of Chicago.

¶ 26. **Grade of streets changed, where.**] § 6. The grades of all the streets and alleys in which any subways are to be built, in accordance with the provisions of this ordinance, or where viaducts shall be built in accordance with the provisions of this ordinance, or where streets shall be depressed or raised in accordance with the provisions of this ordinance along the line of the several subways, viaducts and

their approaches, shall be and the same are hereby changed so as to conform to the grades of such subways, viaducts and approaches as they shall be either depressed or elevated and constructed pursuant to the provisions of this ordinance.

¶ 27. **Receiving basins, drains.**] § 7. Provision shall be made for the drainage of the several depressed subways provided for in this ordinance by the construction of receiving basins properly located in or immediately adjacent to said subways, which said receiving basins shall be connected with and discharge their contents into the adjacent city sewers. In case the lowest point of the surface of any of said subways should be below the grade of the adjacent sewer, some other adequate means of drainage satisfactory to the commissioner of public works must be devised and provided by said railroad companies at their expense.

¶ 28. **Subways, structural requirements of.**] § 8. Paragraph 1. The subways and the approaches thereto so to be constructed by said companies in said streets and avenues aforesaid, shall all conform to the following structural requirements, namely: The roadways shall be paved with a single course of vitrified brick of standard quality, laid at right angles with the curb lines and set upon a solid foundation of hydraulic cement concrete of not less than six (6) inches thick or deep when solidly tamped in place and otherwise finished and properly crowned ready for the brick wearing surface, between which and the concrete there shall be interposed a layer of screened sand not less than one-half inch thick. The curb shall be of sound hard limestone of standard dimensions and finish, and the sidewalks shall be finished and paved with Portland cement concrete of standard quality and workmanship, and with the curbing and roadway paving shall be made, finished and put in permanent place in accordance with the requirements of the department of public works of the city of Chicago. The approaches of subways shall be excavated to the grades established by this ordinance and shall be in all other respects restored as near as may be to their condition before being so excavated.

¶ 29. **Streets and sidewalks to be restored.**] Paragraph 2. As to streets in this section mentioned, which are already paved or provided with sidewalks, such paving and sidewalks shall be restored with the present material, when the same is in good condition, by said railroad company or companies, at their own expense, in such portions of said streets as are required to be constructed by said company or companies, except that said railway company or companies are not required to restore any part of the paving of approaches or subways, which will be the duty of any street railway company or other corporation itself to restore under existing laws or ordinances

¶ 30. **Subways, paving of.**] Paragraph 3. Said company or companies shall pave the entire length and width of the roadway in such portions of the subway as are required to be constructed by said company

or companies as is mentioned in this ordinance, except that such company or companies shall not be required to pave any part of the subways to be occupied by, or adjacent to, street railway tracks, which by reason of existing laws or ordinances, it will be the duty of any street railway company, or other corporation, itself to pave.

¶ 31. **Street railways to conform to grade.**] Paragraph 4. Any street railway company occupying any of the streets in the city of Chicago crossed by said elevated or depressed railway shall, when and as the grade of such street shall be changed as in this ordinance provided, at its own expense, without claim for damages, conform the grade of its track or tracks to the said change of grade of said streets, and nothing in this ordinance shall operate to be held to relieve such street railway companies from any liability now existing, however created, to pave or bear the expense of paving such streets between or on either side of the rails of its said tracks in the manner and form as now required.

¶ 32. **Paving to be delayed, when.**] Paragraph 5. Wherever the elevated roadbeds and tracks constructed under and in accordance with the provisions of this ordinance, shall pass over any street, alley, avenue or public way at which, according to the terms of this ordinance a subway is required to be constructed by said railway company or companies, which street, alley, avenue or public way shall not already be paved or provided with sidewalks at the time of such construction and for which pavement or sidewalks no ordinance shall have been passed by the city council of the city of Chicago, then and in that case the paving of such subway shall be delayed until the improvement of the portions of the street contiguous shall be ordered by the city council and the contract therefor shall be let. Thereupon, on notice from the commissioner of public works, said company or companies shall proceed at once with the work of paving, or with the construction of sidewalks, in accordance with the provisions of section 8, and paragraphs 1 to 4, inclusive, of this ordinance. Should any company, after such notice, fail or neglect so to proceed with its work, the commissioner of public works of the city of Chicago shall have and is hereby given the right, power and authority to take charge of and cause such work to be done, and the expense thereof shall thereupon be paid by such delinquent company.

¶ 33. **Damages to adjacent property, city to adjust.**] Paragraph 6. Nothing in this ordinance contained shall be so construed as to require the said railway companies, or either of them, to assume or pay any incidental or consequential damages to adjacent property or business caused by the passage and enforcement of this ordinance, or by the excavation, elevation, depression or change of grade made in any of the public avenues, streets or alleys, or to defend any suit or suits which may be brought against any party or parties for the recovery of any such damages, but it is understood that all such damages, if there are any, shall be adjusted and paid by the city of Chicago, and

said city will assume the defense of any and all suits brought for the recovery of the same intervening therein, if necessary, for such purpose, and will wholly relieve said railway companies from defending the same, and will assume and pay all judgments recovered therein. The above stipulations in this paragraph contained are, however, upon the condition precedent that in case any suit be brought against any of the said companies, said company will, before the last day to plead therein, give notice in writing of such suit and of such service to the mayor and corporation counsel of said city for the purpose of enabling such defense to be made by the city.

¶ 34. **Superintendence, inspection and approval of work.**] § 9. All the work hereinbefore in this ordinance required to be done by said company or companies upon, or in connection with, the public avenues and streets of the city shall be done and performed under the superintendence and subject to the inspection and approval of the commissioner of public works of said city. At least ten (10) days prior to the commencement of any part of such work the plans and specifications therefor shall be submitted to said commissioner of public works for his examination, and if found to be in accordance with the provisions of this ordinance in so far as this ordinance contains specific provisions and in the absence of such specific provisions, if they shall be satisfactory to the commissioner of public works in regard to matters and details, which by this ordinance are left to his discretion and judgment, such plans shall be approved by him, and after such approval all of the work outlined and included therein shall be constructed in strict conformity therewith.

¶ 35. **Ordinances repealed, exceptions.**] § 9a. All ordinances heretofore passed for opening streets across any portion of the right of way or yards, of any of the railway or railroad companies mentioned in this ordinance, where the tracks are required to be elevated as in ordinance provided, are hereby repealed, except in those cases where the streets ordered opened have already in fact been opened and traveled and has become a lawful and existing highway, not hereby vacated, with exception of South Forty-fourth avenue, where a subway is to be built, in accordance with the "Schedule of Subways," in this ordinance contained, and any and all portions of any streets, alleys or avenues now existing and crossing either of the lines of railways or railroads within the limits of this ordinance provided for, the elevation or depression of such company's roadbed is hereby discontinued and vacated with the limits of such company's right of way, except the part of streets, alleys and avenues required to be occupied by subways, or where this ordinance required a grade crossing to be provided.

¶ 36. **Permission to obstruct, when.**] § 10. Permission and authority are hereby given to said companies, whenever the same shall be necessary in the prosecution of the work they are herein authorized or required to perform, to obstruct, temporarily, any public street, avenue or alley to such extent and for such length of time as may be

approved by the commissioner of public works, and they are also hereby authorized, whenever the same shall become necessary, to erect and maintain temporary structures and false work on any of said streets and avenues during the construction of their said elevated or depressed railroads, subject to the like approval of said commissioner of public works.

¶ 37. **Ordinances as to speed, trains, gates, watchmen and signals to cease, when.**] § 11. When the said several railroads, in section 1 of this ordinance mentioned, shall have elevated or depressed their respective tracks, in accordance with this ordinance, so that the same shall be ready for use, then and thereupon all provisions of the ordinances of the city of Chicago relating to the speed of railway trains, the length of trains, the number of cars to constitute a train, and the maintenance of gates, flagmen, watchmen, signals and signal towers and the ringing of bells, shall cease to be applicable to said railroads; Provided however, this ordinance is not to be construed as a waiver or surrender by the city of Chicago of any of its police powers, or of the right at any time hereafter to pass necessary and reasonable police ordinances in relation to the matters last above enumerated. After such elevation, it shall be unlawful for any person or persons save employes of said companies, or either of them, in the discharge of their duties, to enter or be upon, or to walk along or across the said elevated structure or roadway at any place. If any person shall wilfully trespass upon said elevated roadway, such person and all others aiding, abetting or assisting therein shall be liable to a fine of not less than five dollars nor more than one hundred dollars for each and every offense.

¶ 38. **Consideration of acceptance, additional subways, expense of.**] § 12. In consideration of the acceptance of this ordinance by the said railroad and railway companies, the city undertakes and agrees that it will not hereafter require or attempt to compel said railroad and railway companies, at their expense, to build any additional or other subways than those in this ordinance provided for. But it is hereby agreed that if the city of Chicago shall at any time hereafter open and extend any street or streets, or avenue or alleys, by means of subways only, across the right of way and lands and yards of said companies, and in such case no claim for compensation on account of land taken for right of way of such street or streets, avenues or alleys, will be made by said railway companies, and such waiver of compensation shall attach to and run with such land in the hands of any grantee or grantees of such railroad company or companies, but the sole cost and expense of construction of such subways and of such bridges as may be necessary to carry all the tracks on said company's lands and right of way and yards, and over said highways should be borne and paid by the city of Chicago, without expense to said railroad companies mentioned in this ordinance; and in no case shall any such bridge over such subway or subways so to be built be inferior in any

regard to the bridges to be built by said railroad company across the streets provided for in this ordinance. The work of such construction shall be done by the railroad company interested, and the amount to be paid by the city for such work and construction shall not exceed the actual and reasonable cost thereof. Said bridges, respectively, shall support all the tracks of said company then existing and in use across the lines of such proposed street or streets at the time of the construction of such subway across such right of way or yards of said railroad companies. But said railroad company or companies shall not be required to do any work toward the construction of any such subways until the cost thereof, as may be estimated by the city engineer and chief engineer of said railroad company or companies, first shall have been paid over to said company or companies, or deposited in some responsible bank for its or their benefit, and to be paid over to it or them at once upon the completion of said work. The grade of the roadbed and tracks of said company or companies shall be made and remain at the grade hereinbefore specified.

¶ 39. **Elevated railway crossings, requirements of.**] § 13. The elevation of the roadbed and tracks of the Chicago, Burlington and Quincy Railroad Company, the Chicago and Northwestern Railway Company and the Chicago Terminal Transfer Railroad Company, as required by the provisions of this ordinance, and the use and operation of said tracks, when so elevated, being impracticable, unless and until the roadbed and tracks of the elevated railroad built by the Metropolitan West Side Elevated Railroad Company, which elevated railroad crosses above the three last named railroad companies' tracks between Paulina street and Wood street, shall be raised at the crossing to a sufficient height above the elevated tracks of said last above mentioned companies to prevent any obstruction to, or interference with, the construction, maintainance, use and operation of such elevated tracks. Said Metropolitan West Side Elevated Railroad Company is hereby ordered and required to elevate the plane of the roadbed and tracks of its said elevated railroad at said crossing aforesaid to such a height above the roadbed and tracks of the Chicago, Burlington and Quincy Railroad Company, the Chicago and Northwestern Railway Company, and the Chicago Terminal Transfer Railroad Company when raised to the elevation herein required, that there shall be a minimum clearance of headway of not less than seventeen (17) feet between the elevated tracks of said three last named railroad companies at the lowest part of the overhead structure of said Metropolitan West Side Elevated Railroad Company; the tracks of said elevated railroad company on each side of said crossing to be adjusted to connect with the tracks laid upon the overhead structure at said crossing in such a manner and using such gradients as said elevated railroad company shall deem proper.

Said Metropolitan West Side Elevated Railroad shall begin the work of elevating its roadbed and tracks at said crossing within thirty

days after all other railroad companies mentioned in this section have filed with the mayor of the city of Chicago their agreements referred to in section 18 of this ordinance. The work of such elevation shall be fully and finally completed within ninety days after such acceptance shall have been filed by all of said above mentioned three railroad companies, and in case of failure or default on the part of said Metropolitan West Side Elevated Railroad Company, its successors or assigns, to complete the work of such elevation within the period of ninety (90) days from and after the acceptance of this ordinance by all of said above railroad companies mentioned in this section, said company shall pay the city of Chicago as assessed, agreed and liquidated damages, the sum of two hundred ($200) dollars per day for each and every day that such default shall continue and such elevation of the structure and tracks of said Metropolitan West Side Elevated Railroad shall remain unfinished and incomplete, it being agreed that the said sum of two hundred ($200) dollars per day is not a penalty, but its the actual amount of damages that will be sustained by the city of Chicago through any such default on the part of said Metropolitan West Side Elevated Railroad Company; but the foregoing provisions in relation to the payment of said damages shall not be in any way held to interfere with the rights to be derived by the city under the provisions contained in section 14 of this ordinance; but shall be deemed and constructed as an additional remedy in behalf of the city in case of default on the part of said Metropolitan West Side Elevated Railroad Company. The time of delay, if any, occasioned by strikes, riots or unavoidable accidents, shall be added to the ninety (90) days above provided for the completion of said work.

¶ 40. **Commencement and termination of work.**] § 14. The Chicago, Burlington and Quincy Railroad Company, the Chicago and Northwestern Railway Company and the Chicago Terminal Transfer Railroad Company, who are required to elevate their tracks, shall commence the work of such elevation after the Metropolitan West Side Elevated Railroad Company's elevated road shall be raised at the crossing of that road, over the proposed elevated tracks of the above three named railroad companies to the elevation required by section 13 of this ordinance; Provided, this ordinance shall have been accepted by the said above mentioned railroad companies hereby required to elevate their tracks

After such work has commenced, the same shall be fully and finally completed on or before the thirty-first day of December, 1902, unless prevented by strikes or restrained by injunction or other order or process of a court of competent jurisdiction.

The time during which said railroad companies shall be prevented by strike or strikes or legal proceedings, as aforesaid, shall be added to the time hereby limited for the completion of said work; Provided, said railroad companies give notice to the corporation counsel of the city of Chicago of the institution of said legal proceedings. The city

of Chicago shall thereupon have the right to intervene in any suit or proceeding brought by any person or persons seeking to enjoin or restrain, or in any manner interfere with the prosecution of said work, and move for a dissolution of such injunction and restraining order, and for any other proper order in such suit.

¶ 41. **Work, how to be prosecuted, failure or negligence.**] § 15. Each and every one of the companies required by this ordinance to elevate or depress its tracks, including the Metropolitan West Side Elevated Railroad Company, shall do its portion of the work in accordance with the terms hereof, in apt and proper time, so as not to interfere with the proper and orderly prosecution of such work as a whole. Should any company fail or neglect so to prosecute its work, the commissioner of public works of the city of Chicago shall have, and is hereby given the right, power and authority to give ten days' notice in writing to such delinquent company to prosecute such work. If such company shall fail or neglect to comply with said notice, the commissioner of public works may take charge of and cause such work to be done and the expense thereof shall thereupon be paid by such delinquent company.

¶ 42. **To be completed, when.**] § 16. The entire work required of each company shall be completed by the thirty-first day of December, A. D. 1902, except that the time during which any of said railway companies shall be prevented from work by strikes, and the time during which it shall be restrained by injunction or other order or a process of a court of competent jurisdiction, of which it shall have given notice to the corporation counsel of the city of Chicago, and the time in excess of ninety (90) days from the filing of the agreements mentioned in section 18, the structures and tracks of the Metropolitan West Side Elevated Railroad Company shall have been raised, as hereinbefore described in section 13 of this ordinance, to a height of not less than 17 feet above the elevated tracks hereby required and the time during which any of said companies required by this ordinance to elevate their respective roadbeds and tracks may be delayed in such work without its own fault, in consequence of any other of said companies to do the work by this ordinance required of it, or in consequence of the failure of any street railway company or corporation to grade or pave any part of any subway or approach, required to be graded or paved, and such last named street railway or corporation shall be added to the date herein fixed for the completion of said work.

¶ 43. **Consideration, dedication of streets, condemnation.**] § 17. In consideration of the rights and privileges hereby granted to the Chicago, Burlington and Quincy Railroad Company are upon the conditions that said railroad company shall, within three months after the passage of this ordinance, procure and dedicate for the purpose of public streets, the following described property; namely:

That part of lots twenty (20) to twenty-six (26) both inclusive of

block two (2), of Johnson's subdivision of the north half (N. ½) of the west half (W. ½) of the southwest quarter (S. W. ¼), section nineteen (19), township thirty-nine (39) north, range fourteen (14), east of third (3rd) principal meridian; lying north of and adjoining a straight line drawn from a point in the east line of South Western avenue, to a point of intersection with the south line of West Eighteenth street, sixty-six (66) feet southeasterly of and at right angles and parallel to the southeasterly line of the Chicago, Burlington and Quincy Railroad Company's right of way.

That part of lots ten (10) and eleven (11), in sub-block two (2), in subdivision of block one (1), of Walker's Douglas Park addition in section twenty-four (24), township thirty-nine (39), north, range thirteen (13), east of the third (3rd) principal meridian; lying south and adjoining a straight line drawn from a point in the west line of South Western avenue, to a point of intersection with the north line of West Eighteenth street; sixty-six (66) feet northwesterly, of at right angles and parallel to the northwesterly line of the Chicago, Burlington and Quincy Railroad Company's right of way. That part of lots twenty-seven (27), twenty-eight (28), twenty-nine (29), thirty (30) and thirty-one (31), in block three (3), of McMahon's subdivision of the west half (W. ½) of the southeast quarter (S. E. ¼) of section twenty-four (24), township thirty-nine (39) north, range thirteen (13), east of the third (3rd) principal meridian; lying south of and adjoining a straight line drawn from a point in the west line of Washtenaw avenue, to a point of intersection with the east line of Fairfield avenue fifty (50) feet northwesterly of and at right angles, and parallel to the northwesterly line of the Chicago, Burlington and Quincy Railroad Company's right of way; including that part of the north and south alley, and also that part of the alley parallel to the northwesterly line of the Chicago, Burlington and Quincy Railroad Company's right of way now dedicated for public use.

That part of lots twenty-five (25) and twenty-six (26), in block four (4), of McMahon's subdivision of the west half (W. ½) of the northeast quarter (N. E. ¼) of section twenty-four (24), township thirty-nine (39) north, range thirteen (13), east of the third (3rd) principal meridian; lying south of and adjoining a straight line drawn from a point in the west line of Fairfield avenue, to a point of intersection with the north line of West Nineteenth street, fifty (50) feet northwesterly of and at right angles, and parallel to the northwesterly line of the Chicago, Burlington and Quincy Railroad Company's right of way.

That part of lots one (1), two (2), three (3), forty-nine (49) and fifty (50), in block six (6), McMahon's subdivision of the west half (W. ½) of the southeast quarter (S. E. ¼) of section twenty-four (24), township thirty-nine (39) north, range thirteen (13), east of the third (3rd) principal meridian; lying north of and adjoining a straight line drawn from a point in the west line of Washtenaw avenue to a point of intersection with the east line of Fairfield avenue, fifty (50) feet southeasterly of and at right angle and parallel to the southeasterly line of

the Chicago, Burlington and Quincy Railroad Company's right of way, including that part of the north and south alley now dedicated for public use.

That part of lots eleven (11), twelve (12) and thirteen (13), in block sixteen (16), of the re-subdivision of blocks six (6), seven (7), sixteen (16) and seventeen (17), of Douglas Park addition to Chicago; lying south of and adjoining a straight line drawn from a point in the west line of Albany avenue, to a point of intersection with the north line of West Twenty-first street, fifty (50) feet northwesterly of and at right angles and parallel to the northwesterly line of the Chicago, Burlington and Quincy Railroad Company's right of way, including part of the north and south alley now dedicated for public use.

That part of lot twelve (12), in block twenty-two (22), in Douglas Park addition to Chicago, lying south of and adjoining a straight line drawn from a point in the west line of Spaulding avenue to a point on the east line of north and south alley sixteen (16) feet northwesterly of and at right angles and parallel to the northwesterly line of the Chicago, Burlington and Quincy Railroad Company's right of way.

That part of lot forty-one (41), in block two (2), of Telford's subdivision of the east ten (10) acres, of the west half (W. ½) of the southeast quarter (S. E. ¼) of section twenty-three (23), township thirty-nine (39) north, range thirteen (13), east of the third (3rd) principal meridian; lying south and adjoining a straight line drawn from a point in the west line of Homan avenue to the east line of the north and south alley sixteen (16) feet northwesterly of and at right angles and parallel to the northwesterly line of the Chicago, Burlington and Quincy Railroad Company's right of way.

That part of lots six (6), seven (7), eight (8), nine (9) and ten (10), in lot one (1), of W. B. Curtis' re-subdivision of lots one (1), eight (8), nine (9), sixteen (16), seventeen (17), etc., book eleven (11), page thirty-nine (39), of the west half (W. ½) of the northeast quarter (N. E. ¼) of section twenty-six (26), township thirty-nine (39) north, range thirteen (13), east of the third (3rd) principal meridian; lying north and adjoining a straight line drawn from a point in the east line of Trumbull avenue to a point of intersection with the south line of West Twenty-second street, sixty (60) feet southeasterly of and at right angles and parallel to the southeasterly line of the Chicago, Burlington and Quincy Railroad Company's right of way.

That part of lots twenty-two (22), twenty-three (23), twenty-four (24) and twenty-five (25), in block two (2) of Traver's subdivision of the east 15.92 acres of the west 30.92 acres of that part of the west half (W. ½) of the southeast quarter (S. E. ¼) of section twenty-three (23), township thirty-nine (39) north, range thirteen (13), east of third (3rd) principal meridian; lying south and adjoining a straight line drawn from a point in the west line of Trumbull avenue to a point of intersection with the east line of St. Louis avenue, sixty (60) feet northwesterly of and at right angles and parallel to the northwesterly line of the Chicago, Burlington and Quincy Railroad Company's right of

way, including that part of the north and south alley and also that part of the alley parallel to the northwesterly line of the Chicago, Burlington and Quincy Railroad Company's northwesterly line of right of way now dedicated for public use.

That part of lots one (1), two (2), three (3) and twenty-four (24), of sub-lots two (2), seven (7) and ten (10), in subdivision of the west half (W. ½) northeast quarter (N. E. ¼) section twenty-six (26), township thirty-nine (39) north, range thirteen (13), east of the third principal meridian, lying north of and adjoining a straight line drawn from a point in the east line of St. Louis avenue to a point of intersection with the west line of Trumbull avenue, thirty-three (33) feet southeasterly of and at right angles and parallel to the southeasterly line of the Chicago, Burlington and Quincy Railroad Company's right of way, including that part of the north and south alley now dedicated for public use.

In case said Chicago, Burlington and Quincy Railroad Company shall be unable to purchase said property, or any part thereof described in this section, at a price deemed by said railroad company to be reasonable, then the same shall be condemned by the city of Chicago for street purposes, and the compensation and damages awarded in such proceedings, including court costs and all other expense of litigation that may be incurred in such condemnation proceedings, shall be paid by said Chicago, Burlington and Quincy Railroad Company, and said Chicago, Burlington and Quincy Railroad Company shall have the right to take part in said condemnation procedings, in behalf of the city, by counsel specially employed by it, and shall have the right to have all witnesses that it may name called to testify in condemnation proceedings.

¶ 44. **When in force, conditions.**] § 18. This ordinance shall take effect from and after its passage, approval and publication; provided, however, this ordinance shall be null and void except as to the proposed elevation of the tracks of the Chicago, Burlington and Quincy Railroad Company, from the Belt Railway of Chicago to the west line of the right of way of the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, in Campbell avenue, as mentioned in section one (1) of this ordinance, unless each and every one of said companies which are by this ordinance permitted and required to elevate or depress their railroad tracks, except the Chicago, Burlington and Quincy Railroad Company, shall, through the authorized officers of said several companies, file with the mayor of the city of Chicago, within thirty days from the passage and approval by the mayor of this ordinance, agreement or agreements, duly executed, whereby said railway companies shall undertake to do and perform all the matters and things required of them, respectively, by this ordinance. After the filing of said agreement or agreements by all of said several companies, and not before, this ordinance shall not be materially mod-

ified or amended without the consent of any company effected by any proposed modification, unless said company or companies shall be in default in the performance of the several matters and things required by this ordinance and undertaken to be done by such agreement. No act or default of any of the other companies shall avoid or impair any of the rights hereunder of the said Chicago, Burlington and Quincy Railroad Company, so long as it shall perform the matters and things expressly required of it by this ordinance. Nothing in this ordinance contained shall be a waiver or surrender of the police power of the city, or to deprive the city of the right to properly exercise such power.

CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY COMPANY AND CHICAGO AND NORTHWESTERN RAILWAY COMPANY.

§ 919. Chicago, Milwaukee and St. Paul Railway Company and the Chicago and Northwestern Railway Company.

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¶ 3. Gradient.
¶ 4. Gradient.
¶ 5. Change authorized.
¶ 6. C. M. & St. P. Elevation of "Y" tracks authorized.
¶ 7. Top of rails.
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¶ 30. Plans and specifications to be submitted.
¶ 31. Work, when to commence, completion, delays.
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¶ 35. When in force—Agreements.

An ordinance requiring the elevation of the roadbed and tracks of the Chicago, Milwaukee & St. Paul Railway Company, and the Chicago & Northwestern Railway Company, respectively, and to elevate the plane of certain of their railway tracks within the city of Chicago. (Passed Feb. 21, 1898. Accepted by both companies, Feb. 28, 1898.)

¶ 1. Elevation ordered.] Be it ordained by the city council of the city of Chicago: § 1. That the Chicago, Milwaukee and St. Paul Railway Company and the Chicago and Northwestern Railway Company are each, respectively, hereby ordered and required to elevate the plane of certain of their roadbeds and tracks within certain limits of the City of Chicago, in manner and upon the conditions herein specified, that is to say:

¶ 2. **Gradient.**] Paragraph 1. Beginning at the most desirable point on the existing tracks of the Chicago, Milwaukee and St. Paul Railroad Company southeast of North Kedzie avenue, thence said elevated roadbed and tracks shall rise on a gradient of about 0.60 per centum for a distance of about 1,730 feet to a point about 630 feet southeast of the south line of Grand avenue, where an elevation of not less than 32.2 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue to rise in a northerly and westerly direction on an ascending gradient of about 0.20 per centum for a distance of about 630 feet, to a point about on the south line of Grand avenue, where an elevation of not less than 33.4 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a northerly and westerly direction on an ascending gradient of about .03 per centum for a distance of about 4,850 feet, to a point on the south line of Wabansia avenue, where an elevation of not less than 35.0 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a northerly and westerly direction on a level gradient for a distance of about 10,560 feet, to a point about on the south line of West Belmont avenue, where an elevation of not less than 35.0 feet above city datum shall be attained; and crossing in said last mentioned course, at grade, the proposed elevated roadbed and tracks of the Chicago and Council Bluffs division, as hereinafter described in section 1, paragraph 2, at what is known and called Pacific Junction; thence said elevated roadbed and tracks shall continue in a northerly and westerly direction on an ascending gradient of about .15 per centum for a distance of about 3,980 feet to apoint about on the south line of Milwaukee avenue, where an elevation of not less than 40.9 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a northerly and westerly direction on a level grade for a distance of about 1,720 feet to a point about on the north line of Irving Park boulevard, where an elevation of not less than 40.9 feet above city datum shall be attained; and crossing at grade in said last mentioned course the proposed elevated roadbed and tracks of the Mayfair "Cut-off" Branch line of the Chicago and Northwestern Railway Company as hereinafter mentioned; thence said elevated roadbed and tracks shall continue in a northerly and westerly direction, and shall descend on the most suitable and practicable gradient to a connection with the present roadbed and tracks northwest of Irving Park boulevard.

¶ 3. **Gradient.**] Paragraph 2. From the most desirable point east of North Lawndale avenue on the existing tracks of the Chicago and Council Bluffs division of the Chicago, Milwaukee and St. Paul Railway, the tracks of said railway company shall rise on the most suitable gradient convenient and practicable to said railway company to a point about on the east line of North Lawndale avenue, where an elevation of not

Bluffs division of the Chicago, Milwaukee and St. Paul Railway, the tracks of said railway company shall rise on the most suitable gradient convenient and practicable to said railway company to a point about on the east line of North Lawndale avenue, where an elevation of not less than 32.5 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a westerly direction on an ascending gradient of about .30 per centum for a distance of about 830 feet to a point about 10 feet east of the east rail of the most easterly track of the Chicago division of the Chicago, Milwaukee and St. Paul Railway Company, where an elevation of not less than 35.0 feet above city datum shall be attained; thence said elevated roadbed and tracks of said Chicago and Council Bluffs division shall continue in a westerly direction and on a level gradient to a point about 10 feet west of the west rail of the most westerly track of the Chicago Division of said Chicago, Milwaukee and St. Paul Railway, and crossing at grade in said last mentioned course the proposed elevated roadbed and tracks of the Chicago division of said Chicago, Milwaukee and St. Paul Railway, as hereinbefore described in section 1, Paragraph 1; thence said elevated roadbed and tracks shall continue in a westerly direction on a descending gradient of about .06 per centum for a distance of about 480 feet to a point about on the east line of North Springfield avenue, where an elevation of not less than 34.7 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a westerly direction on a descending gradient of about .04 per centum for a distance of about 730 feet to a point on about the west line of North Fortieth avenue, where an elevator of not less than 34.4 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a westerly direction and shall descend on the most suitable gradient convenient and practicable to said railway company to a connection with their present roadbed and tracks west of North Fortieth avenue.

¶ 4. **Gradient.**] Paragraph 3. From the most desirable point south of Milwaukee avenue on the existing tracks of the Mayfair "Cut-off" branch line of the Chicago and Northwestern Railway, the tracks of said railway company shall rise on the most suitable gradient convenient and practicable to said railway company to a point about on the south line of Milwaukee avenue, where an elevation of not less than 40.9 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a northerly direction on a level gradient for a distance of about 1,200 feet to a point about on the north line of Irving Park boulevard, where an elevation of not less than 40.9 feet above city datum shall be attained; and crossing at grade in said last mentioned course the proposed elevated roadbed and tracks of the Chicago, Milwaukee and St. Paul Railway Company as hereinbefore described; thence said elevated roadbed and tracks shall continue in a northerly direction and shall descend on the most suitable

gradient convenient and practicable to said railway company to a connection with their present roadbed and tracks north of Irving Park boulevard.

¶ 5. **Change authorized.**] Paragraph 4. The railway companies named in this ordinance are hereby authorized to make such changes in the position and alignment of their respective main and side tracks and switch connections as may be desirable in order to carry out the provisions of this ordinance.

¶ 6. **Chicago, Milwaukee and St. Paul elevation of "Y" tracks authorized.**] Paragraph 5. Permission and authority are also hereby given to the Chicago, Milwaukee and St. Paul Railway Company to elevate the "Y" tracks of its branch lines at Pacific Junction, and to make such changes in their location as the said company may deem necessary.

¶ 7. **Top of rail.**] Paragraph 6. All elevation of railroad tracks mentioned in this ordinance shall refer to the top of the rail.

¶ 8. **Embankment.** § 2. The embankment or embankments on which said elevated roadbed shall be constructed within the aforesaid limits, shall be composed of sand, clay, gravel, loam, broken stone, and whatever else may compose the surplus material excavated from the subways and from the foundation pits and trenches along the line of said work. The side slopes and lateral dimensions of said embankments will be fixed and determined by the natural angle of repose of the materials of which said embankments may be constructed but whenever it may become necessary, for the purpose of keeping said embankments entirely within the lines of the right of way of said company, such portion of said embankments at all such points shall be kept within said right of way lines, by, or they shall be confined between, retaining walls of stone or brick masonry; provided, however, that whenever said retaining walls are of insufficient height to properly protect said right of way, and to prevent trespassing thereon, then said retaining walls as aforesaid shall be surmounted with a suitable fence or railing, but whenever said retaining walls are not used at all, the right of way of said company shall be fenced in, or otherwise properly inclosed in compliance with the present ordinances of the city of Chicago relating to the fencing of railroad tracks.

It being understood and agreed that said companies may, and that they are hereby authorized to, construct said embankments the full width of their respective rights of way, and to construct and operate thereon such number of tracks as they may deem necessary, and to carry said tracks over all intervening streets, avenues or alleys in the same manner as is herein provided for existing tracks.

¶ 9. **Authority Council Bluffs Division.**] § 2a. To enable the Chicago, Milwaukee and St. Paul Railway Company to prosecute the work of the elevation of their roadbed and tracks, in accordance with the provisions of this ordinance, permission and authority are

hereby granted to said railway company to elevate the roadbed and tracks of the Chicago and Council Bluffs division lying east and west of the Chicago division, at Pacific Junction, temporarily, on embankments, or upon an open trestle work structure, but the abutments of subways at the intersection of North Lawndale, North Springfield and North Fortieth avenues shall be constructed of stone in accordance with the provision described in section 4a, and neither the passage of this ordinance, the incurring of any expense, nor the doing of any work thereunder by said railway company shall ever be construed in any manner whatever to estop or prevent the city of Chicago from hereafter passing an ordinance for the elevation of roadbed and tracks beyond the points mentioned in this ordinance.

¶ 10. **Intersecting streets—bridges.**] § 3. The said elevated tracks shall be carried across all intersecting streets, avenues and alleys, which by the terms of this ordinance are to be provided with subways, on suitable bridges of one, two, three or four spans, whose superstructure shall consist of iron or steel main girders, with iron or steel main floor or ordinary track stringers; but should the latter method be adopted, some suitable device shall be provided to prevent storm water, dirt, oil and other substances from dropping from such elevated structure upon the subways beneath. The said bridges shall be supported on abutments of concrete, stone or brick masonry, or on rows of iron or steel columns, braced together laterally and erected on and anchored to masonry foundations, constructed within the lines of the railroad right of way and in the center and curb lines of the intersecting avenues and streets, or as provided in the schedule of subways herein contained.

¶ 11. **Subways.**] § 4. Paragraph 1. Subways shall be constructed beneath the tracks of the Chicago, Milwaukee and St. Paul Railway Company, where said tracks are intersected and crossed by North Spaulding avenue, Augusta street (Grand and Homan avenues), West Division street, Central Park avenue (Tinkham and Hirsch streets), (North Lawndale avenue and Le Moyne street), West North avenue, West Wabansia avenue, Cortland street, Armitage avenue, Dickens avenue, Humboldt avenue (North Fortieth and Belden avenues), West Fullerton avenue, West Wrightwood avenue, West Diversey avenue, West Wellington street, West Belmont avenue, West Roscoe street, West Addison avenue, Milwaukee avenue, Irving Park boulevard, North Lawndale avenue, North Springfield avenue and North Fortieth avenue.

¶ 12. **Mayfair "Cut-off"—subways.**] ¶ 2. Subways shall be constructed beneath the tracks of the Mayfair "Cut-off" branch line of the Chicago and Northwestern Railway, where said tracks are intersected and crossed by Milwaukee avenue and Irving Park boulevard.

¶ 13. **Subway Irving Park.**] ¶ 3. The subway at Irving Park boulevard shall be constructed jointly by the Chicago,

Milwaukee and St. Paul Railway Company and the Chicago and Northwestern Railway Company, and the Chicago, Milwaukee and St. Paul Railway Company shall construct that portion of said subway lying west of line midway between the nearest rail of the present tracks of said railway companies, and also the west approach of said subway; and the Chicago and Northwestern Railway Company shall construct the remaining portion and east approach of said subway lying east of said last above mentioned line.

¶ 14. **North Kedzie avenue, temporary crossing.**] ¶ 4. At the intersection of North Kedzie avenue with the elevated roadbed and tracks of the Chicago, Milwaukee and St. Paul Railway Company on the descending grade, there shall be constructed a temporary grade crossing which shall conform and be in accordance with the description, specifications, dimensions and other particulars contained in the schedule set forth in section 4a of this ordinance.

¶ 15. **Subways, size and dimensions, etc.**] § 4a. The several subways, passageways and street grade crossings hereinbefore referred to in section 4 of this ordinance, which shall be constructed with the elevation upon which such tracks are to be placed, shall, as to their size and dimensions, location and other details, be in accordance with the following schedule:

Grade Crossing at North Kedzie Avenue, over the Chicago, Milwaukee and St. Paul Railway. (Avenue, 66 feet wide.)

The above named railway company shall construct at the intersection of North Kedzie avenue with the elevated roadbed and tracks on the declining grade from North Spaulding avenue to a point near West Chicago avenue across their said roadbed and tracks, a good and sufficient street crossing of said North Kedzie avenue until such time as the elevation of said railway tracks shall be continued southeasterly from a point about 630 feet southeasterly from the south line of Grand avenue; said company shall construct approaches from the north and south in North Kedzie avenue upon gradients from the present surface of said streets of not to exceed 3.5 feet in 100 feet. Said crossing shall be well and sufficiently planked across said approach, and said planked crossing shall be of the full width of the roadway of North Kedzie avenue. Said railway company shall also construct a wooden sidewalk, 8 feet in width, on each side of said avenue within the limits of said company's right of way.

Subway in North Spaulding Avenue, under the Chicago, Milwaukee and St. Paul Railway. (Avenue, 66 feet wide.)

The depression of street shall not exceed 6.9 feet below the present surface of tracks, making the elevation of the floor of subway not less than 16.3 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of the right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway and about one foot above the level of the same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12.0 feet.

Subway in Augusta Street, under the Chicago, Milwaukee and St. Paul Railway. (Street, 66 feet wide.)

The depression of street shall not exceed 5.2 feet below the present surface of tracks, making the elevation of the floor subway not less than 18.4 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway and about one foot above the level of the same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12.5 feet.

Provided, however, that the said Chicago, Milwaukee and St. Paul Railway Company shall not be required to construct any part of this subway or to provide any opening whatever of this street across or through its proposed elevated embankments or structure, as required by the terms of this ordinance, until such time as the land necessary for a continuous street, 66 feet in width, for at least one-quarter mile in length on each side of the right of way of said railway company, shall have been properly dedicated or condemned for public street purposes, and said street shall have been graded or otherwise properly prepared for general use of the public.

Subway in Grand Avenue, under the Chicago, Milwaukee and St. Paul Railway. (Grand Avenue, 66 feet wide.)

The depression of street shall not exceed 4.6 feet below the present surface of tracks, making the elevation of the floor of subway not less than 19.4 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the north and south approaches of Homan avenue, as they shall

be changed so as to conform to the lines of street as hereinafter specified in section 15 of this ordinance.

Width between walls of subway, 66 feet.

Width of roadway, 42 feet in subway.

Width of sidewalks, 12 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist in Grand avenue, and in Homan avenue they shall be made to conform with the new lines of street.

The depression of sidewalk shall be uniform with the roadway and about one foot above the level of the same.

Two lines of posts may be placed in curb lines and inside thereof, and one line of posts in the center of roadway to support girders.

Clear head room, 12.5 feet.

Subway in West Division Street, under the Chicago, Milwaukee and St. Paul Railway. (West Division street, 80 feet wide.)

The depression of street shall not exceed 3.9 feet below the present surface of tracks, making the elevation of the floor subway not less than 19.9 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between the walls of subway, 80 feet.

Width of roadway, 48 feet in subway.

Width of sidewalks, 16 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders

Clear head room, 12.5 feet.

Subway in Central Park Avenue, under the Chicago, Milwaukee and St. Paul Railway. (Central Park Avenue, 66 feet wide.)

The depression of street shall not exceed 2.9 feet below the present surface of tracks, making the elevation of the floor of subway not less than 20.8 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Two lines of posts may be placed in curb lines and inside thereof, and one line of posts in the center of roadway to support girders.

Clear head room, 12 feet.

Subway in Hirsch Street, under the Chicago, Milwaukee and St. Paul Railway. (Hirsch Street, 66 feet wide.)

The depression of street shall not exceed 2.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.1 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street, including the north and south approaches of Tinkham street, as they shall be changed so as to conform to the lines of the street as hereinafter specified in section 15 of this ordinance.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist in Hirsch street, and in Tinkham street they shall be made to conform to the new lines of the street.

The depression of sidewalks shall be uniform with the roadway and about one foot above the level of the same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12.0 feet.

Subway in Le Moyne Street, under the Chicago, Milwaukee and St. Paul Railway. (Le Moyne Street, 66 feet wide.)

The depression of street shall not exceed 3.3 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.1 feet above city datum. This level shall extend on the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street, including the north and south approaches of North Lawndale avenue, as they shall be changed so as to conform to the lines of the street as hereinafter specified in section 15 of this ordinance.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist in Le Moyne street, and in North Lawndale avenue they shall be made to conform to the new lines of the street.

The depression of sidewalks shall be uniform with the roadway and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12.0 feet.

Subway in West North Avenue, under the Chicago, Milwaukee and St. Paul Railway. (West North Avenue, 100 feet wide.)

The depression of street shall not exceed 4.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 20.9 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with present surface of street, including the south approach of Ridgeway avenue

Width between the walls of subway, 100 feet.

Width of roadway, 60 feet in subway.

Width of sidewalks, 20 feet each in subway.

Width of roadway and sidewalks outside of right of way lines in West North avenue and Ridgeway avenue shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12.5 feet

Subway in West Wabansia Avenue, under the Chicago, Milwaukee and St. Paul Railway. (West Wabansia Avenue, 66 feet wide.)

The depression of street shall not exceed 4.2 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.5 feet above city datum. This level shall extend to the right of way lines of said railway, on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street, including the south approach of Hamlin avenue.

Width between walls of subway, 60 feet,

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines in West Wabansia avenue and Hamlin avenue shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12 feet.

Subway in Cortland Street, under the Chicago, Milwaukee and St. Paul Railway. (Cortland Street, 66 feet wide.)

The depression of street shall not exceed 5.3 feet below the present surface of tracks, making the elevation of the floor of subway not

less than 21.5 feet above city datum. This level shall extend to the right of way lines of said railway, on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between the walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalk outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12 feet.

Subway in Armitage Avenue, under the Chicago, Milwaukee and St. Paul Railway. (Armitage Avenue, 66 feet wide.)

The depression of street shall not exceed 5.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.0 feet above city datum. This level shall extend to the right of way lines of said railway, on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the north and south approaches of North Springfield avenue, as they shall be changed so as to conform to the lines of street as hereinafter specified in section 15 of this ordinance.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist in Armitage avenue, and in North Springfield avenue they shall be made to conform to the new lines of street.

The depression of sidewalks shall be uniform with the roadway and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12.5 feet.

Subway in Dickens Avenue, under the Chicago, Milwaukee and St. Paul Railway. (Dickens Avenue, 66 feet wide.)

The depression of street shall not exceed 5.3 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.5 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with roadway and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12 feet.

Subway in Humboldt Avenue, under the Chicago, Milwaukee and St. Paul Railway. (Humboldt Avenue, 66 feet wide.)

The depression of street shall not exceed 5.3 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.5 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway and about one foot above the level of the same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12 feet.

Subway in West Belden Avenue, under the Chicago, Milwaukee and St. Paul Railway. (West Belden Avenue, 66 feet wide.)

The depression of street shall not exceed 5.8 feet below the present surface of tracks, making the elevation of floor of subway not less than 21.0 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street, including the north and south approaches of North Fortieth avenue, as they shall be changed so as to conform to the lines of the street as hereinafter specified in section 15 of this ordinance.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist in West Belden avenue, and in North Fortieth avenue they shall be made to conform with the new lines of the street.

The depression of sidewalks shall be uniform with the roadway and about one foot above the level of the same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12.5 feet.

Subway in West Fullerton Avenue, under the Chicago, Milwaukee and St. Paul Railway. (West Fullerton Avenue, 100 feet wide.)

The depression of streets shall not exceed 5.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.0 feet above city datum. This level shall extend on the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 100 feet.

Width of roadway, 60 feet in subway.

Width of sidewalks, 20 feet each in subway.

Width of roadway and sidewalk outside right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12.5 feet.

Subway in West Wrightwood Avenue, under the Chicago, Milwaukee and St. Paul Railway. (West Wrightwood Avenue, 66 feet wide.)

The depression of street shall not exceed 4.9 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.5 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of streets.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12 feet.

Provided, however, that the said Chicago, Milwaukee and St. Paul Railway Company shall not be required to construct any part of this subway or to provide any opening whatever of this street across or through its proposed elevated embankment or structure, as required by the terms of this ordinance, until such time as the land necessary for a continuous street 66 feet in width for at least one-quarter mile in length upon each side of the right of way of said railway company, shall have been properly dedicated or condemned for

public street purposes, and said street shall have been graded or otherwise properly prepared for general use of the public.

Subway in West Diversey Avenue, under the Chicago, Milwaukee and St. Paul Railway. (West Diversey Avenue, 66 feet wide.)

The depression of street shall not exceed 4.9 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.5 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depressions of sidewalks shall be uniform with the roadway, and about one foot above the level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12.0 feet.

Subway in West Wellington Street, under the Chicago, Milwaukee and St. Paul Railway. (West Wellington Street, 66 feet wide.)

The depression of street shall not exceed 4.7 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.5 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of streets.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with roadway and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12 feet.

Provided, however, that the said Chicago, Milwaukee and St. Paul Railway Company shall not be required to construct any part of this subway or to provide any opening whatever of this street across or through its proposed elevated embankment or structure, as required by the terms of this ordinance, until such time as the land necessary for a continuous street 66 feet in width for at least one-quarter mile in length upon each side of the right of way of said railway company shall have been properly dedicated or condemned for

public street purposes, and said street shall have been graded or otherwise properly prepared for general use of the public.

Subway in West Fullerton Avenue, under the Chicago, Milwaukee and St. Paul Railway. (West Fullerton Avenue, 100 feet wide.)

The depression of streets shall not exceed 5.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.0 feet above city datum. This level shall extend on the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 100 feet.

Width of roadway, 60 feet in subway.

Width of sidewalks, 20 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12.5 feet.

Subway in West Wrightwood Avenue, under the Chicago, Milwaukee and St. Paul Railway. (West Wrightwood Avenue, 66 feet wide.)

The depression of street shall not exceed 4.9 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.5 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of streets.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12 feet.

Provided, however, that the said Chicago, Milwaukee and St. Paul Railway Company shall not be required to construct any part of this subway or to provide any opening whatever of this street across or through its proposed elevated embankment or structure, as required by the terms of this ordinance, until such time as the land necessary for a continuous street 66 feet in width for at least one-quarter mile in length upon each side of the right of way of said railway company, shall have been properly dedicated or condemned for public street pur-

poses, and said street shall have been graded or otherwise properly prepared for general use of the public.

Subway in West Diversey avenue, under the Chicago, Milwaukee and St. Paul Railway. (West Diversey avenue, 66 feet wide.)

The depression of street shall not exceed 4.9 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.5 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12.0 feet.

Subway in West Wellington street, under the Chicago, Milwaukee and St. Paul Railway. (West Wellington street, 66 feet wide.)

The depression of street shall not exceed 4.7 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.5 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of streets.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12 feet.

Provided, however, that the said Chicago, Milwaukee and St. Paul Railway Company shall not be required to construct any part of this subway, or to provide any opening whatever of this street across or through its proposed elevated embankment or structure, as required by the terms of this ordinance, until such time as the land necessary for a continuous street 66 feet in width for at least one-quarter mile in length upon each side of the right of way of said railway company shall have been properly dedicated or condemned for public street pur-

poses, and said street shall have been graded or otherwise properly prepared for general use of the public.

Subway in West Belmont avenue, under the Chicago, Milwaukee and St. Paul Railway. (West Belmont avenue, 66 feet wide.)

The depression of street shall not exceed 6.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.0 feet above city datum. This level shall extend on the right of way lines of said railway, on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12.5 feet.

Subway in West Roscoe street, under the Chicago, Milwaukee and St. Paul Railway. (West Roscoe street, 66 feet wide.)

The depression of street shall not exceed 5.2 feet below the present surface of tracks, making the elevation of the floor of subway not less than 23.6 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of the street.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12 feet

Provided, however, that the said Chicago, Milwaukee and St. Paul Railway Company shall not be required to construct any part of this subway, or to provide any opening whatever of this street across or through its proposed elevated embankment or structure, as required by the terms of this ordinance, until such time as the land necessary for a continuous street 66 feet in width for at least one-quarter mile in length upon each side of the right of way of said railway company shall have been properly dedicated or condemned for public street pur-

poses, and said street shall have been graded or otherwise properly prepared for general use of the public.

Subway in West Addison avenue, under the Chicago, Milwaukee and St. Paul Railway. (West Addison avenue, 66 feet wide.)

The depression of street shall not exceed 5.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 25.5 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with roadway, and about one foot above level of the same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12.0 feet.

Subway in Milwaukee avenue, under the Chicago, Milwaukee and St. Paul Railway. (Milwaukee avenue, 66 feet wide.)

The depression of street shall not exceed 4.6 feet below the present surface of tracks, making the elevation of the floor of subway not less than 26.9 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the east approach shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the north approaches of Vernon avenue and Depot place; and the west approach shall extend on a grade of not to exceed 1.5 feet in 100 feet to a connection with the new grade of Milwaukee avenue, as it shall be changed between the subways of the Chicago and Northwestern Railway and the Chicago, Milwaukee and St. Paul Railway; and the elevation of this new grade shall not be less than 29.0 feet above city datum

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist in Milwaukee avenue and in all the streets intersecting or meeting said Milwaukee avenue.

The depression of sidewalks shall be uniform with roadway and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof, and one line of posts in center of roadway to support girders.

Clear head room, 12.5 feet.

Subway in Irving Park boulevard, under the Chicago, Milwaukee and St. Paul Railway and Chicago and Northwestern Railway. (Irving Park boulevard, 100 feet wide.)

The depression of street shall not exceed 5.8 feet below the present surface of tracks, making the elevation of the floor of subway not less than 26.9 feet above city datum. This level shall extend to the most easterly and most westerly right of way lines of said railways. From this level the approaches shall extend on a grade not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the north approach to Charles street.

Width between walls of subway, 100 feet.

Width of roadway, 56 feet in subway.

Width of sidewalks, 22 feet each in subway.

Width of roadway and sidewalks outside of right of way lines, and in Charles street, shall be the same as they now exist.

The depression of sidewalks shall be uniform with roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12.5 feet

Subway in North Lawndale avenue, under the Chicago, Milwaukee and St. Paul Railway. (North Lawndale avenue, 66 feet wide.)

The depression of street shall not exceed 4.0 feet below the present surface of tracks, making the elevation of the floor of subway not less than 19.2 feet above city datum. This level shall extend on the right of way lines of said railway, on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12 feet.

Subway in North Springfield avenue, under the Chicago, Milwaukee and St. Paul Railway. (North Springfield avenue, 66 feet wide.)

The depression of street shall not exceed 5.0 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.2 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the

approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet, to a connection with the present surface of street.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12 feet.

Subway in North Fortieth avenue, under the Chicago, Milwaukee and St. Paul Railway. (North Fortieth avenue, 66 feet wide.)

The depression of street shall not exceed 5.0 feet below the present surface of tracks, making the elevation of the floor of subway not less than 20.4 feet above city datum. This level shall extend to the right of way lines of said railway, on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12.5 feet.

Subway in Milwaukee avenue, under the Chicago and Northwestern Railway. (Milwaukee avenue, 66 feet wide.)

The depression of street shall not exceed 5.0 feet below the present surface of track, making the elevation of floor of subway not less than 26.9 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the west approach shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with present surface of street, and the east approach shall extend on grade of not to exceed 1.5 feet in 100 feet to a connection with the new grade of Milwaukee avenue, as it shall be changed between the subways of the Chicago and Northwestern Railway and the Chicago, Milwaukee and St. Paul Railway, and the elevation of this new grade shall not be less than 29.0 feet above city datum.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way shall be

the same as they now exist in Milwaukee avenue and in all the streets intersecting or meeting said Milwaukee avenue.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of same

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12.5 feet

Wherever, in the foregoing subway specifications, the words "right of way of said railway" are used, it shall be understood and agreed that such right of way is not more than one hundred (100) feet in width.

Masonry lines, abutments. etc.] For the purpose of determining the lines on which masonry, abutments and posts supporting bridges may be placed, the street and curb lines of the street over which a bridge is to be built, may be construed as extending into or across any intersecting street, avenue or alley, a sufficient distance for the location of the masonry and posts required for said bridge. Nothing in this ordinance contained and named shall be so construed as to prevent either of said companies from locating and constructing the abutments which form the parallel walls of said subways at any distance back from the lot lines of said streets and avenues, so as to enable said companies to construct, maintain and use therein station or other buildings, fronting on said streets and avenues uniform with the said lot lines thereof and entirely within the right of way lines of said companies, for the accommodation and convenience of its traffic, or for any other purpose in connection with the efficient maintenance and operation of said companies' railroads.

¶ 16. **Grade of streets.**] § 4b. The grade of all the streets that intersect the approaches to subways described in section 4 of this ordinance shall be depressed so as to conform to the grade of the approaches into such subways.

¶ 17. **Vertical curves.**] § 4c. In the several subways mentioned in this ordinance, there shall be constructed a vertical curve where the head of approaches connects with the present grade of street; and said vertical curve shall extend not less than 20 feet each side of said intersection of grades, and the middle ordinate of the vertical curve shall be equal to one-half of the difference between the elevation of the points on said intersecting grades.

¶ 18. **Excavation and restoration of streets.**] § 5. All such excavations shall be made in the streets as may be required for the depression of such subways and the approaches thereto. But the depressed portions of the streets shall be restored to serviceable condition for the use of the public as soon as practicable, and all water pipes, conduits, sewers and other similar substructures belonging to the city that may be disturbed by such excavations or required to be moved or deflected from the position in which they are found, shall be replaced or suitable expedients and arrangements shall be devised and provided to restore them as fully as may be to their former state of useful-

ness, but the gradients of the sewers shall not be reduced in any event. All such work shall be done by the respective railroad companies as indicated in section 4a, at their sole expense, and under the immediate supervision and to the satisfaction of the commissioner of public works of the city of Chicago.

And if, in the construction of any of said subways or approaches it shall become necessary to disturb, remove or destroy any pipes, conduits, wires or other property belonging to any private corporation or individual, all of the cost and expense thereof and all damage thereto shall be borne and assumed by the city of Chicago, and the said city will, by condemnation, purchase or otherwise, secure to said railway company the free and uninterrupted right to prosecute its said work, and will save the said railway company harmless from any and all claims, demands and suits arising therefrom, and all damages which may be recovered therefor.

¶ **19. Depression of streets.**] § 6. The grades of all the streets and alleys in which any subways are to be built, in accordance with the provisions of this ordinance, or where streets shall be depressed in accordance with the provisions of this ordinance, along the line of the several subways, shall be and the same are hereby changed so as to conform to the grades of such subways as they shall be depressed and constructed pursuant to the provisions of this ordinance.

¶ **20. Drains and receiving basins.**] § 7. Provision shall be made for the drainage of the several depressed subways provided for in this ordinance by the construction of receiving basins properly located in or immediately adjacent to said subways, which said receiving basins shall be connected with and discharge their contents into the adjacent city sewers; provided there shall be a city sewer adjacent to said subway and within two hundred (200) feet therefrom. In case the lowest point of the surface of any of said subways should be below the grade of the adjacent sewer, some other adequate means of drainage satisfactory to the commissioner of public works must be devised and provided by said railroad companies at their expense.

¶ **21. Structural requirements, subways, how paved.**] § 8. Paragraph 1. The subways and approaches thereto so to be constructed by said companies in said streets and avenues aforesaid, shall all conform to the following structural requirements, viz.: The roadways shall be paved with a single course of vitrified brick of standard quality, laid at right angles with the curb lines and set upon a solid foundation of hydraulic cement concrete of not less than six (6) inches thick or deep when solidly tamped in place and otherwise finished and properly crowned ready for the brick wearing surface, between which and the concrete there shall be interposed a layer of screened sand not less than one-half inch thick. The curb shall be of sound hard limestone of standard dimensions and finish, and the sidewalks in subways shall be finished and paved with Portland cement concrete of standard quality and workmanship, and with the curbing and roadway paving

shall be made, finished and put in permanent place in accordance with the requirements of the department of public works of the city of Chicago. The approaches of subways shall be excavated to the grades established by this ordinance and shall be in all other respects restored as near as may be to their condition before being so excavated.

¶ 22. **Restoration of streets and sidewalks.**] As to streets in this section mentioned, which are already paved or provided with sidewalks, such paving and sidewalks shall be restored with the present material, when the same is in good condition, by said railroad company or companies, at their own expense, in such portions of said streets as are required to be constructed by said company or companies, except that said railway company or companies are not required to restore any part of the paving of approaches of subways, which will be the duty of any street railway company or other corporation itself to restore under existing laws or ordinances.

¶ 23. **Paving Roadway.**] Said company or companies shall pave the entire length and width of the roadway in such portions of the subways as are required to be constructed by said company or companies as is mentioned in this ordinance, except that such company or companies shall not be required to pave any part of the subways to be occupied by, or adjacent to street railway tracks, which by reason of existing laws or ordinances, it will be the duty of any street railway company, or other corporation, itself to pave.

¶ 24. **Railway companies to conform to grade.**] Any street railway company occupying any of the streets in the city of Chicago crossed by said elevated railway of either of said companies, shall, when and as the grade of such street shall be changed as in this ordinance provided, at its own expense, without claim for damages, conform the grade of its track or tracks to the said change of grade of said streets, and nothing in this ordinance shall operate or be held to relieve such street railway companies from any liability now existing, however created, to pave or bear the expense of paving such streets between or on either side of the rails of its said tracks in the manner and form as now required.

¶ 25. **Delay of paving—restoration of sidewalk, when.**] Wherever the elevated tracks and roadbed constructed under and in accordance with the provisions of this ordinance, shall pass over any street, alley, avenue or public way at which, according to the terms of this ordinance a subway is required to be constructed by said railway company or companies, which street, alley, avenue or public way shall not already be paved or provided with sidewalks at the time of such construction and for which pavement or sidewalks no ordinance shall have been passed by the city council of the city of Chicago, then and in that case the paving of such subway may be delayed until the improvement of the portions of the street contiguous shall be ordered by the city council and the contract therefor shall be let. Thereupon, on notice from the commissioner of public works, said

company or companies shall proceed at once with the work of paving, or with the construction of sidewalks, in accordance with the provisions of section 8, and paragraphs 1 to 4, inclusive, of this ordinance. Should any company, after such notice, fail or neglect so to proceed with its work, the commissioner of public works of the city of Chicago shall have and is hereby given the right, power and authority to take charge of and cause such work to be done, and the expense thereof shall thereupon be paid by such delinquent company.

¶ 26. **City will defend suits for damage — when.**] Nothing in this ordinance contained shall be so construed as to require the said railway companies, or either of them, to assume or pay any damages to adjacent property or business caused by the passage and enforcement of this ordinance, or by the excavation, depression or change of grade made in any of the public avenues, streets or alleys, or of the railways of either of said companies, or to defend any suit or suits which may be brought against the said railway companies, or either of them, or against the city of Chicago, or against any other party or parties for the recovery of any such damages, but it is understood, and the city of Chicago hereby agrees, that all such damages, if there are any, shall be adjusted and paid by the city of Chicago, and said city will assume the defense of any and all suits brought for the recovery of the same, intervening therein, if necessary for such purpose, and will wholly relieve said railway companies from defending the same, and will assume and pay all judgments recovered therein; Provided, however, that each of said companies shall be liable, respectively, for such damage as may arise from the negligent performance by said company or any of the obligations imposed upon it by this ordinance. The above stipulations in this paragraph are, however, upon the condition precedent that, in case any suit be brought against any of the said companies, said company will, before the last day to plead therein, give notice in writing of such suit and of such service to the mayor and corporation counsel of said city for the purpose of enabling such defense to be made by the city.

¶ 27. **Superintendence, inspection and approval.**] § 9. All the work hereinbefore in this ordinance required to be done by said company or companies upon, or in connection with the public avenues and streets of the city shall be done and performed under the superintendence and subject to the inspection and approval of the commissioner of public works of said city. At least ten (10) days prior to the commencement of any part of such work the plans and specifications therefor shall be submitted to said commissioner of public works for his examination, and if found to be in accordance with the provisions of this ordinance in so far as this ordinance contains specific provisions and in the absence of such specific provisions, if they shall be satisfactory to the commissioner of public works in regard to matters and details, which by this ordinance are left to his discretion and judgment, such plans shall be approved by him, and after such approval

all of the work outlined and included therein shall be constructed in strict conformity therewith.

¶ 28. **Permission to obstruct streets.**] § 10. Permission and authority are hereby given to said companies, whenever the same shall be necessary in the prosecution of the work which they are herein authorized or required to perform, to obstruct, temporarily, any public street, avenue or alley to such extent and for such length of time as may be approved by the commissioner of public works, and they are also hereby authorized, whenever the same shall become necessary, to erect and maintain temporary structures and false work in any of said streets and avenues during the construction of their said elevated railway tracks, subject to the like approval of said commissioner of public works

¶ 29. **Ordinances as to speed, trains, gates, watchmen, signals, to cease; trespassing.**] § 11. When the said railroads, in section 1 of this ordinance mentioned, shall have elevated their respective tracks in accordance with this ordinance, so that the same shall be ready for use, then and thereupon all provisions of the ordinances of the city of Chicago relating to the speed of railway trains, the length of trains, the number of cars to constitute a train, and the maintenance of gates, flagmen, watchmen, signals and signal towers, shall cease to be applicable to said railroads; Provided, however, that this ordinance is not to be construed as a waiver or surrender by the city of Chicago of any of its police powers, or of the right at any time hereafter to pass necessary and reasonable police ordinances in relation to the matters last above enumerated. After such elevation, it shall be unlawful for any person or persons, save employes of said companies, or either of them, in the discharge of their duties, to enter or be upon, or to walk along or across the said elevated structure or roadway at any place. If any person shall wilfully trespass upon said elevated roadway, such person, and all others aiding, abetting or assisting therein, shall be liable to a fine of not less than five dollars nor more than one hundred dollars for each and every offense.

¶ 30. **Plans and specifications to be submitted.**] § 12. Said railway company or companies mentioned in this ordinance shall, at least ten (10) days prior to the commencement of any part or parts of said work, submit to the commissioner of public works, for his approval, complete plans and specifications of said part or parts of said proposed work, for the purpose of ascertaining whether the same are in strict compliance with the provisions of this ordinance, and after approval of all such plans and specifications by the commissioner of public works, all of said work shall be constructed in strict accordance therewith, and to the entire satisfaction of the said commissioner of public works, and not otherwise, except as herein otherwise provided.

¶ 31. **Work, when to commence, completion, delays.**] § 13. The railway companies mentioned in section 1 of this ordinance, and which are required to elevate their tracks, shall commence

the work of such elevation on or before the first day of May, 1898; Provided, this ordinance shall have been accepted by the said railway companies hereby required to elevate their tracks, and after such work has been commenced the same shall be prosecuted continuously and with all practicable diligence, and shall be fully and finally completed within two years from said May 1, 1898, unless prevented by strikes or riots or restrained by injunction or other order or process of a court of competent jurisdiction; the time during which said railway companies shall be so prevented, as aforesaid, shall be added to the time hereby limited for the completion of said work; Provided, said railway companies give notice to the corporation counsel of the city of Chicago of the institution of said legal proceedings. The city of Chicago shall thereupon have the right to intervene in any suit or proceeding brought by any person or persons seeking to enjoin or restrain, or in any manner interfere with the prosecution of said work, and move for a dissolution of such injunction and restraining order, and for any other proper order in such suit.

And it is further distinctly understood and agreed that if said railway companies, or either of them, shall be delayed in the prosecution of the said work required to be done under the provisions of this ordinance, by reason of the obstruction of pipes, conduits, wires or other property of private corporations or individuals, as mentioned in section 5 of this ordinance, or by reason of any delay on the part of the city of Chicago or any of its officers in performing the duties imposed upon the city and its officers by this ordinance in respect to the work herein required to be done by said railway companies respectively, then and in that case the time which said railway companies or either of them shall be so delayed shall be added to the two years from May 1, 1898, during which said companies are required by the terms of this ordinance to complete said work.

¶ 32. **Failure or negligence to prosecute work notice.**] § 14. Each of the companies required by this ordinance to elevate its tracks shall do its portion of the work in accordance with the terms hereof, in apt and proper time, so as not to interfere with the proper and orderly prosecution of such work as a whole. Should either of the companies mentioned in section 1 of this ordinance fail or neglect so to prosecute its work, the commissioner of public works of the city of Chicago shall have, and is hereby given, the right, power and authority to give ten days' notice in writing to said delinquent company to prosecute its work. If such company shall fail or neglect to comply with said notice, the commissioner of public works may take charge of and cause such work to be done, and the expense thereof shall thereupon be paid by such delinquent company. Any time during which either of said companies may be prevented by delay of the other of said companies shall be added to the total time allowed to the company so delayed for the completion of its own work.

¶ 33. **Dedication of streets.**] § 15. The Chicago, Milwaukee

and St. Paul Railway Company shall, within six months after the passage of this ordinance, procure and dedicate for purposes of public streets, strips or pieces of ground located along and parallel with the right of way line of said railway company, described as follows, namely:

A triangular piece of ground off of the southwest corner of lot seventy-one (71), in McElroy's subdivision of the west half (W. ½) of the southwest quarter (S. W. ¼) of section one (1), township thirty-nine (39) N., R. 13, east of the third principal meridian; said piece to be of sufficient width so as to provide for a thirty-three (33) foot street immediately northeast of the right of way line of the Chicago, Milwaukee and St. Paul Railway Company and extending from the center line of Albany avenue in a southeasterly direction to the north line of West Chicago avenue.

A triangular piece of ground off of the southwest portion of lots forty-eight (48) and forty-nine (49), in S. E. Gross' fourth (4th) addition to Chicago, in lot seven (7), in Superior Court partition of the east half (E. ½) of the southeast quarter (S. E. ¼) of section two (2), township thirty-nine (39) north, range 13, east of the third principal meridian; said piece to be of sufficient width so as to provide for a forty (40) foot street, adjoining and immediately northeast of the east right of way line of the Chicago, Milwaukee and St. Paul Railway Company, said piece of land bounded as follows: Beginning at the southwest corner of lot forty-nine (49), thence northerly thirty (30) feet along the east line of Homan avenue to a point; thence southeasterly to the southeast corner of lot forty-eight (48); thence northwesterly along the north line of Grand avenue to the place of beginning

A strip of ground sixty-six (66) feet wide adjoining and immediately southwest of the west right of way line of the Chicago, Milwaukee and St. Paul Railway Company, and extending from the center of Homan avenue northwesterly to the south line of Grand avenue, all in lot one (1), of the east half (E. ½) of section two (2), township thirty-nine (39) north, range thirteen (13), east of the third principal meridian.

A triangular piece of land of the southwest corner of block nine (9), embracing so much and such parts of lots twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29) and thirty (30), as shall be necessary to provide for a sixty-six (66) foot street parallel to the east right of way line of said Chicago, Milwaukee and St. Paul Railway Company, and extending from the east line of Tinkham street southeasterly to the north line of Hirsch street, all in Beebe's subdivision of the east half (E. ½) of the northwest quarter (N. W. ¼) of section two (2), township thirty-nine (39) north, range thirteen (13), east of the third principal meridian, except five acres in the northeast corner thereof

A triangular piece of ground off of the northeast corner of block eleven (11), embracing so much and such parts of lots one (1), two (2),

three (3), four (4) and five (5), as shall be necessary to provide for a sixty-six (66) foot street parallel to the west line of the right of way of the Chicago, Milwaukee and St. Paul Railway Company, and extending from the south line of Hirsch street southeasterly to the west line of Tinkham street, all in Beebe's subdivision of the east half (E. ½) of the northwest quarter (N. W. ¼) of section two (2), township thirty-nine (39) north, range thirteen (13), east of the third principal meridian, except five acres in the northeast corner thereof.

A triangular piece of ground off of the southwest corner of Block three (3) and embracing so much and such parts of lots thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18) and nineteen (19), as shall be necessary to provide for a sixty-six (66) foot street parallel to the east right of way line of the Chicago, Milwaukee and St. Paul Railway Company, and extending from the east line of Lawndale avenue southeasterly to the north line of Le Moyne street, all in Beebe's subdivision of the east half (E. ½) of the northwest quarter (N. W. ¼) of section two (2), township thirty-nine (39) north, range thirteen (13), east of the third principal meridian, except five acres in the northeast corner thereof.

A triangular piece of ground off of the northeast corner of block seven (7) and embracing so much and such parts of lots one (1), two (2), three (3), four (4) and five (5), as shall be necessary to provide for a sixty-six (66) foot street parallel to the west right of way line of said Chicago, Milwaukee and St. Paul Railway Company, and extending from the south line of Le Moyne street southeasterly to the west line of Lawndale avenue, all in Beebe's subdivision of the east half (E. ½) of the northwest quarter (N. W. ¼) of section two (2), township thirty-nine (39) north, range thirteen (13), except five acres in the northeast corner thereof

A triangular piece of ground off of the northeast corner of lot ten (10), block two (2), as shall be necessary to provide for a sixty-six (66) foot street, parallel to the west right of way line of said Chicago, Milwaukee and St. Paul Railway Company, and extending from the south line of Armitage avenue southwesterly to the west line of Springfield avenue, all of Robert F. Summers' subdivision of the west half (W. ½) of the northwest quarter (N. W. ¼) of the southwest quarter (S. W. ¼) of section thirty-five (35), township forty (40) north, range thirteen (13).

A triangular piece of land off of the southwest corner of block seven (7), embracing so much and such parts of lots twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29), thirty (30), thirty-one (31), thirty-two (32), thirty-three (33) and thirty-four (34), as shall be necessary to provide for a sixty-six (66) foot street, parallel to the east right of way line of said Chicago, Milwaukee and St. Paul Railway Company, and extending from the east line of Springfield avenue southeasterly to the north line of Armitage avenue, all in Grant & Keeney's addition to Pennock, being a

subdivision of the east half (E. ½) of the west half (W. ½) of the northwest quarter (N. W. ¼) of section thirty-five (35), township forty (40) north, range thirteen (13).

A triangular piece of ground off of the northeast corner of block fifty-one (51), embracing so much and such parts of lots one (1), two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9) and ten (10), as shall be necessary to provide for a sixty-six (66) foot street parallel to the west right of way line of said Chicago, Milwaukee and St. Paul Railway Company, including the twenty (20) foot strip now dedicated for a public street, and extending from the south line of Belden avenue southeasterly to the west line of North Fortieth avenue, all in Keeney's addition to Pennock of the east half (E. ½) of the northeast quarter (N. E. ¼) of section thirty-four (34), township forty (40) north, range thirteen (13).

A triangular piece of land sufficient to provide for a sixty-six (66) foot street parallel to the east right of way line of said Chicago, Milwaukee and St. Paul Railway Company, and extending from the east line of North Fortieth avenue southeasterly to the north line of Belden avenue extended, all in the north half (N. ½) of the west half (W. ½) of the northwest quarter (N. W. ¼) of section thirty-five (35), township forty (40) north, range thirteen (13).

In case said Chicago, Milwaukee and St. Paul Railway Company shall be unable to purchase said property or any part thereof described in this section, at a price deemed by said railway company to be reasonable, then the same shall be condemned by the city of Chicago for street parallel to the west right of way line of said Chicago, Milwaukee proceedings, including court costs and all other expense of litigation that may be incurred in such condemnation proceedings, shall be paid by said Chicago, Milwaukee and St. Paul Railway Company, and said Chicago, Milwaukee and St. Paul Railway Company shall have the right to take part in said condemnation proceedings, in behalf of the city, by counsel specially employed by it, and shall have the right to have all witnesses that it may name called to testify in said condemnation proceedings.

¶ 34. **Opening of streets, bridges, structural requirements.**] § 16. In consideration of the acceptance of this ordinance by the Chicago, Milwaukee and St. Paul Railway Company, it is hereby agreed that if the city of Chicago shall at any time require a crossing at, or open or extend any street or streets, avenue, alley or public way—for which no subway is provided in the schedule of subways contained in this ordinance—across the right of way and lands of said company, such crossing shall be made by subway only, and no claim for compensation on account of land taken for right of way of such street or streets, avenue or alley or public way, will be made by said railway company, and such waiver of compensation shall attach to and run with such land in the hands of any grantee or grantees of such railway company, but the sole cost and expense of the construction of

such subway or subways, and of such bridge or bridges as may be necessary to carry all the tracks of said company's lands and right of way, and over such highways, shall be borne and paid by the city of Chicago without expense to said railway company mentioned in this ordinance, and in no case shall any such bridge or bridges or such subway or subways, so to be built, be inferior in any respect to the bridges and subways to be built by the railway company across the streets provided for in this ordinance. Such bridges shall conform to the general plan of the bridges provided for in this ordinance, except as to such changes in the details thereof as may be agreed upon by the city engineer of the city of Chicago and the chief engineer of said railway company; but in all other respects such crossing shall be constructed in accordance with the provisions thereof in respect to the streets named in this ordinance. The work of such construction shall be done by the railway company, and the amount to be paid by the city for such work and construction shall not exceed the actual and reasonable cost thereof. Said bridges, respectively, shall support all the tracks of said company then existing and in use across the lines of the proposed street or streets at the time of the construction of such subway across such right of way of said company; but said railway company shall not be required to do any work toward the construction of any such subway or subways until the cost thereof, as may be estimated by the city engineer and chief engineer of said railway company, shall have been first paid over to said railway company, or deposited in some responsible bank for its benefit and to be paid over to it at once upon the completion of said work.

¶ 35. **When in force, agreements.**] § 17. This ordinance shall take effect from and after its passage, approval and publication; Provided, however, this ordinance shall be null and void unless said Chicago and Northwestern Railway Company, and the Chicago, Milwaukee and St. Paul Railway Company shall, through their authorized officers, file with the mayor of the city of Chicago, within thirty days from the passage and approval by the mayor of this ordinance, agreement or agreements, duly executed, whereby said railway companies shall undertake to do and perform all the matters and things required of them, respectively, by this ordinance. After the filing of said agreement or agreements by said companies, and not before, this ordinance shall not be materially modified or amended without the consent of either company affected by any proposed modification, unless said company or companies shall be in default in the performance of the several matters and things required by this ordinance and undertaken to be done by such agreement

§ 920. Chicago, Milwaukee and St. Paul Railway Company and the Chicago and Northwestern Railway Company.

¶ 1. Amendment.
¶ 2. Grand Avenue—Conditions.
¶ 3. Details.
¶ 4. Consideration—Dedication.
¶ 5. How property to be acquired.
¶ 6. Prior ordinance—Acceptance.
¶ 7. When in force.

An ordinance amending an ordinance passed Feb. 21, 1898, entitled "An ordinance requiring the Chicago, Milwaukee & St. Paul Railway Company, and the Chicago & Northwestern Railway Company to elevate the plane of certain of their tracks within the city of Chicago." (Passed May 23, 1898).

¶ 36. **Amendment.**] Be it ordained by the city council of the city of Chicago: § 1. That an ordinance passed by the city council of the city of Chicago, February 21, 1898, and published on pages 1722 to 1742 of the council proceedings entitled, "An ordinance requiring the Chicago, Milwaukee and St. Paul Railway Company and the Chicago and Northwestern Railway Company to elevate the plane of certain of their tracks within the city of Chicago," be and the same is hereby amended, so that the subway in Grand avenue and Central Park avenue, under the Chicago, Milwaukee and St. Paul Railway, as printed in the left and right hand columns of page 1727, shall be changed and constructed to conform to the following schedule of subway:

Subway in Grand avenue, under the Chicago, Milwaukee and St. Paul Railway. (Grand avenue subway, 84 feet wide.)

The depression of street shall not exceed 4.6 feet below the present surface of tracks, making the elevation of the floor of subway not less than 19.4 feet above city datum. This level shall extend not less than 10 feet beyond the east and west portals of subway; from this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street; including the north and south approaches of North Homan avenue, as they shall be changed to conform to the new lines of street as hereinafter specified in section 2, of this ordinance

Width between walls, 84 feet in subway.

Width of roadway, 60 feet in subway.

Width of sidewalks, 12 feet in subway

Width of roadway and sidewalks outside of subway shall be the same as they now exist, and in Homan avenue they shall be made to conform to the new lines of street, as diverted.

The depression of sidewalks shall be uniform with the roadway and about one foot above the level of the same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12.5 feet.

The abutment walls of the subway shall be constructed as follows:

The south abutment wall of subway shall commence at a point on the south line of Grand avenue, and 71 feet southeasterly of its intersection with the center line of Homan avenue; thence to proceed in a southwesterly direction, at an angle of about fifty (50) degrees, to the south from said south line of Grand avenue to a point about seven feet northeasterly of the intersection of said railway company's right of way line; and the north abutment shall be constructed parallel to said south abutment so as to leave a clear opening of 84 feet between the walls of said subway.

¶ 2. **Grand avenue—conditions.**] § 2. The rights and privileges hereby granted to the Chicago, Milwaukee and St. Paul Railway Company are upon the condition that said railway company, before said Grand avenue shall be diverted, shall procure and dedicate, for the purposes of a public street, strips or pieces of ground as described in paragraphs 3 and 4 of section 15 of the ordinance of February 21st, 1898, as hereinbefore mentioned.

¶ 3. **Details.**] § 3.

Subway in Potomac avenue, under the Chicago, Milwaukee and St. Paul Railway. (Potomac avenue, 66 feet wide.)

The depression of street shall not exceed 2.9 feet below the present surface of tracks, making the elevation of the floor of subway not less than 20.8 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of streets, including the south approach into Central Park avenue, and also the north approach into Central Park avenue, as it shall be changed so as to conform to the lines of the street as hereinafter specified in section 4 of this ordinance.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines, shall be the same as they now exist in Potomac avenue and the south approach into North Central Park avenue, and in the north approach they shall be made to conform to the new lines of the street.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12 feet.

¶ 4. **Consideration—dedication.**] § 4. In consideration of the rights and privileges hereby granted to the Chicago, Milwaukee and St. Paul Railway Company are upon the conditions that said railway company shall, within four months after the passage of this ordinance,

procure and dedicate for the purposes of a public street the following described property, namely:

A strip of ground 66 feet in width in the southwest quarter (S. W. ¼) of the northeast quarter (N. E. ¼) of section two (2), township thirty-nine (39) north, range thirteen (13), east of the third principal meridian, lying southwesterly and adjoining a straight line drawn from a point in the north line of Potomac avenue to a point of intersection with the east line of Central Park avenue, 66 feet northeasterly of and at right angles parallel with the northeasterly line of the Chicago, Milwaukee and St. Paul Railway Company's right of way.

¶ 5. **How property to be acquired.**] In case said Chicago, Milwaukee and St. Paul Railway Company shall be unable to purchase said property or any part thereof, described in this ordinance, at a price deemed by said railway company to be reasonable, then the same shall be condemned by the city of Chicago for street purposes, and the compensation and damages awarded in such proceedings, including court costs and all other expense of litigation that may be incurred in such condemnation proceedings, shall be paid by said Chicago, Milwaukee and St. Paul Railway Company, and said Chicago, Milwaukee and St. Paul Railway Company shall have the right to take part in said condemnation proceedings in behalf of the city by counsel specially employed by it, and shall have the right to have all witnesses that it may name called to testify in said condemnation proceedings.

¶ 6. **Prior ordinance—acceptance.**] § 5. Said original ordinance passed February 21, 1898, and the acceptance thereof heretofore filed by the Chicago, Milwaukee and St. Paul Railway Company, and the Chicago and Northwestern Railway Company, shall be deemed, notwithstanding this amendment, to continue in full force and effect except to the extent of substituting the new measurements and specifications of this ordinance required for the old corresponding measurements and specifications contained in said original ordinance; and said original ordinance, and the acceptance thereof, shall continue effective in the same way as if said original ordinance had been passed and accepted in form as hereby amended.

¶ 7. **When in force.**] § 6. This ordinance shall take effect from and after its passage and approval; Provided, however, that this ordinance shall be null and void unless said Chicago, Milwaukee and St. Paul Railway Company shall, through its officers, file with the mayor of the city of Chicago, within ten days from the passage of this ordinance, an instrument duly executed, whereby said railway company shall consent to the amendment made by this ordinance.

§ 921. Chicago, Milwaukee and St. Paul Railway Company and Chicago and Northwestern Railway Company.

¶ 1. Elevate tracks—height.
¶ 2. Elevate tracks—direction.
¶ 3. "Cut-off"-Branch, elevate tracks—height.
¶ 4. Change tracks.
¶ 5. Elevate "Y" track.
¶ 6. Elevation—top of rail.
¶ 7. Embankments—material.
¶ 8. Permission and authority to elevate tracks.
¶ 9. Tracks—subways—bridges.
¶ 10. Subways, where constructed.
¶ 11. Subways, "cut-off" branch.
¶ 12. Subways—constructed by whom.
¶ 13. Subways—size—dimensions.
¶ 14. Grade—approaches—subways.
¶ 15. Subways—vertical curve.
¶ 16. Excavations—depression—subways—damages.
¶ 17. Grades—subways.
¶ 18. Drainage—subways—basins—sewers.
¶ 19. Subways—requirements.
¶ 20. Paving—material—expense.
¶ 21. Pavement of subways.
¶ 22. Change of grade—liability.
¶ 23. Paving of subway—expense.
¶ 24. Damages—excavation—depression.
¶ 25. Work, subject to inspection and approval.
¶ 26. Authority to obstruct.
¶ 27. Provisions of ordinance—trespass—fine.
¶ 28. Plans and specifications—approval.
¶ 29. When to commence—time of completion
¶ 30. Work how done.
¶ 31. Ground dedicated for streets.
¶ 32. Acceptance—extension of street—subway—expense.
¶ 33. Take effect when—conditions—verification.

An ordinance requiring the elevation of the roadbed and tracks of the Chicago, Milwaukee & St. Paul Railway Company, and the Chicago & Northwestern Railway Company, respectively, and to elevate the plane of certain of their railway tracks within the city of Chicago. (Passed Dec. 2, 1897. Amended Dec. 6, 1897.)

¶ 1. Elevate tracks—height.] § 1. Be it ordained by the city council of the city of Chicago: That the Chicago, Milwaukee and St. Paul Railway Company and the Chicago and Northwestern Railway Company are each, respectively, hereby ordered and required to elevate the plane of certain of their roadbed and tracks within certain limits of the city of Chicago in manner and upon the conditions hereinafter specified, that is to say:

Paragraph 1. Beginning at the most desirable point on the existing tracks of the Chicago, Milwaukee and St. Paul Railway Company southeast of the viaduct at Central Park boulevard; thence said elevated roadbed and tracks shall rise on the most suitable gradient convenient and practicable to said railway company to a point about on the west line of said viaduct, where an elevation of not less than 23.5 feet above city datum shall be attained; thence said elevated roadbed

and tracks shall continue to rise in a northerly and westerly direction on an ascending gradient of about 0.6 per centum for a distance of about 600 feet to a point about on the south line of West Chicago avenue, where an elevation of not less than 27.0 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a northerly and westerly direction and on an ascending gradient of about 0.6 per centum for a distance of about 700 feet to a point about on the east line of Kedzie avenue, where an elevation of not less than 31.4 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a northerly and westerly direction on an ascending gradient of about .11 per centum for a distance of about 1,850 feet to a point about on the south line of Grand avenue, where an elevation of not less than 33.4 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a northerly and westerly direction on an ascending gradient of about .03 per centum for a distance of about 4,850 feet to a point on the south line of Wabansia avenue, where an elevation of not less than 35.0 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a northerly and westerly direction on a level gradient for a distance of about 10,560 feet to a point about on the south line of West Belmont avenue, where an elevation of not less than 35.0 feet above city datum shall be attained, and crossing in said last mentioned course, at grade, the proposed elevated roadbed and tracks of the Chicago and Council Bluffs division, as hereinafter described in section 1, paragraph 2, at what is known and called the Pacific Junction; thence said elevated roadbed and tracks shall continue in a northerly and westerly direction on an ascending gradient of about .15 per centum for a distance of about 3,980 feet to a point about on the south line of Milwaukee avenue, where an elevation of not less than 40.9 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a northwest and westerly direction on a level grade for a distance of about 1,720 feet to a point on the north line of Irving Park boulevard, where an elevation of not less than 40.9 feet above city datum shall be attained, and crossing at grade in said last mentioned course the proposed elevated roadbed and tracks of the Mayfair "Cut Off" branch line of the Chicago and Northwestern Railway Company as hereinafter mentioned; thence said elevated roadbed and tracks shall continue in a northerly and westerly direction and shall descend on the most suitable and practicable gradient to a connection with the present roadbed and tracks northwest of Irving Park boulevard.

¶ 2. **Elevate tracks—height—direction.**] Paragraph 2. From the most desirable point east of North Lawndale avenue on the existing tracks of the Chicago and Council Bluffs division of the Chicago, Milwaukee and St. Paul Railway, the tracks of said railway company shall rise on the most suitable gradient convenient and practicable to said railway company to a point about on the east line

of North Lawndale avenue, where an elevation of not less than 32.5 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a westerly direction on an ascending gradient of about .30 per centum for a distance of about 830 feet to a point about 10 feet east of the east rail of the most easterly track of the Chicago division of the Chicago, Milwaukee and St. Paul Railway Company, where an elevation of not less than 35.0 feet above city datum shall be attained; thence said elevated roadbed and tracks of said Chicago and Council Bluffs division shall continue in a westerly direction and on a level gradient to a point about 10 feet west of the west rail of the most westerly track of the Chicago division of said Chicago, Milwaukee and St. Paul Railway, and crossing at grade in said last mentioned course the proposed elevated roadbed and tracks of the Chicago division of said Chicago, Milwaukee and St. Paul Railway as hereinbefore described in section 1, paragraph 1; thence said elevated roadbed and tracks shall continue in a westerly direction on a descending gradient of about .06 per centum for a distance of about 480 feet to a point about on the east line of North Springfield avenue, where an elevation of not less than 34.7 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a westerly direction on a descending gradient of about .04 per centum for a distance of about 730 feet to a point about on the west line of North Fortieth avenue, where an elevation of not less than 34.4 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a westerly direction and shall descend on the most suitable gradient convenient and practicable to said railway company to a connection with their present roadbed and tracks west of North Fortieth avenue.

¶ 3. **"Cut off" branch—elevate tracks—height.**] Paragraph 3. From the most desirable point south of Milwaukee avenue on the existing tracks of the Mayfair "cut off" branch line of the Chicago and Northwestern Railway, the tracks of said railway company shall rise on the most suitable gradient convenient and practicable to said railway company to a point about on the south line of Milwaukee avenue, where an elevation of not less than 4.9 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a northerly direction on a level gradient for a distance of about 1,200 feet to a point about on the north line of Irving Park boulevard, where an elevation of not less than 40.9 feet above city datum shall be attained; and crossing at grade in said last mentioned course the proposed elevated roadbed and tracks of the Chicago, Milwaukee and St. Paul Railway Company as hereinbefore described; thence said elevated roadbed and tracks shall continue in a northerly direction and shall descend on the most suitable gradient convenient and practicable to said railway company to a connection with their present roadbed and tracks north of Irving Park boulevard.

¶ 4. **Changes—tracks.**] Paragraph 4. The railway companies

named in this ordinance are hereby authorized to make such changes in the position and alignment of their respective main and side tracks and switch connections as may be desirable in order to carry out the provisions of this ordinance.

¶ 5. **Elevate "Y" track.**] Paragraph 5. Permission and authority is also hereby given to the Chicago, Milwaukee and St. Paul Railway Company to elevate the "Y" track of its branch lines at Pacific Junction; and to make such changes in their location as the said company may deem necessary.

¶ 6. **Elevation—top of rail.**] Paragraph 6. All elevation of railroad tracks mentioned in this ordinance shall refer to the top of the rail.

¶ 7. **Embankment—material.**] § 2. The embankment or embankments on which said elevated roadbed shall be constructed, within the aforesaid limits, shall be composed of sand, clay; gravel, loam, broken stone and whatever else may compose the surplus material excavated from the subways and from the foundation pits and trenches along the line of said work. The side slopes and lateral dimensions of said embankments will be fixed and determined by the natural angle of repose of the materials of which said embankments may be constructed, but whenever it may become necessary, for the purpose of keeping said embankments entirely within the lines of the right of way of said company, such portion of said embankments, at all such points, shall be kept within said right of way lines by, or they shall be confined between retaining walls of stone or brick masonry; provided, however, that, whenever said retaining walls are of insufficient height to properly protect said right of way, and to prevent trespassing thereon, then said retaining walls, as aforesaid, shall be surmounted with a suitable fence or railing, but whenever said retaining walls are not used at all, the right of way of said company shall be fenced in, or otherwise properly enclosed, in compliance with the present ordinances of the city of Chicago relating to the fencing of railroad tracks.

¶ 8. **Permission and authority to elevate tracks.**] § 2a. To enable the Chicago, Milwaukee and St. Paul Railway Company to prosecute the work of the elevation of their roadbed and tracks, in accordance with the provisions of this ordinance, permission and authority is hereby granted to said railway company to elevate the roadbed and tracks of the Chicago & Council Bluffs Division lying east and west of the Chicago Division, at Pacific Junction, temporarily, on embankments or upon an open trestlework structure, but the abutments of subways at the intersection of North Lawndale, North Springfield and North Fortieth avenues shall be constructed of stone in accordance with the provisions described in section 4a, and neither the passage of this ordinance, the incurring of any expense, nor the doing of any work thereunder by said railway company shall ever be construed or in any manner whatever to estop or prevent the city

of Chicago from hereafter passing an odinance for the elevation of the roadbed and tracks beyond the points mentioned in this ordinance.

¶ 9. **Tracks, subways, bridges.**] § 3. The said elevated tracks shall be carried across all intersecting streets, avenues and alleys, which, by the terms of this ordinance, are to be provided with subways, in suitable bridges of one, two, three or four spans, whose superstructure shall consist of iron or steel main girders, with iron or steel main floor, or ordinary track stringers; but should the latter method be adopted, some suitable device shall be provided to prevent storm water, dirt, oil and other substances from dropping from such elevated structure upon the subways beneath. The said bridges shall be supported on abutments of concrete, stone or brick masonry, or on rows of iron or steel columns, braced together laterally and erected on and anchored to masonry foundations, constructed within the lines of the railroad right of way and in curb lines of the intersecting avenues and streets.

¶ 10. **Subways, where constructed.**] § 4. Paragraph 1. Subways shall be constructed beneath the tracks of the Chicago, Milwaukee and St. Paul Railroad Company where said tracks are intersected and crossed by Central Park boulevard, West Chicago avenue, North Kedzie avenue, North Spaulding avenue (Grand and Homan avenue), West Division street, Central Park avenue (Tinkham and Hirsch street), (North Lawndale avenue and Le Moyne street), West North avenue, West Wabansia avenue, Cortland street, Armitage avenue, Dickens avenue, Humboldt avenue (North Fortieth and Beldon avenue), West Fullerton avenue, West Wrightwood avenue, West Diversey avenue, West Wellington street, West Belmont avenue, West Roscoe street, West Addison avenue, Milwaukee avenue, Irving Park boulevard, North Lawndale avenue, North Springfield avenue and North Fortieth avenue.

¶ 11. **Subways—"Cut-off" branch.**] Paragraph 2. Subways shall be constructed beneath the tracks of the Mayfair "Cut-off" Branch line of the Chicago and Northwestern Railway where said tracks are intersected and crossed by Milwaukee avenue and Irving Park boulevard.

¶ 12. **Subways, constructed by whom.**] Paragraph 3. The subway at Irving Park boulevard shall be constructed jointly by the Chicago, Milwaukee and St. Paul Railway Company and the Chicago and Northwestern Railway Company, and the Chicago, Milwaukee and St. Paul Railway Company shall construct that portion of said subway lying west of a line midway between the nearest rail of the present tracks of said railway companies; and also the west approach of said subway; and the Chicago and Northwestern Railway Company shall construct the remaining portion and east approach of said subway lying east of said last above mentioned line.

¶ 13. **Subways, size, dimensions.**] § 4a. The several subways, passageways and street grade crossings, hereinbefore referred to in section 4 of this ordinance, and which shall be constructed with the elevation upon which such tracks are to be placed, shall, as to their size and dimensions, locations and other details, be in accordance with the following schedule:

Subway in Central Park Boulevard, under the Chicago, Milwaukee and St. Paul Railway. (Boulevard, 264 feet wide.)

This subway shall be constructed of such dimensions and according to such plans as may be agreed upon between the West Chicago Park Commissioners and the said Chicago, Milwaukee and St. Paul Railway Company.

Subway in West Chicago avenue, under the Chicago, Milwaukee and St. Paul Railway Company. (West Chicago avenue, 80 feet wide.)

The depression of street shall not exceed 8.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 13.0 feet above city datum. This level shall extend to the right of way lines of said railway, on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the north and south approaches of Albany avenue, as they shall be changed so as to conform to the lines of the street as hereinafter specified in section 15 of this ordinance.

Width between walls of subway, 80 feet.

Width of roadway, 38 feet in subway.

Width of sidewalks, 21 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist in West Chicago avenue, and in Albany avenue they shall be made to conform with the new lines of street.

The depression of sidewalks shall be uniform with the roadway and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12.5 feet.

Subways in Kedzie avenue, under the Chicago, Milwaukee and St. Paul Railway. (Avenue, 66 feet wide.)

The depression of street shall not exceed 4.3 feet below the present surface of tracks, making the elevation of the floor of subway not less than 17.9 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 6 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12.0 feet.

Subways in North Spaulding avenue, under the Chicago, Milwaukee and St. Paul Railway. (North Spaulding avenue, 66 feet wide.)

The depression of street shall not exceed 4.4 feet below the present surface of tracks, making the elevation of the floor of subway not less than 18.8 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way shall be the same as they now exist

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12.0 feet.

Subway in Grand avenue, under the Chicago, Milwaukee and St. Paul Railway. (Grand avenue, 66 feet wide.)

The depression of street shall not exceed 4.6 feet below the present surface of tracks, making the elevation of the floor of subway not less than 19.4 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the north and south approaches of Homan avenue as they shall be changed so as to conform to the lines of street as hereinafter specified in section 15 of this ordinance.

Width between walls of subway, 66 feet.

Width of roadway, 42 feet in subway.

Width of sidewalks, 12 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist in Grand avenue, and in Homan avenue they shall be made to conform with the new lines of street.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders, and one line of posts in the center of roadway.

Clear head room, 12.5 feet.

Subway in West Division street, under the Chicago, Milwaukee and St. Paul Railway. (West Division street, 80 feet wide.)

The depression of street shall not exceed 3.9 feet below the present surface of tracks, making the elevation of the floor of subway not less than 19.9 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 80 feet.

Width of roadway, 48 feet in subway.

Width of sidewalks, 16 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12.5 feet.

Subway in Central Park avenue, under the Chicago, Milwaukee and St. Paul Railway. (Central Park avenue, 66 feet wide.)

The depression of street shall not exceed 2.9 feet below the present surface of tracks, making the elevation of the floor of subway not less than 20.8 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof, and one line of posts in the center of roadway to support girders.

Clear head room, 12.0 feet.

Subway in Hirsch street, under the Chicago, Milwaukee and St. Paul Railway. (Hirsch street, 66 feet wide.)

The depression of street shall not exceed 2.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.1 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street, including the north and south approaches of Tinkham street, as they shall be changed so as to conform to the lines of the street as hereinafter specified in section 15 of this ordinance.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist in Hirsch street, and in Tinkham street they shall be made to conform to the new lines of the street.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12.0 feet.

Subway in Le Moyne street, under the Chicago, Milwaukee and St. Paul Railway. (Le Moyne street, 66 feet wide.)

The depression of street shall not exceed 3.3 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.1 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street, including the north and south approaches of North Lawndale avenue, as they shall be changed so as to conform to the lines of street as hereinafter specified in section 15 of this ordinance.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist in Le Moyne street, and in North Lawndale avenue they shall be made to conform to the new lines of the street.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12.0 feet.

Subway in West North avenue, under the Chicago, Milwaukee and St. Paul Railway. (West North avenue, 100 feet wide.)

The depression of street shall not exceed 4.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 20.9 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the south approach of Ridgeway avenue.

Width between walls of subway, 100 feet.

Width of roadway, 60 feet in subway.

Width of sidewalks, 20 feet each in subway.

Width of roadway and sidewalks outside of right of way lines in West Chicago avenue and Ridgeway avenue shall be the same as they now exist.

The depression shall be uniform with the roadway and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12.5 feet.

Subway in West Wabansia avenue, under the Chicago, Milwaukee and St. Paul Railway. (West Wabansia avenue, 66 feet wide.)

The depression of street shall not exceed 4.2 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.5 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street, including the south approach of Hamlin avenue

Width between walls of subway, 60 feet

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines in West Wabansia avenue and Hamlin avenue shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12 feet

Subway in Cortland street, under the Chicago, Milwaukee and St. Paul Railway. (Cortland street, 66 feet wide.)

The depression of street shall not exceed 5.3 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.5 feet above city datum. This level shall extend to the right of way lines of said railway, on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 60 feet

Width of roadway, 40 feet in subway

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12 feet.

Subway in Armitage avenue, under the Chicago, Milwaukee and St. Paul Railway. (Armitage avenue, 66 feet wide.)

The depression of street shall not exceed 5.5 feet below the present surface of tracks, making the elevation of the floor of subway not

less than 21.0 feet above city datum. This level shall extend to the right of way lines of said railway, on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the north and south approaches of North Springfield avenue, as they shall be changed so as to conform to the lines of the street as hereinafter specified in section 15 of this ordinance.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist in Armitage avenue, and in North Springfield avenue they shall be made to conform to the new lines of street.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12.5 feet.

Subway in Dickens avenue, under the Chicago, Milwaukee and St. Paul Railway. (Dickens avenue, 66 feet wide.)

The depression of street shall not exceed 5.3 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.5 feet above city datum. This level shall extend to the right of way lines of said railway, on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet, to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12 feet.

Subway in Humboldt avenue, under the Chicago, Milwaukee and St. Paul Railway. (Humboldt avenue, 66 feet wide.)

The depression of street shall not exceed 5.3 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.5 feet above city datum. This level shall extend to the right of way lines of said railway, on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12 feet.

Subway in West Belden avenue, under the Chicago, Milwaukee and St. Paul Railway. (West Belden avenue, 66 feet wide.)

The depression of street shall not exceed 5.8 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.0 feet above city datum. This level shall extend to the right of way lines of said railway, on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet, in 100 feet, to a connection with the present surface of street, including the north and south approaches of North Fortieth avenue, as they shall be changed so as to conform to the lines of the street as hereinafter specified in section 15 of this ordinance.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist in West Belden avenue, and in North Fortieth avenue they shall be made to conform with the new lines of the street.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12.5 feet.

Subway in West Fullerton avenue, under the Chicago, Milwaukee and St. Paul Railway. (West Fullerton avenue, 100 feet wide.)

The depression of street shall not exceed 5.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.0 feet above city datum. This level shall extend to the right of way lines of said railway, on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet, to a connection with the present surface of street.

Width between walls of subway, 100 feet.

Width of roadway, 60 feet in subway.

Width of sidewalks, 20 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12.5 feet.

Subway in West Wrightwood avenue, under the Chicago, Milwaukee and St. Paul Railway. (West Wrightwood avenue, 66 feet wide.)

The depression of street shall not exceed 4.9 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.5 feet above city datum. This level shall extend to the right of way lines of said railway, on each side thereof. From this level the approaches shall extend in a grade of not to exceed 3.0 feet in 100 feet, to a connection with the present surface of street.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12 feet.

Provided, however, that the said Chicago, Milwaukee and St. Paul Railway Company shall not be required to construct any part of this subway or to provide any opening whatever of this street across or through its proposed elevated embankment or structure as required by the terms of this ordinance until such time as the land necessary for a continuous street 66 feet in width for at least one-quarter mile in length upon each side of the right of way of said railway company shall have been properly dedicated or condemned for public street purposes and said street shall have been graded or otherwise properly prepared for general use of the public.

Subway in West Diversey avenue, under the Chicago, Milwaukee and St. Paul Railway. (West Diversey avenue, 66 feet wide.)

The depression of street shall not exceed 4.9 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.5 feet above city datum. This level shall extend to the right of way lines of said railway, on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet, to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12.0 feet.

Subway in West Wellington Street, under the Chicago, Milwaukee and St. Paul Railway. (West Wellington Street, 66 feet wide.)

The depression of street shall not exceed 4.7 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.5 feet above city datum. This level shall extend to the right of way lines of said railway, on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet, to a connection with the present surface of street.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12 feet.

Provided, however, that the said Chicago, Milwaukee and St. Paul Railway Company shall not be required to construct any part of this subway, or to provide any opening whatever of this street across or through its proposed elevated embankment or structure, as required by the terms of this ordinance, until such time as the land necessary for a continuous street 66 feet in width for at least one-quarter mile in length upon each side of the right of way of said railway company, shall have been properly dedicated or condemned for public street purposes and said street shall have been graded or otherwise properly prepared for general use of the public.

Subway in West Belmont avenue, under the Chicago, Milwaukee and St. Paul Railway. (West Belmont avenue, 66 feet wide.)

The depression of street shall not exceed 6.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.0 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet, to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12.5 feet.

Subway in West Roscoe street, under the Chicago, Milwaukee and St. Paul Railway. (West Roscoe street, 66 feet wide.)

The depression of street shall not exceed 5.2 feet below the present surface of tracks, making the elevation of the floor of subway not less than 23.6 feet above city datum. This level shall extend to the right of way lines of said railway, on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12 feet.

Provided, however, that the said Chicago, Milwaukee and St. Paul Railway Company shall not be required to construct any part of this subway or to provide any opening whatever of this street across or through its proposed elevated embankment or structure as required by the terms of this ordinance until such time as the land necessary for a continuous street, 66 feet in width for at least one-half mile in length upon each side of the right of way of said railway company shall have been properly dedicated or condemned for public street purposes, and said street shall have been graded or otherwise properly prepared for general use of the public.

Subway in West Addison avenue, under the Chicago, Milwaukee and St. Paul Railway. (West Addison avenue, 66 feet wide.)

The depression of street shall not exceed 5.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 25.5 feet above city datum. This level shall extend to the right of way lines of said railway, on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet, to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12.0 feet.

Subway in Milwaukee avenue, under the Chicago, Milwaukee and St. Paul Railway. (Milwaukee avenue, 66 feet wide.)

The depression of street shall not exceed 4.6 feet below the present surface of tracks, making the elevation of the floor of subway not less than 26.9 feet above city datum. This level shall extend to the right of way lines of said railway, on each side thereof. From this level the east approach shall extend on a grade of not to exceed 3.5 feet in 100 feet, to a connection with the present surface of street, including the north approaches of Vernon avenue and Depot place; and the west approach shall extend on a grade of not to exceed 1.5 feet in 100 feet, to a connection with the new grade of Milwaukee avenue as it shall be changed between the subways of the Chicago and Northwestern Railway and the Chicago, Milwaukee and St. Paul Railway; and the elevation of this new grade shall not be less than 29.0 feet above city datum.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist in Milwaukee avenue and in all the streets intersecting or meeting said Milwaukee avenue.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof, and one line of posts in center of roadway, to support girders.

Clear head room, 12.5 feet.

Subway in Irving Park boulevard, under the Chicago, Milwaukee and St. Paul Railway, Chicago and Northwestern Railway.(Irving Park boulevard, 100 feet wide.)

The depression of street shall not exceed 5.8 feet below the present surface of tracks, making the elevation of the floor of subway not less than 26.9 feet above city datum. This level shall extend to the most easterly and most westerly right of way lines of said railways. From this level the aproaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the north approach to Charles street.

Width between walls of subway, 100 feet.

Width of roadway, 56 feet in subway.

Width of sidewalks, 22 feet each in subway.

Width of roadway and sidewalks outside of right of way lines and in Charles street shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12.5 feet.

Subway in North Lawndale avenue, under the Chicago, Milwaukee and St. Paul Railway. (North Lawndale avenue, 66 feet wide.)

The depression of street shall not exceed 4.0 feet below the present surface of tracks, making the elevation of the floor of subway not less than 19.2 feet above city datum. This level shall extend to the right of way lines of said railway, on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12 feet.

Subway in North Springfield avenue, under the Chicago, Milwaukee and St. Paul Railway. (North Springfield avenue, 66 feet wide.)

The depression of street shall not exceed 5.0 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.2 feet above city datum. This level shall extend to the right of way lines of said railway, on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12 feet.

Subway in North Fortieth avenue, under the Chicago, Milwaukee and St. Paul Railway. (North Fortieth avenue, 66 feet wide.)

The depression of street shall not exceed 5.0 feet below the present surface of tracks, making the elevation of the floor of subway not less than 20.4 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this

level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12.5 feet.

Subway in Milwaukee avenue, under the Chicago and Northwestern Railway. (Milwaukee avenue, 66 feet wide.)

The depression of street shall not exceed 5.0 feet below the present surface of tracks, making the elevation of the floor of subway not less than 26.9 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the west approach shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street; and the east approach shall extend on a grade of not to exceed 1.5 feet in 100 feet to a connection with the new grade of Milwaukee avenue as it shall be changed between the subways of the Chicago and Northwestern Railway, and the elevation of this new grade shall not be less than 29.0 feet above city datum.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way shall be the same as they now exist in Milwaukee avenue and in all the streets intersecting or meeting said Milwaukee avenue.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12.5 feet.

Wherever, in the foregoing subway specifications, the words "right of way of said railway" are used, it shall be understood and agreed that such right of way is not more than one hundred (100) feet in width.

¶ 14. **Grade, approaches, subways.**] § 4b. The grade of all the streets that intersect the approaches to subways described in section 4 of this ordinance shall be depressed so as to conform to the grade of the approaches into such subways.

¶ 15. **Subways, vertical curves.**] § 4c. In the several subways mentioned in this ordinance there shall be constructed a vertical curve where the head of approaches connects with the present grade

of street, and said vertical curve shall extend not less than 20 feet each side of said intersection of grades, and the middle ordinate of the vertical curve shall be equal to one-half of the difference between the elevation of the points on said intersecting grades.

¶ 16. **Excavations, depressions, subways, damages.**] § 5. All such excavations shall be made in the streets as may be required for the depression of such subways and the approaches thereto. But the depressed portion of the streets shall be restored to serviceable condition for the use of the public as soon as practicable, and all water pipes, conduits, sewers and other similar substructures belonging to the city that may be disturbed by such excavations or required to be moved or deflected from the position in which they are found shall be replaced or suitable expedients and arrangements shall be devised and provided to restore them as fully as may be to their former state of usefulness, but the gradients of the sewers shall not be reduced in any event. All such work shall be done by the respective railroad companies as indicated in section 4a, at their sole expense, and under the immediate supervision and to the satisfaction of the commissioner of public works of the city of Chicago. And if in the construction of any of said subways or approaches it shall become necessary to disturb, remove or destroy any pipes, conduits, wires or other property belonging to any private corporation or individual, all of the cost and expense thereof and all damage thereto shall be borne and assumed by the city of Chicago, and the said city will, by condemnation, purchase or otherwise secure to said railway company the free and uninterrupted right to prosecute its said work, and will save the said railway company harmless from any and all claims, demands and suits arising therefrom, and all damages which may be recovered therefor.

¶ 17. **Grades, subways.**] § 6. The grades of all the streets and alleys in which any subways are to be built, in accordance with the provisions of this ordinance or where streets shall be depressed in accordance with the provisions of this ordinance along the line of the several subways, shall be and the same are hereby changed so as to conform to the grades of such subways as they shall be depressed and constructed pursuant to the provisions of this ordinance.

¶ 18. **Drainage, subways, basins, sewers.**] § 7. Provision shall be made for the drainage of the several depressed subways provided for in this ordinance by the construction of receiving basins properly located in or immediately adjacent to said subways, which said receiving basins shall be connected with, and discharge their contents into the adjacent city sewers; provided there shall be a city sewer adjacent to said subway and within two hundred (200) feet therefrom. In case the lowest point of the surface of any of said subways should be below the grade of the adjacent sewer, some other adequate means of drainage satisfactory to the commissioner of

public works must be devised and provided by said railroad companies at their expense.

¶ 19. **Subways, requirements.**] § 8. Paragraph 1. The subways and approaches thereto, so to be constructed by said companies in said streets and avenues aforesaid, shall all conform to the following structural requirements, viz.: The roadway shall be paved with a single course of vitrified brick of standard quality, laid at right angles with the curb lines and set upon a solid foundation of hydraulic cement concrete of not less than six (6) inches thick or deep when solidly tamped in place and otherwise finished and properly crowned ready for the brick wearing surface, between which and the concrete there shall be interposed a layer of screened sand not less than one-half inch thick. The curb shall be of sound, hard limestone of standard dimensions and finish, and the sidewalks in subways shall be finished and paved with Portland cement concrete of standard quality and workmanship, and with the curbing and roadway paving shall be made, finished and put in permanent place in accordance with the requirements of the department of public works of the city of Chicago. The approaches of subways shall be excavated to the grade established by this ordinance and shall be in all other respects restored as near as may be to their condition before being so excavated.

¶ 20. **Paving, material, expense.**] Paragraph 2. As to streets in this section mentioned, which are already paved or provided with sidewalks, such paving and sidewalks shall be restored with the present material when the same is in good condition, by said railroad company or companies at their own expense, in such portions of said streets as are required to be constructed by said company or companies, except that said railway company or companies are not required to restore any part of the paving of approaches or subways, which it will be the duty of any street railway company, or other corporation, itself to restore under existing laws or ordinances.

¶ 21. **Pavement of subways.**] Paragraph 3. Said company or companies shall pave the entire length and width of the roadway in such portions of the subways as are required to be constructed by said company or companies, as is mentioned in this ordinance, except that such company or companies shall not be required to pave any part of the subways to be occupied by, or adjacent to street railway tracks, which by reason of existing laws or ordinances it will be the duty of any street railway company or other corporation itself to pave

¶ 22. **Change of grade, liability.**] Paragraph 4. Any street railway company occupying any of the streets in the city of Chicago crossed by said elevated railway of either of said companies, shall, when and as the grade of such street shall be changed, as in this ordinance provided, at its own expense, without claim for damages, conform the grade of its track or tracks to the said change of grade of said

streets, and nothing in this ordinance shall operate or be held to relieve such street railway companies from any liability now existing, however created, to pave or bear the expense of paving such streets between or on either side of the rails of its said tracks, in the manner and form as now required.

¶ 23. **Paving of subway, expense.**] Paragraph 5. Whenever the elevated tracks and roadbed, constructed under and in accordance with the provisions of this ordinance, shall pass over any street, alley, avenue or public way, at which, according to the terms of this ordinance, a subway is required to be constructed by said railway company or companies, which street, alley, avenue or public way shall not already be paved or provided with sidewalks at the time of such construction, and for which pavement or sidewalks no ordinance shall have been passed by the city council of the city of Chicago, then and in that case the paving of such subway shall be delayed until the improvement of the portions of the street contiguous shall be ordered by the city council and the contract therefor shall be let. Thereupon, or notice from the commissioner of public works, said company or companies shall proceed at once with the work of paving or with the construction of sidewalks, in accordance with the provisions of section 8, and paragraphs 1 to 4, inclusive, of this ordinance. Should any company, after such notice, fail or neglect so to proceed with its work, the commissioner of public works of the city of Chicago shall have and is hereby given the right, power and authority to take charge of and cause such work to be done, and the expense thereof shall thereupon be paid by such delinquent company.

¶ 24. **Damages, excavation, depression.**] Paragraph 6. Nothing in this ordinance contained shall be so construed as to require the said railway companies, or either of them, to assume, or pay, any incidental or consequential damages to adjacent property or business caused by the passage and enforcement of this ordinance, or by the excavation, depression or change of grade made in any of the public avenues, streets or alleys, or to defend any suit or suits which may be brought against any party or parties for the recovery of any such damages, but it is understood, and the city of Chicago hereby agrees, that all such damages, if there are any, shall be adjusted and paid by the city of Chicago, and said city will assume the defense of any and all suits brought for the recovery of the same, intervening therein if necessary, for such purpose, and will wholly relieve said railway companies from defending the same, and will assume and pay all judgments recovered therein. The above stipulations in this paragraph are, however, upon the condition precedent that, in case any suit be brought against any of the said companies, said company will, before the last day to plead therein, give notice in writing of such suit and of such service to the mayor and the corporation counsel

of said city for the purpose of enabling such defense to be made by the city.

¶ 25. **Work, subject to inspection and approval by commissioner of Public Works.**] § 9. All the work hereinbefore in this ordinance required to be done by said company or companies, upon or in connection with the public avenues and streets of the city shall be done and performed under the superintendence and subject to the inspection and approval of the commissioner of public works of said city. At least ten (10) days prior to the commencement of any part of such work the plans and specifications therefor shall be submitted to said commissioner of public works for his examination, and if found to be in accordance with the provisions of this ordinance in so far as this ordinance contain specific provisions, and in the absence of such specific provisions, if they shall be satisfactory to the commissioner of public works in regard to matters and details, which by this ordinance are left to his discretion and judgment, such plans shall be approved by him, and after such approval all of the work outlined and included therein shall be constructed in strict conformity therewith.

¶ 26. **Authority to obstruct.**] § 10. Permission and authority are hereby given to said companies, whenever the same shall be necessary in the prosecution of the work which they are herein authorized or required to perform, to obstruct, temporarily, any public street, avenue or alley to such an extent and for such length of time as may be approved by the commissioner of public works, and they are also hereby authorized, whenever the same shall become necessary, to erect and maintain temporary structures and false work in any of said streets and avenues during the construction of their said elevated railway tracks, subject to the like approval of said commissioner of public works.

¶ 27. **Provisions of ordinance, trespass, fine.**] § 11. When the said railroads, in section 1 of this ordinance mentioned, shall have elevated their respective tracks in accordance with this ordinance, so that the same shall be ready for use, then and thereupon all provisions of the ordinances of the city of Chicago relating to the speed of railway trains, the length of trains, the number of cars to constitute a train, and the maintenance of gates, flagmen, watchmen, signals and signal towers, shall cease to be applicable to said railroad; provided, however, that this ordinance is not to be construed as a waiver or surrender by the city of Chicago of any of its police powers or of the right at any time hereafter to pass necessary and reasonable police ordinances in relation to the matters last above enumerated. After such elevation it shall be unlawful for any person or persons, save employes of said companies, or either of them, in the discharge of their duties, to enter or be upon or to walk along or cross the said elevated structure or roadway at any place. If any person shall wilfully trespass upon said elevated roadway, such person and all

others aiding, abetting or assisting therein shall be liable to a fine of not less than five dollars nor more than one hundred dollars for each and every offense.

¶ 28. **Plans and specifications, approval.**] § 12. Said railway company or companies mentioned in this ordinance shall at least ten (10) days prior to the commencement of any part or parts of said work submit to the commissioner of public works, for his approval, complete plans and specifications of said part or parts of said proposed work, for the purpose of ascertaining whether the same are in strict compliance with the provisions of this ordinance; and after approval of all such plans and specifications by the commissioner of public works, all of said work shall be constructed in strict accordance therewith, and to the entire satisfaction of said commissioner of public works, and not otherwise, except as herein otherwise provided.

¶ 29. **When to commence, time of completion.**] § 13. The railway companies mentioned in section 1 of this ordinance, and which are required to elevate their tracks, shall commence the work of such elevation on or before the first day of May, 1898; provided, this ordinance shall have been accepted by the said railway companies hereby required to elevate their tracks, and after such work has been commenced the same shall be prosecuted continuously and with all practicable diligence, and shall be fully and finally completed within two years from said May 1, 1808, unless prevented by strikes or riots or restrained by injunction or other order or process of a court of competent jurisdiction; the time during which said railway companies shall be so prevented, as aforesaid, shall be added to the time hereby limited for the completion of said work; provided, said railway companies give notice to the corporation counsel of the city of Chicago of the institution of said legal proceedings. The city of Chicago shall thereupon have the right to intervene in any suit or proceeding brought by any person or persons seeking to enjoin or restrain, or in any manner interfere with the prosecution of said work, and move for a dissolution of such injunction and restraining order, and for any other proper order in such suit.

And it is further distinctly understood and agreed that if said railway companies or either of them shall be delayed in the prosecution of the said work required to be done under the provisions of this ordinance, by reason of the obstruction of pipes, conduits, wires or other property of private corporations or individuals, as mentioned in section 5 of this ordinance, or by reason of any delay on the part of the city of Chicago or any of its officers in performing the duties imposed upon the city and its officers by this ordinance in respect to the work herein required to be done by said railway companies respectively, then and in that case the time which said railway companies or either of them shall be so delayed, shall be added to the

two years from May 1st, 1898, during which said companies are required by the terms of this ordinance to complete said work.

¶ 30. **Work, how done.**] § 14. Each of the companies required by this ordinance to elevate its tracks shall do its portion of the work in accordance with the terms hereof, in apt and proper time, so as not to interfere with the proper and orderly prosecution of such work as a whole. Should either of the companies mentioned in section 1 of this ordinance fail or neglect so to prosecute its work the commissioner of public works of the city of Chicago shall have and is hereby given the right, power and authority to give ten days' notice in writing to said delinquent company to prosecute its work. If such company shall fail or neglect to comply with said notice, the commissioner of public works may take charge of and cause such work to be done and the expense thereof shall thereupon be paid by such delinquent company.

¶ 31. **Ground dedicated for streets.**] § 15. The Chicago, Milwaukee and St. Paul Railway Company shall, within six months after the passage of this ordinance, procure and dedicate for purposes of public streets, strips or pieces of ground located along and parallel with the right of way line of said railway company, described as follows, namely:

A triangular piece of ground off of the southwest corner of lot seventy-one (71) in McElroy's subdivision of the west half (W. ½) of the southwest quarter (S. W. ¼) of section one (1), township thirty-nine (39) N., R. 13, east of the third principal meridian; said piece to be of sufficient width so as to provide for a thirty-three (33) foot street immediately northeast of the right of way line of the Chicago, Milwaukee and St. Paul Railway Company and extending from the center line of Albany avenue in a southeasterly direction to the north line of West Chicago avenue

A triangular piece of ground off of the southwest portion of lots forty-eight (48) and forty-nine (49) in S. E. Gross' fourth (4th) addition to Chicago, in lot seven (7) in Superior Court Partition of the east half (E. ½) of the southeast quarter (S. E. ¼) of section two (2), township thirty-nine (39) north, range 13, east of the third principal meridian; said piece to be of sufficient width so as to provide for a forty (40) foot street, adjoining and immediately northeast of the east right of way line of the Chicago, Milwaukee and St. Paul Railway Company, said piece of land bounded as follows: Beginning at the southwest corner of lot forty-nine (49), thence northerly thirty (30) feet along the east line of Homan avenue to a point; thence southeasterly to the southeast corner of lot forty-eight (48); thence northwesterly along the north line of Grand avenue to the place of beginning

A strip of ground sixty-six (66) feet wide adjoining and immediately southwest of the west right of way line of the Chicago, Milwaukee and St. Paul Railway Company, and extending from the center of

Homan avenue northwesterly to the south line of Grand avenue, all in lot one (1) of the east half (E. ½) of section two (2), township thirty-nine (39) north, range thirteen (13) east of the third principal meridian.

A triangular piece of land off of the southwest corner of block nine (9), embracing so much and such parts of lots twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29) and thirty (30) as shall be necessary to provide for a sixty-six foot street parallel to the east right of way line of said Chicago, Milwaukee and St. Paul Railway Company, and extending from the east line of Tinkham street southeasterly to the north line of Hirsch street, all in Beebe's subdivision of the east half (E. ½) of the northwest quarter (N. W. ¼) of section two (2), township thirty-nine (39) north, range thirteen (13), east of the third principal meridian, except five acres in the northeast corner thereof.

A triangular piece of ground off of the northeast corner of block eleven (11), embracing so much and such parts of lots one (1), two (2), three (3), four (4) and five (5) as shall be necessary to provide for a sixty-six (66) foot street parallel to the west line of the right of way of the Chicago, Milwaukee and St. Paul Railway Company, and extending from the south line of Hirsch street southeasterly to the west line of Tinkham street, all in Beebe's subdivision of the east half (E. ½) of the northwest quarter (N. W. ¼) of section two (2), township thirty-nine (39) north, range thirteen (13), east of the third principal meridian, except five acres in the northeast corner thereof.

A triangular piece of ground off of the southwest corner of block three (3), and embracing so much and such parts of lots thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18) and nineteen (19) as shall be necessary to provide for a sixty-six (66) foot street parallel to the east right of way line of the Chicago, Milwaukee and St. Paul Railway Company, and extending from the east line of Lawndale avenue southeasterly to the north line of Le Moyne street, all in Beebe's subdivision of the east half (E. ½) of the northwest quarter (N. W. ¼) of section two (2), township thirty-nine (39) north, range thirteen (13), east of the third principal meridian, except five acres in the northeast corner thereof

A triangular piece of ground off of the northeast corner of block seven (7), and embracing so much and such parts of lots one (1), two (2), three (3), four (4) and five (5) as shall be necessary to provide for a sixty-six (66) foot street parallel to the west right of way line of said Chicago, Milwaukee and St. Paul Railway Company, and extending from the south line of Le Moyne street southeasterly to the west line of Lawndale avenue, all in Beebe's subdivision of the east half (E. ½) of the northwest quarter (N. W. ¼) of section two

(2), township thirty-nine (39) north, range thirteen (13), except five acres in the northeast corner thereof.

A triangular piece of ground off of the northeast corner of lot ten (10), Block two (2), as shall be necessary to provide for a sixty-six (66) foot street, parallel to the west right of way line of said Chicago, Milwaukee and St. Paul Railway Company, and extending from the south line of Armitage avenue southwesterly to the west line of Springfield avenue, all in Robert F. Summer's subdivision of the west half (W. ½) of the northwest quarter (N. W. ¼) of the southwest quarter (S. W. ¼) of section thirty-five (35), township forty (40) north, range thirteen (13).

A triangular piece of land off of the southwest corner of Block seven (7), embracing so much and such parts of lots twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29), thirty (30), thirty-one (31), thirty-two (32), thirty-three (33) and thirty-four (34) as shall be necessary to provide for a sixty-six (66) foot street parallel to the east right of way line of said Chicago, Milwaukee and St. Paul Railway Company, and extending from the east line of Springfield avenue southeasterly to the north line of Armitage avenue, all in Grant & Keeney's addition to Pennock, being a subdivision of the east half (E. ½) of the west half (W. ½) of the northwest quarter (N. W. ¼) of section thirty-five (35), township forty (40) north, range thirteen (13).

A triangular piece of ground off of the northeast corner of block fifty-one (51), embracing so much and such parts of lots one (1), two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9) and ten (10), as shall be necessary to provide for a sixty-six (66) foot street parallel to the west right of way line of said Chicago, Milwaukee and St. Paul Railway Company, including the twenty (20) foot strip now dedicated for a public street, and extending from the south line of Belden avenue southeasterly to the west line of North Fortieth avenue, all in Keeney's addition to Pennock, of the east half (E.½) of the northeast quarter (N. E. ¼) of section thirty-four (34), township forty (40) north, range thirteen (13).

A triangular piece of land sufficient to provide for a sixty-six (66) foot street parallel to the east right of way line of said Chicago, Milwaukee and St. Paul Railway Company, and extending from the east line of North Fortieth avenue southeasterly to the north line of Belden avenue extended, all in the north half (N. ½) of the west half (W. ½) of the northwest quarter (N. W. ¼) of section thirty-five (35), township forty (40) north, range thirteen (13).

In case said Chicago, Milwaukee and St. Paul Railway Company shall be unable to purchase said property, or any part thereof described in this section, at a price deemed by said railway company to be reasonable, then the same shall be condemned by the city of Chicago for street purposes, and the compensation and damages awarded in such proceedings, including court costs and all other expense of litigation

that may be incurred in such condemnation proceedings, shall be paid by said Chicago, Milwaukee and St. Paul Railway Company, and said Chicago, Milwaukee and St. Paul Railway Company shall have the right to take part in said condemnation proceeding in behalf of the city by counsel specially employed by it, and shall have the right to have all witnesses that it may name called to testify in said condemnation proceedings.

¶ 32. Acceptance—extension of street subway—expense.] § 16. In consideration of the acceptance of this ordinance by the Chicago, Milwaukee and St. Paul Railway Company it is hereby agreed that if the city of Chicago shall at any time hereafter open and extend any street or streets, avenue, alley or public way, across the right of way and lands of said company, such crossing shall be made by subway only and no claim for compensation on account of land taken for right of way of such street or streets, avenue or alley or public way, will be made by said railway company, and such waiver of compensation shall attach to and run with such land in the hands of any grantee or grantees of such railway company, but the sole cost and expense of the construction of such subway or subways and of such bridge or bridges as may be necessary to carry all the tracks on said company's lands and right of way, and over such highways shall be borne and paid by the city of Chicago without expense to said railway company mentioned in this ordinance, and in no case shall any such bridge or bridges or such subway or subways so to be built be inferior in any respect to the bridges and subways to be built by the railway company across the streets provided for in this ordinance. Such bridges shall conform to the general plan of the bridges provided for in this ordinance, except as to such changes in the details thereof as may be agreed upon by the city engineer of the city of Chicago and the chief engineer of said railway company; but in all other respects such crossing shall be constructed in accordance with the provisions thereof in respect to the streets named in this ordinance. The work of such construction shall be done by the railway company, and the amount to be paid by the city for such work and construction shall not exceed the actual and reasonable cost thereof. Said bridges respectively, shall support all the tracks of said company then existing and in use across the lines of the proposed street or streets at the time of the construction of such subway across such right of way of said company; but said railway company shall not be required to do any work toward the construction of any such subway or subways until the cost thereof, as may be estimated by the city engineer and chief engineer of said railway company, shall have been first paid over to said railway company, or deposited in some responsible bank for its benefit and to be paid over to it at once upon the completion of said work.

¶ 33. Take effect when—conditions—modification.] § 17. This ordinance shall take effect from and after its passage, approval

and publication; Provided, however, this ordinance shall be null and void unless said Chicago and Northwestern Railway Company and the Chicago, Milwaukee and St. Paul Railway Company shall through their authorized officers file with the mayor of the city of Chicago, within thirty days from the passage and approval by the mayor of this ordinance, agreement or agreements duly executed, whereby said railway companies shall undertake to do and perform all the matters and things required of them respectively by this ordinance. After the filing of said agreement or agreements by said companies, and not before, this ordinance shall not be materially modified or amended without the consent of either company effected by any proposed modification, unless said company or companies shall be in default in the performance of the several matters and things required by this ordinance and undertaken to be done by such agreement

§ 922. Chicago, Milwaukee and St. Paul Railway Company and Chicago and Northwestern Railway Company.

¶ 1. Elevate plane of roadbed and tracks—height.
¶ 2. Roadbed—tracks—height of.
¶ 3. Tracks—height of—"cut off" branch.
¶ 4. Authority—changes tracks and switch-connections.
¶ 5. Permission and authority—changes—elevate.
¶ 6. Elevation—top of rail.
¶ 7. Embankments—roadbed—material—subways—side slopes.
¶ 8. Grant—elevate roadbed—tracks—abutments—subways—material.
¶ 9. Elevate tracks—subways—material—bridges—abutments, location of.
¶ 10. Subways, when constructed.
¶ 11. Subways, where constructed.
¶ 12. Subways constructed jointly, where.
¶ 13. Subways and passageways—size—dimensions and location of.
¶ 14. Grade—approaches to subways.
¶ 15. Subway, vertical.
¶ 16. Excavation—depression of subways—restored to serviceable condition—expense.
¶ 17. Grades changed to conform to grades of subways.
¶ 18. Damage of subways—receiving basins—sewers.
¶ 19. Subways constructed—requirements—materials.
¶ 20. Streets restored—expense of.
¶ 21. Pave roadway in subways.
¶ 22. Grade of street, changed how.
¶ 23. Elevated tracks—subways—street contiguous.
¶ 24. Damages to adjacent property—city to pay.
¶ 25. Work, how done—approval of commissioner of public works.
¶ 26. Permission and authority—temporary structure.
¶ 27. When tracks elevated—speed of train.
¶ 28. Approval of plans; specifications of proposed work.
¶ 29. Elevation of track, when to begin—delay of work—city's position.
¶ 30. Time for completion of work—authority of commissioner of public works.
¶ 31. Time of railway company in which to dedicate ground for public streets.
¶ 32. Right of city to cross railway property—subways only, city to pay expense of same.
¶ 33. When in force.

An ordinance requiring the elevation of the roadbed and tracks of the Chicago, Milwaukee & St. Paul Railway Company, and the Chicago & Northwestern Railway Company, respectively, and to elevate the plane of certain of their railway tracks within the city of Chicago. (Passed December 6, 1897. Accepted January 10, 1898.)

¶ 1. Elevate plane of roadbed and tracks—height.] Be it ordained by the city council of the city of Chicago: § 1. That the Chicago, Milwaukee and St. Paul Railway Company and the Chicago and Northwestern Railway Company are each, respectively, hereby ordered and required to elevate the plane of certain of their roadbed and tracks within certain limits of the city of Chicago in manner and upon the conditions hereinafter specified, that is to say:

Paragraph 1. Beginning at the most desirable point on the exist-

ing tracks of the Chicago, Milwaukee and St. Paul Railway Company southeast of the viaduct at Central Park boulevard; thence said elevated roadbed and tracks shall rise on the most suitable gradient convenient and practicable to said railway company to a point about on the east line of Central Park boulevard, where an elevation of not less than 28.8 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue to rise in a northerly and westerly direction on an ascending gradient of about 0.2 per centum for a distance of about 600 feet to a point about on the south line of West Chicago avenue, where an elevation of not less than 30.0 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a northerly and westerly direction and on an ascending gradient of about 0.2 per centum for a distance of about 700 feet to a point about on the east line of Kedzie avenue, where an elevation of not less than 31.4 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a northerly and westerly direction on an ascending gradient of about .11 per centum for a distance of about 1,850 feet to a point about on the south line of Grand avenue, where an elevation of not less than 33.4 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a northerly and westerly direction on an ascending gradient of about .03 per centum for a distance of about 4,850 feet to a point on the south line of Wabansia avenue, where an elevation of not less than 35.0 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a northerly and westerly direction on a level gradient for a distance of about 10,560 feet to a point about on the south line of West Belmont avenue, where an elevation of not less than 35.0 feet above city datum shall be attained, and crossing in said last mentioned course, at grade, the proposed elevated roadbed and tracks of the Chicago and Council Bluffs division, as hereinafter described in section 1, paragraph 2, at what is known and called the Pacific Junction; thence said elevated roadbed and tracks shall continue in a northerly and westerly direction on an ascending gradient of about .15 per centum for a distance of about 3,980 feet to a point about on the south line of Milwaukee avenue, where an elevation of not less than 40.9 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a northwest and westerly direction on a level grade for a distance of about 1,720 feet to a point about on the north line of Irving Park boulevard, where an elevation of not less than 40.9 feet above city datum shall be attained, and crossing at grade in said last mentioned course the proposed elevated roadbed and tracks of the Mayfair "cut off" branch line of the Chicago and Northwestern Railway Company as hereinafter mentioned; thence said elevated roadbed and tracks shall continue in a northerly and westerly direction and shall descend on the most suitable and practicable gradient to a connection with the present roadbed and tracks northwest of Irving Park boulevard.

¶ 2. **Roadbed—tracks, height of.**] Paragraph 2. From the most desirable point east of North Lawndale avenue on the existing tracks of the Chicago and Council Bluffs division of the Chicago, Milwaukee and St. Paul Railway, the tracks of said railway company shall rise on the most suitable gradient convenient and practicable to said railway company to a point about on the east line of North Lawndale avenue, where an elevation of not less than 32.5 feet above city datum shall be atained; thence said elevated roadbed and tracks shall continue in a westerly direction on an ascending gradient of about .30 per centum for a distance of about 830 feet to a point about 10 feet east of the east rail of the most easterly track of the Chicago division of the Chicago, Milwaukee and St. Paul Railway Company, where an elevation of not less than 35.0 feet above city datum shall be attained; thence said elevated roadbed and tracks of said Chicago and Council Bluffs division shall continue in a westerly direction and on a level gradient to a point about 10 feet west of the west rail of the most westerly track of the Chicago division of said Chicago, Milwaukee and St. Paul Railway, and crossing at grade in said last mentioned course the proposed elevated roadbed and tracks of the Chicago division of said Chicago, Milwaukee and St. Paul Railway as hereinbefore described in section 1, paragraph 1; thence said elevated roadbed and tracks shall continue in a westerly direction on a descending gradient of about .06 per centum for a distance of about 480 feet to a point about on the east line of North Springfield avenue, where an elevation of not less than 34.7 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a westerly direction on a descending gradient of about .04 per centum for a distance of about 730 feet to a point about on the west line of North Fortieth avenue, where an elevation of not less than 34.4 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a westerly direction and shall descend on the most suitable gradient convenient and practicable to said railway company to a connection with their present roadbed and tracks west of North Fortieth avenue.

¶ 3. **Tracks—height of—"cut off" branch.**] Paragraph 3. From the most desirable point south of Milwaukee avenue on the existing tracks of the Mayfair "cut off" branch line of the Chicago and Northwestern Railway, the tracks of said railway company shall rise on the most suitable gradient convenient and practicable to said railway company to a point about on the south line of Milwaukee avenue, where an elevation of not less than 40.9 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a northerly direction on a level gradient for a distance of about 1,200 feet to a point about on the north line of Irving Park boulevard, where an elevation of not less than 40.9 feet above city datum shall be attained; and crossing at grade in said last mentioned course the proposed elevated roadbed and tracks of the Chicago, Milwaukee and St. Paul Railway Company as hereinbefore described; thence said ele-

vated roadbed and tracks shall continue in a northerly direction and shall descend on the most suitable gradient convenient and practicable to said railway company to a connection with their present roadbed and tracks north of Irving Park boulevard.

¶ 4. **Authority—changes—tracks and switch connections.**] Paragraph 4. The railway companies named in this ordinance are hereby authorized to make such changes in the position and alignment of their respective main and side tracks and switch connections as may be desirable in order to carry out the provisions of this ordinance.

¶ 5. **Permission and authority—changes—elevate.**] Paragraph 5. Permission and authority is also hereby given to the Chicago, Milwaukee and St. Paul Railway Company to elevate the "Y" track of its branch lines at Pacific Junction; and to make such changes in their location as the said company may deem necessary.

¶ 6. **Elevation—top of rail.**] Paragraph 6. All elevation of railroad tracks mentioned in this ordinance shall refer to the top of the rail.

¶ 7. **Embankments — roadbed — material — subways — side slopes.**] § 2. The embankment or embankments on which said elevated roadbed shall be constructed, within the aforesaid limits, shall be composed of sand, clay, gravel, loam, broken stone and whatever else may compose the surplus material excavated from the subways and from the foundation pits and trenches along the line of said work. The side slopes and lateral dimensions of said embankments will be fixed and determined by the natural angle of repose of the materials of which said embankments may be constructed, but whenever it may become necessary, for the purpose of keeping said embankments entirely within the lines of the right of way of said company, such portions of said embankments, at all such points,. shall be kept within said right of way lines by, or they shall be confined between retaining walls of stone or brick masonry: Provided, however, that, whenever said retaining walls are of insufficient height to properly protect said right of way, and to prevent trespassing thereon, then said retaining walls as aforesaid shall be surmounted with a suitable fence or railing, but whenever said retaining walls are not used at all, the right of way of said company shall be fenced in, or otherwise properly enclosed, in compliance with the present ordinances of the city of Chicago relating to the fencing of railroad tracks.

¶ 8. **Grant—elevate roadbed and tracks—abutments—subways—material.**] § 2a. To enable the Chicago, Milwaukee and St. Paul Railway Company to prosecute the work of the elevation of their roadbed and tracks, in accordance with the provisions of this ordinance, permission and authority is hereby granted to said railway company to elevate the roadbed and tracks of the Chicago and Council Bluffs division, lying east and west of the Chicago division, at Pacific Junction, temporarily on embankments or upon open trestlework structure, but the abutments of subways at

the intersection of North Lawndale, North Springfield and North Fortieth avenues shall be constructed of stone in accordance with the provisions described in section 4a, and neither the passage of this ordinance, the incurring of any expense, nor the doing of any work thereunder by said railway company shall ever be construed in any manner whatever to estop or prevent the city of Chicago, from hereafter passing an ordinance for the elevation of the roadbed and tracks beyond the points mentioned in this ordinance.

¶ 9. **Elevated tracks—subways—material—bridges—abutments, location of.**] § 3. The said elevated tracks shall be carried across all intersecting streets, avenues and alleys, which, by the terms of this ordinance, are to be provided with subways, on suitable bridges of one, two, three or four spans, whose superstructure shall consist of iron or steel main girders, with iron or steel main floor, or ordinary track stringers; but should the latter method be adopted, some suitable device shall be provided to prevent storm water, dirt, oil and other substances from dropping from such elevated structure upon the subways beneath. The said bridges shall be supported on abutments of concrete, stone or brick masonry, or on rows of iron or steel columns, braced together laterally and erected on and anchored to masonry foundation, constructed within the lines of the railroad right of way and in curb lines of the intersecting avenues and streets.

¶ 10. **Subways, where constructed.**] § 4. Paragraph 1. Subways shall be constructed beneath the tracks of the Chicago, Milwaukee and St. Paul Railway Company where said tracks are intersected and crossed by Central Park boulevard, West Chicago avenue, North Kedzie avenue, North Spaulding avenue (Grand and Homan avenue), West Division street, Central Park avenue (Tinkham and Hirsch street), (North Lawndale avenue and LeMoyne street), West North avenue, West Wabansia avenue, Cortland street, Armitage avenue, Dickens avenue, Humboldt avenue (North Fortieth and Belden avenue), West Fullerton avenue, West Wrightwood avenue, West Diversey avenue, West Wellington street, West Belmont avenue, West Roscoe street, West Addison avenue, Milwaukee avenue, Irving Park boulevard, North Lawndale avenue, North Springfield avenue and North Fortieth avenue.

¶ 11. **Subways, where constructed.**] Paragraph 2. Subways shall be constructed beneath the tracks of the Mayfair "cut off" branch line of the Chicago and Northwestern Railway where said tracks are intersected and crossed by Milwaukee avenue and Irving Park boulevard.

¶ 12. **Subways—constructed jointly, where.**] Paragraph 3. The subway at Irving Park boulevard shall be constructed jointly by the Chicago, Milwaukee and St. Paul Railway Company and the Chicago and Northwestern Railway Company, and the Chicago, Milwaukee and St. Paul Railway Company shall construct that portion of said subway lying west of a line midway between the nearest rail of the

present tracks of said railway companies; and also the west approach of said subway; and the Chicago and Northwestern Railway Company shall construct the remaining portion and east approach of said subway lying east of said last above mentioned line.

¶ 13. **Subways and passageways; size, dimensions and location of.**] § 4a. The several subways, passageways and street grade crossings, hereinbefore referred to in section 4 of this ordinance, and which shall be constructed with the elevation upon which such tracks are to be placed, shall, as to their size and dimensions, locations and other details, be in accordance with the following schedule:

Subway in Central Park boulevard, under the Chicago, Milwaukee and St. Paul Railway. (Boulevard, 264 feet wide.)

This subway shall be constructed of such dimensions and according to such plans as may be agreed upon between the West Chicago Park Commissioners and the said Chicago, Milwaukee and St. Paul Railway Company.

In consideration of the benefits accruing to the West Park Commissioners by the construction of the above mentioned subway, which is to be constructed under the tracks of the Chicago, Milwaukee and St. Paul Railway Company, said West Park Commissioners do hereby agree to dedicate for the purposes of a public street, within six months after the passage of this ordinance, a strip of ground fifty (50) feet in width lying west of the west line of the east half (E. ½) of the northwest quarter (N. W. ¼) of section twelve (12), town thirty-nine (39) north, range thirteen (13), east of the third principal meridian, and extending from the south line of North Sacramento square northerly to the south line of Augusta street, including the portions of streets at the intersection of West Chicago and Grand avenues; and said proposed street shall be used as an extension of North Sacramento avenue, and shall be known as and called North Sacramento avenue.

Width of roadway in subway in proposed street, 40 feet.

Width of one sidewalk in subway on the east side, 10 feet.

Subway in West Chicago avenue, under the Chicago, Milwaukee and St. Paul Railway. (West Chicago avenue, 80 feet wide.)

The depression of street shall not exceed 8.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 13.0 feet above city datum. This level shall extend to the right of way lines of said railway, on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the north and south approaches of Albany avenue, as they shall be changed so as to conform to the lines of the street as hereinafter specified in section 15 of this ordinance.

Width between walls of subway, 80 feet.

Width of roadway, 38 feet in subway.

Width of sidewalks, 21 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall

be the same as they now exist in West Chicago avenue, and in Albany avenue they shall be made to conform with the new lines of street.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12.5 feet.

Subway in Kedzie avenue, under the Chicago, Milwaukee and St. Paul Railway. (Avenue, 66 feet wide.)

The depression of the street shall not exceed 4.8 feet below the present surface of tracks, making the elevation of the floor of subway not less than 17.4 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12.5 feet.

Subway in North Spaulding avenue, under the Chicago, Milwaukee and St. Paul Railway. (North Spaulding avenue, 66 feet wide.)

The depression of street shall not exceed 4.4 feet below the present surface of tracks, making the elevation of the floor of subway not less than 18.8 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12.0 feet.

Subway in Grand avenue, under the Chicago, Milwaukee and St. Paul Railway. (Grand avenue, 66 feet wide.)

The depression of street shall not exceed 4.6 feet below the present surface of tracks, making the elevation of the floor of subway not less

than 19.4 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the north and south approaches of Homan avenue as they shall be changed so as to conform to the lines of street as hereinafter specified in section 15 of this ordinance.

Width between walls of subway, 66 feet.

Width of roadway, 42 feet in subway.

Width of sidewalks, 12 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist in Grand avenue, and in Homan avenue they shall be made to conform with the new lines of street.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders, and one line of posts in the center of roadway.

Clear head room, 12.5 feet.

Subway in West Division street, under the Chicago, Milwaukee and St. Paul Railway. (West Division street, 80 feet wide.)

The depression of street shall not exceed 3.9 feet below the present surface of tracks, making the elevation of the floor of subway not less than 19.9 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 80 feet.

Width of roadway, 48 feet in subway

Width of sidewalks, 16 feet each in subway

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same

Two lines of posts may be placed in curb lines and inside thereof, to support girders

Clear head room, 12.5 feet

Subway in Central Park avenue, under Chicago, Milwaukee and St. Paul Railway. (Central Park avenue, 66 feet wide.)

The depression of street shall not exceed 2.9 feet below the present surface of tracks, making the elevation of the floor of subway not less than 20.8 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway

Width of sidewalks, 10 feet each in subway

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof, and one line of posts in the center of roadway to support girders.

Clear head room, 12.0 feet.

Subway in Hirsch street, under the Chicago, Milwaukee and St. Paul Railway. (Hirsch street, 66 feet wide.)

The depression of street shall not exceed 2.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.1 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street, including the north and south approaches of Tinkham street, as they shall be changed to conform to the lines of the street as hereinafter specified in section 15 of this ordinance.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist in Hirsch street, and in Tinkham street they shall be made to conform to the new lines of the street.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders

Clear head room, 12.0 feet

Subway in Le Moyne street, under the Chicago, Milwaukee and St. Paul Railway. (Le Moyne street, 66 feet wide.)

The depression of street shall not exceed 3.3 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.1 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street, including the north and south approaches of North Lawndale avenue, as they shall be changed so as to conform to the lines of the street as hereinafter specified in section 15 of this ordinance

Width between walls of subway, 60 feet

Width of roadway, 40 feet in subway

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist in Le Moyne street, and in North Lawndale avenue they shall be made to conform to the new lines of the street.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12.0 feet.

Subway in West North avenue, under the Chicago, Milwaukee and St. Paul Railway. (West North avenue, 100 feet wide.)

The depression of street shall not exceed 4.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 20.9 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the south approach of Ridgeway avenue.

Width between walls of subway, 100 feet

Width of roadway, 60 feet in subway.

Width of sidewalks, 20 feet each in subway.

Width of roadway and sidewalks outside of right of way lines in West Chicago avenue and Ridgeway avenue shall be the same as they now exist.

The depression shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12.5 feet.

Subway in West Wabansia avenue, under the Chicago, Milwaukee and St. Paul Railway. (West Wabansia avenue, 66 feet wide.)

The depression of street shall not exceed 4.2 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.5 feet above city datum. This level shall extend to the right of way lines of said railway, on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street, including the south approach of Hamlin avenue.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines in West Wabansia avenue and Hamlin avenue shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12 feet.

Subway in Cortland street, under the Chicago, Milwaukee and St. Paul Railway. (Cortland street, 66 feet wide.)

The depression of street shall not exceed 5.3 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.5 feet above city datum. This level shall extend to the right of way lines of said railway, on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders

Clear head room, 12 feet

Subway in Armitage avenue, under the Chicago, Milwaukee and St. Paul Railway. (Armitage avenue, 66 feet wide.)

The depression of street shall not exceed 5.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.0 feet above city datum. This level shall extend to the right of way lines of said railway, on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the north and south approaches of North Springfield avenue, as they shall be changed so as to conform to the lines of the street as hereinafter specified in section 15 of this ordinance

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist in Armitage avenue, and in North Springfield avenue they shall be made to conform to the new lines of street

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12.5 feet.

Subway in Dickens avenue, under the Chicago, Milwaukee and St. Paul Railway. (Dickens avenue, 66 feet wide.)

The depression of street shall not exceed 5.3 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.5 feet above city datum. This level shall extend to the right of way lines of said railway, on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12 feet.

Subway in Humboldt avenue, under the Chicago, Milwaukee and St. Paul Railway. (Humboldt avenue, 66 feet wide.)

The depression of street shall not exceed 5.3 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.5 feet above city datum. This level shall extend to the right of way lines of said railway, on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in the curb lines and inside thereof, to support girders.

Clear head room, 12 feet.

Subway in West Belden avenue, under the Chicago, Milwaukee and St. Paul Railway. (West Belden avenue, 66 feet wide.)

The depression of street shall not exceed 5.8 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.0 feet above city datum. This level shall extend to the right of way lines of said railway, on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street, including the north and south approaches of North Fortieth avenue, as they shall be changed so as to conform to the lines of the street as hereinafter specified in section 15 of this ordinance.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines, shall be the same as they now exist in West Belden avenue, and in North Fortieth avenue they shall be made to conform with the new lines of the street.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12.5 feet.

Subway in West Fullerton avenue, under the Chicago, Milwaukee and St. Paul Railway. (West Fullerton avenue, 100 feet wide.)

The depression of street shall not exceed 5.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.0 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 100 feet.

Width of roadway, 60 feet in subway.

Width of sidewalks, 20 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12.5 feet.

Subway in West Wrightwood avenue, under the Chicago, Milwaukee and St. Paul Railway. (West Wrightwood avenue, 66 feet wide.)

The depression of street shall not exceed 4.9 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.5 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12 feet.

Provided, however, that the said Chicago, Milwaukee and St. Paul Railway Company shall not be required to construct any part of this subway or to provide any opening whatever of this street across or through its proposed elevated embankment or structure as required by the terms of this ordinance until such time as the land necessary for

a continuous street 66 feet in width for at least one-quarter mile in length upon each side of the right of way of said railway company shall have been properly dedicated or condemned for public street purposes and said street shall have been graded or otherwise properly prepared for general use of the public.

Subway in West Diversey avenue, under the Chicago, Milwaukee and St. Paul Railway. (West Diversey avenue, 66 feet wide.)

The depression of street shall not exceed 4.9 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.5 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12 feet.

Subway in West Wellington street, under the Chicago, Milwaukee and St. Paul Railway. (West Wellington street, 66 feet wide.)

The depression of street shall not exceed 4.7 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.5 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12 feet.

Provided, however, that the said Chicago, Milwaukee and St. Paul Railway Company shall not be required to construct any part of this subway, or to provide any opening whatever of this street across or through its proposed elevated embankment or structure, as required by the terms of this ordinance, until such time as the land necessary

for a continuous street 66 feet in width for at least one-quarter mile in length upon each side of the right of way of said railway company, shall have been properly dedicated or condemned for public street purposes and said street shall have been graded or otherwise properly prepared for general use of the public.

Subway in West Belmont avenue, under the Chicago, Milwaukee and St. Paul Railway. (West Belmont avenue, 66 feet wide.)

The depression of street shall not exceed 6.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.0 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two line of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12.5 feet.

Subway in West Roscoe street, under the Chicago, Milwaukee and St. Paul Railway. (West Roscoe street, 66 feet wide.)

The depression of street shall not exceed 5.2 feet below the present surface of tracks, making the elevation of the floor of subway not less than 23.6 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist

The depression of sidewalks shall be uniform with the roadway and about one foot above level of same

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12 feet.

Provided, however, that the said Chicago, Milwaukee and St. Paul Railway Company shall not be required to construct any part of this subway, or to provide any opening whatever of this street across or through its proposed elevated embankment or structure, as required by the terms of this ordinance, until such time as the land necessary

for a continuous street 66 feet in width for at least one-half mile in length upon each side of the right of way of said railway company, shall have been properly dedicated or condemned for public street purposes and said street shall have been graded or otherwise properly prepared for general use of the public.

Subway in West Addison avenue, under the Chicago, Milwaukee and St. Paul Railway. (West Addison avenue, 66 feet wide.)

The depression of street shall not exceed 5.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 25.5 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12.0 feet.

Subway in Milwaukee avenue, under the Chicago, Milwaukee and St. Paul Railway. (Milwaukee avenue, 66 feet wide.)

The depression of street shall not exceed 4.6 feet below the present surface of tracks, making the elevation of the floor of subway not less than 26.9 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the east approach shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the north approaches of Vernon avenue and Depot place; and the west approach shall extend on a grade of not to exceed 1.5 feet in 100 feet to a connection with the new grade of Milwaukee avenue as it shall be changed between the subways of the Chicago and Northwestern Railway and the Chicago, Milwaukee and St. Paul Railway; and the elevation of this new grade shall not be less than 29.0 feet above city datum.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist in Milwaukee avenue and in all the streets intersecting or meeting said Milwaukee avenue

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same

Two lines of posts may be placed in curb lines and inside thereof, and one line of posts in center of roadway, to support girders.

Clear head room, 12.5 feet.

Subway in Irving Park boulevard, under the Chicago, Milwaukee and St. Paul Railway, Chicago and Northwestern Railway. (Irving Park boulevard, 100 feet wide.)

The depression of street shall not exceed 5.8 feet below the present surface of tracks, making the elevation of the floor of subway not less than 26.9 feet above city datum. This level shall extend to the most easterly and most westerly right of way lines of said railways. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the north approach to Charles street.

Width between walls of subway, 100 feet.

Width of roadway, 56 feet in subway.

Width of sidewalks, 22 feet each in subway.

Width of roadway and sidewalks outside of right of way lines and in Charles street shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12.5 feet.

Subway in North Lawndale avenue, under the Chicago, Milwaukee and St. Paul Railway. (North Lawndale avenue, 66 feet wide.)

The depression of street shall not exceed 4.0 feet below the present surface of tracks, making the elevation of the floor of subway not less than 19.2 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12 feet.

Subway in North Springfield avenue, under the Chicago, Milwaukee and St. Paul Railway. (North Springfield avenue, 66 feet wide.)

The depression of street shall not exceed 5.0 feet below the present surface of tracks, making the elevation of the floor of subway not less than 21.2 feet above city datum. This level shall extend to the

right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12 feet.

Subway in North Fortieth avenue, under the Chicago, Milwaukee and St. Paul Railway. (North Fortieth avenue, 66 feet wide.)

The depression of street shall not exceed 5.0 feet below the present surface of tracks, making the elevation of the floor of subway not less than 20.4 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way lines shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12.5 feet.

Subway in Milwaukee avenue, under the Chicago and Northwestern Railway. (Milwaukee avenue, 66 feet wide.)

The depression of street shall not exceed 5.0 feet below the present surface of tracks, making the elevation of the floor of subway not less than 26.9 feet above city datum. This level shall extend to the right of way lines of said railway on each side thereof. From this level the west approach shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street; and the east approach shall extend on a grade of not to exceed 1.5 feet in 100 feet to a connection with the new grade of Milwaukee avenue as it shall be changed between the subways of the Chicago and Northwestern Railway; and the elevation of this new grade shall not be less than 29.0 feet above city datum.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of right of way shall be the same as they now exist in Milwaukee avenue and in all the streets intersecting or meeting said Milwaukee avenue.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12.5 feet.

Wherever, in the foregoing subway specifications, the words "right of way of said railway" are used, it shall be understood and agreed that such right of way is not more than one hundred (100) feet in width.

¶ **14. Grade—approaches to subways—depression.**] § 4b. The grade of all the streets that intersect the approaches to subways described in section 4 of this ordinance shall be depressed so as to conform to the grade of the approaches into such subways.

¶ **15. Subways—vertical curve—extension of—intersection of grades.**] § 4c. In the several subways mentioned in this ordinance there shall be constructed a vertical curve where the head of approaches connects with the present grade of street, and said vertical curve shall extend not less than 20 feet each side of said intersection of grades, and the middle ordinate of the vertical curve shall be equal to one-half of the difference between the elevation of the points on said intersecting grades.

¶ **16. Excavation—depression of subways—restored to serviceable condition—expense.**] § 5. All such excavation shall be made in the streets as may be required for the depression of such subways and the approaches thereto. But the depressed portion of the streets shall be restored to serviceable condition for the use of the public as soon as practicable, and all water pipes, conduits, sewers and other similar substructures belonging to the city that may be disturbed by such excavations or required to be moved or deflected from the position in which they are found shall be replaced or suitable expedients and arrangements shall be devised and provided to restore them as fully as may be to their former state of usefulness, but the gradients of the sewers shall not be reduced in any event. All such work shall be done by the respective railroad companies as indicated in section 4a, at their sole expense, and under the immediate supervision and to the satisfaction of the commissioner of public works of the city of Chicago. And if in the construction of any of said subways or approaches it shall become necessary to disturb, remove or destroy any pipes, conduits, wires or other property belonging to any private corporation or individual, all of the cost and expense thereof and all damage thereto shall be borne and assumed by the city of Chicago, and the said city will, by condemnation, purchase or otherwise, secure to said railway company the free and uninterrupted right to prosecute

its said work, and will save the said railway company harmless from any and all claims, demands and suits arising therefrom, and all damages which may be recovered therefor.

¶ 17. **Grades changed to conform to grades of subways.**] § 6. The grades of all the streets and alleys in which any subways are to be built, in accordance with the provisions of this ordinance or where streets shall be depressed in accordance with the provisions of this ordinance along the line of the several subways, shall be and the same are hereby changed so as to conform to the grades of such subways as they shall be depressed and constructed pursuant to the provisions of this ordinance.

¶ 18. **Drainage of subways—receiving basins—sewers.**] § 7. Provision shall be made for the drainage of the several depressed subways provided for in this ordinance by the construction of receiving basins properly located in or immediately adjacent to said subways, which said receiving basins shall be connected with, and discharge their contents into the adjacent city sewers; provided there shall be a city sewer adjacent to said subway and within two hundred (200) feet therefrom. In case the lowest point of the surface of any of said subways should be below the grade of the adjacent sewer, some other adequate means of drainage satisfactory to the commissioner of public works must be devised and provided by said railroad companies at their expense.

¶ 19. **Subways constructed—requirements—materials.**] § 8. Paragraph 1. The subways and approaches thereto, so to be constructed by said companies in said streets and avenues aforesaid, shall all conform to the following structural requirements, viz: The roadways shall be paved with a single course of vitrified brick of standard quality, laid at right angles with the curb lines and set upon a solid foundation of hydraulic cement concrete of not less than six (6) inches thick or deep when solidly tamped in place and otherwise finished and properly crowned ready for the brick wearing surface, between which and the concrete there shall be interposed a layer of screened sand not less than one-half inch thick. The curb shall be of sound hard limestone of standard dimensions and finish, and the sidewalks in subways shall be finished and paved with Portland cement concrete of standard quality and workmanship, and with the curbing and roadway paving shall be made, finished and put in permanent place in accordance with the requirements of the department of public works of the city of Chicago. The approaches of subways shall be excavated to the grade established by this ordinance and shall be in all other respects restored as near as may be to their condition before being so excavated.

¶ 20. **Streets restored—expense of.**] Paragraph 2. As to streets in this section mentioned, which are already paved or provided with sidewalks, such paving and sidewalks shall be restored with the present material, when the same is in good condition, by said railroad

company or companies at their own expense, in such portions of said streets as are required to be constructed by said company or companies, except that said railway company or companies are not required to restore any part of the paving of approaches or subways, which it will be the duty of any street railway company, or other corporation, itself to restore under existing laws or ordinances.

¶ 21. **Pave roadway in subways.**] Paragraph 3. Said company or companies shall pave the entire length and width of the roadway in such portions of the subways as are required to be constructed by said company or companies, as is mentioned in this ordinance, except that such company or companies shall not be required to pave any part of the subways to be occupied by, or adjacent to street railway tracks, which by reason of existing laws or ordinances it will be the duty of any street railway company or other corporation itself to pave.

¶ 22. **Grade of street changed, how—expense.**] Paragraph 4. Any street railway company occupying any of the streets in the city of Chicago crossed by said elevated railway of either of said companies, shall, when and as the grade of such street shall be changed, as in this ordinance provided, at its own expense, without claim for damages, conform the grade of its track or tracks to the said change of grade of said streets, and nothing in this ordinance shall operate or be held to relieve such street railway companies from any liability now existing, however created, to pave or bear the expense of paving such streets between or on either side of the rails of its said tracks, in the manner and form as now required.

¶ 23. **Elevated tracks—subways—street contiguous.**] Paragraph 5. Whenever the elevated tracks and roadbed, constructed under and in accordance with the provisions of this ordinance, shall pass over any street, alley, avenue or public way, at which, according to the terms of this ordinance, a subway is required to be constructed by said railway company or companies, which street, alley, avenue or public way shall not already be paved or provided with sidewalks at the time of such construction, and for which pavement or sidewalks no ordinance shall have been passed by the city council of the city of Chicago, then and in that case the paving of such subway shall be delayed until the improvement of the portions of the street contiguous shall be ordered by the city council and the contract therefor shall be let. Thereupon, on notice from the commissioner of public works, said company or companies shall proceed at once with the work of paving, or with the construction of sidewalks, in accordance with the provisions of section 8, and paragraphs 1 to 4, inclusive, of this ordinance. Should any company, after such notice, fail or neglect so to proceed with its work, the commissioner of public works of the city of Chicago shall have and is hereby given the right, power and author-

ity to take charge of and cause such work to be done, and the expense thereof shall thereupon be paid by such delinquent company.

¶ 24. **Damages to adjacent property—city to pay.**] Paragraph 6. Nothing in this ordinance contained shall be so construed as to require the said railway companies, or either of them, to assume, or pay, any incidental or consequential damages to adjacent property or business caused by the passage and enforcement of this ordinance, or by the excavation, depression or change of grade made in any of the public avenues, streets or alleys, or to defend any suit or suits which may be brought against any party or parties for the recovery of any such damages, but it is understood, and the city of Chicago hereby agrees, that all such damages, if there are any, shall be adjusted and paid by the city of Chicago, and said city will assume the defense of any and all suits brought for the recovery of the same, intervening therein if necessary, for such purpose, and will wholly relieve said railway companies from defending the same, and will assume and pay all judgments recovered therein. The above stipulations in this paragraph are, however, upon the condition precedent that, in case any suit be brought against any of the said companies, said company will, before the last day to plead therein, give notice in writing of such suit and of such service to the mayor and the corporation counsel of said city for the purpose of enabling such defense to be made by the city.

¶ 25. **Work, how done—approval of commissioner of public works.**] § 9. All the work hereinbefore in this ordinance required to be done by said company or companies, upon or in connection with the public avenues and streets of the city shall be done and performed under the superintendence and subject to the inspection and approval of the commissioner of public works of said city. At least ten (10) days prior to the commencement of any part of such work the plans and specifications therefor shall be submitted to said commissioner of public works for his examination, and if found to be in accordance with the provisions of this ordinance in so far as this ordinance contain specific provisions, and in the absence of such specific provisions, if they shall be satisfactory to the commissioner of public works in regard to matters and details which by this ordinance are left to his discretion and judgment, such plans shall be approved by him, and after such approval all of the work outlined and included therein shall be constructed in strict conformity therewith.

¶ 26. **Permission and authority — temporary structures.**] § 10. Permission and authority are hereby given to said companies, whenever the same shall be necessary in the prosecution of the work which they are herein authorized or required to perform, to obstruct, temporarily, any public street, avenue or alley to such an extent and for such length of time as may be approved by the commissioner of public works, and they are also hereby authorized, whenever the

same shall become necessary, to erect and maintain temporary structures and false work in any of said streets and avenues during the construction of their said elevated railway tracks, subject to the like approval of said commissioner of public works.

¶ 27. **When tracks elevated–speed of trains–length of trains.**] § 11. When the said railroads, in section 1 of this ordinance mentioned, shall have elevated their respective tracks in accordance with this ordinance, so that the same shall be ready for use, then and thereupon all provisions of the ordinances of the city of Chicago relating to the speed of railway trains, the length of trains, the number of cars to constitute a train, and the maintenance of gates, flagmen, watchmen, signals and signal towers, shall cease to be applicable to said railroad; provided, however, that this ordinance is not to be construed as a waiver or surrender by the city of Chicago of any of its police powers or of the right at any time hereafter to pass necessary and reasonable police ordinances in relation to the matters last above enumerated. After such elevation it shall be unlawful for any person or persons, save employes of said companies, or either of them, in the discharge of their duties, to enter or be upon or to walk along or across the said elevated structure or roadway at any place. If any person shall wilfully trespass upon said elevated roadway, such person and all others aiding, abetting or assisting therein shall be liable to a fine of not less than five dollars nor more than one hundred dollars for each and every offense.

¶ 28. **Approval of plans and specifications of proposed work.**] § 12. Said railway company or companies mentioned in this ordinance shall, at least ten (10) days prior to the commencement of any part or parts of said work, submit to the commissioner of public works for his approval, complete plans and specifications of said part or parts of said proposed work, for the purpose of ascertaining whether the same are in strict compliance with the provisions of this ordinance; and after approval of all such plans and specifications by the commissioner of public works, all of said work shall be constructed in strict accordance therewith, and to the entire satisfaction of said commissioner of public works, and not otherwise, except as herein otherwise provided.

¶ 29. **Elevation of tracks—when to begin, delay of work—city's position.**] § 13. The railway companies mentioned in section 1 of this ordinance, and which are required to elevate their tracks, shall commence the work of such elevation on or before the first day of May, 1898; provided, this ordinance shall have been accepted by the said railway companies hereby required to elevate their tracks, and after such work has been commenced the same shall be prosecuted continuously and with all practicable diligence, and shall be fully and finally completed within two years from said May 1, 1898, unless prevented by strikes or riots or restrained by injunction or other

order or process of a court of competent jurisdiction; the time during which said railway companies shall be so prevented, as aforesaid, shall be added to the time hereby limited for the completion of said work; provided, said railway companies give notice to the corporation counsel of the city of Chicago of the institution of said legal proceedings. The city of Chicago shall thereupon have the right to intervene in any suit or proceeding brought by any person or persons seeking to enjoin or restrain, or in any manner interfere with the prosecution of said work, and move for a dissolution of such injunction and restraining order, and for any other proper order in such suit.

And it is further distinctly understood and agreed that if said railway companies or either of them shall be delayed in the prosecution of the said work required to be done under the provisions of this ordinance, by reason of the obstruction of pipes, conduits, wires or other property of private corporations or individuals, as mentioned in section 5 of this ordinance, or by reason of any delay on the part of the city of Chicago, or of any of its officers in performing the duties imposed upon the city and its officers by this ordinance in respect to the work herein required to be done by said railway companies respectively, then and in that case the time which said railway companies or either of them shall be so delayed, shall be added to the two years from May 1st, 1898, during which said companies are required by the terms of this ordinance to complete said work.

¶ 30. **Time for completion of work—authority of commissioner of public works.**] § 14. Each of the companies required by this ordinance to elevate its tracks shall do its portion of the work in accordance with the terms hereof, in apt and proper time, so as not to interfere with the proper and orderly prosecution of such work as a whole. Should either of the companies mentioned in section 1 of this ordinance fail or neglect so to prosecute its work, the commissioner of public works of the city of Chicago shall have and is hereby given the right, power and authority to give ten days' notice in writing to said delinquent company to prosecute its work. If such company shall fail or neglect to comply with said notice, the commissioner of public works may take charge of and cause such work to be done, and the expense thereof shall thereupon be paid by such delinquent company.

¶ 31. **Time of railway company in which to dedicate ground for public streets.**] § 15. The Chicago, Milwaukee and St. Paul Railway Company shall, within six months after the passage of this ordinance, procure and dedicate for purposes of public streets, strips or pieces of ground located along and parallel with the right of way line of said railway company, described as follows, namely:

A triangular piece of ground off of the southwest corner of lot seventy-one (71), in McElroy's subdivision of the west half (W.½) of the southwest quarter (S. W. ¼) of section one (1), township thirty-

nine (39), north, range 13, east of the third principal meridian; said piece to be of sufficient width so as to provide for a thirty-three (33) foot street immediately northeast of the right of way line of the Chicago, Milwaukee and St. Paul Railway Company, and extending from the center line of Albany avenue in a southeasterly direction to the north line of West Chicago avenue.

A triangular piece of ground off of the southwest portion of lots forty-eight (48) and forty-nine (49), in S. E. Gross' fourth (4th) addition to Chicago, in lot seven (7) in Superior Court partition of the east half (E. ½) of the southeast quarter (S. E. ¼) of section two (2), township thirty-nine (39) north, range 13, east of the third principal meridian; said piece to be of sufficient width so as to provide for a forty (40) foot street adjoining and immediately northeast of the east right of way line of the Chicago, Milwaukee and St. Paul Railway Company, said piece of land bounded as follows: Beginning at the southwest corner of lot forty-nine (49), thence northerly thirty (30) feet along the east line of Homan avenue to a point; thence southeasterly to the southeast corner of lot forty-eight (48); thence northwesterly along the north line of Grand avenue to the place of beginning.

A strip of ground sixty-six (66) feet wide adjoining and immediately southwest of the west right of way line of the Chicago, Milwaukee and St. Paul Railway Company, and extending from the center of Homan avenue northwesterly to the south line of Grand avenue, all in lot one (1) of the east half (E. ½) of section two (2), township thirty-nine (39) north, range thirteen (13), east of the third principal meridian.

A triangular piece of land off of the southwest corner of block nine (9), embracing so much and such parts of lots twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29) and thirty (30) as shall be necessary to provide for a sixty-six foot street parallel to the east right of way line of said Chicago, Milwaukee and St. Paul Railway Company, and extending from the east line of Tinkham street southeasterly to the north line of Hirsch street, all in Beebe's subdivision of the east half (E. ½) of the northwest quarter (N. W. ¼) of section two (2), township thirty-nine (39) north, range thirteen (13), east of the third principal meridian, except five acres in the northeast corner thereof.

A triangular piece of ground off of the northeast corner of block eleven (11), embracing so much and such parts of lots one (1), two (2), three (3), four (4) and five (5) as shall be necessary to provide for a sixty-six (66) foot street parallel to the west line of the right of way of the Chicago, Milwaukee and St. Paul Railway Company, and extending from the south line of Hirsch street southeasterly to the west line of Tinkham street, all in Beebe's subdivision of the east half (E. ½) of the northwest quarter (N. W. ¼) of section two (2), township thirty-

nine (39) north, range thirteen (13), east of the third principal meridian, except five acres in the northeast corner thereof.

A triangular piece of ground off of the southwest corner of block three (3), and embracing so much and such parts of lots thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18) and nineteen (19) as shall be necessary to provide for a sixty-six (66) foot street parallel to the east right of way line of the Chicago, Milwaukee and St. Paul Railway Company, and extending from the east line of Lawndale avenue southeasterly to the north line of Le Moyne street, all in Beebe's subdivision of the east half (E. ½) of the northwest quarter (N. W. ¼) of section two (2), township thirty-nine (39) north, range thirteen (13), east of the third principal meridian, except five acres in the northeast corner thereof.

A triangular piece of ground off of the northeast corner block seven (7), and embracing so much and such parts of lots one (1), two (2), three (3), four (4) and five (5) as shall be necessary to provide for a sixty-six (66) foot street parallel to the west right of way line of said Chicago, Milwaukee and St. Paul Railway Company, and extending from the south line of Le Moyne street southeasterly to the west line of Lawndale avenue, all in Beebe's subdivision of the east half (E. ½) of the northwest quarter (N. W. ¼) of section two (2), township thirty-nine (39) north, range thirteen (13), except five acres in the northeast corner thereof.

A triangular piece of ground off of the northeast corner of lot ten (10), block two (2), as shall be necessary to provide for a sixty-six (66) foot street, parallel to the west right of way line of said Chicago, Milwaukee and St. Paul Railway Company, and extending from the south line of Armitage avenue southwesterly to the west line of Springfield avenue, all in Robert F. Summers' subdivision of the west half (W. ½) of the northwest quarter (N. W. ¼) of the southwest quarter (S. W. ¼) of section thirty-five (35), township forty (40) north, range thirteen (13).

A triangular piece of land off of the southwest corner of block seven (7), embracing so much and such parts of lots twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29), thirty (30), thirty-one (31), thirty-two (32), thirty-three (33) and thirty-four (34) as shall be necessary to provide for a sixty-six (66) foot street parallel to the east right of way line of said Chicago, Milwaukee and St. Paul Railway Company, and extending from the east line of Springfield avenue southeasterly to the north line of Armitage avenue, all in Grant & Keeney's addition to Pennock, being a subdivision of the east half (E. ½) of the west half (W. ½) of the northwest quarter (N. W. ¼) of section thirty-five (35), township forty (40) north, range thirteen (13).

A triangular piece of ground off of the northeast corner of block fifty-one (51), embracing so much and such parts of lots one (1), two

(2), three (3) four (4), five (5), six (6), seven (7), eight (8), nine (9) and ten (10) as shall be necessary to provide for a sixty-six (66) foot street parallel to the west right of way line of said Chicago, Milwaukee and St. Paul Railway Company, including the twenty (20) foot strip now dedicated for a public street, and extending from the south line of Belden avenue southeasterly to the west line of North Fortieth avenue, all in Keeney's addition to Pennock, of the east half (E. ½) of the northeast quarter (N. E. ¼) of section thirty-four (34), township forty (40) north, range thirteen (13).

A triangular piece of land sufficient to provide for a sixty-six (66) foot street parallel to the east right of way line of said Chicago, Milwaukee and St. Paul Railway Company, and extending from the east line of North Fortieth avenue southeasterly to the north line of Belden avenue extended, all in the north half (N. ½) of the west half (W. ½) of the northwest quarter (N. W. ¼) of section thirty-five (35), township forty (40) north, range thirteen (13).

In case said Chicago, Milwaukee and St. Paul Railway Company shall be unable to purchase said property, or any part thereof described in this section, at a price deemed by said railway company to be reasonable, then the same shall be condemned by the city of Chicago for street purposes, and the compensation and damages awarded in such proceedings, including court costs and all other expenses of litigation that may be incurred in such condemnation proceedings, shall be paid by said Chicago, Milwaukee and St. Paul Railway Company, and said Chicago, Milwaukee and St. Paul Railway Company shall have the right to take part in said condemnation proceedings in behalf of the city by counsel specially employed by it, and shall have the right to have all witnesses that it may name called to testify in said condemnation proceedings.

¶ 32. **Right of city to cross railway property—subways only—city to pay expense of same.**] § 16. In consideration of the acceptance of this ordinance by the Chicago, Milwaukee and St. Paul Railway Company, it is hereby agreed that if the city of Chicago shall at any time hereafter open and extend any street or streets, avenue, alley or public way, across the right of way and lands of said company, such crossing shall be made by subway only and no claim for compensation on account of land taken for right of way of such street or streets, avenue or alley or public way, will be made by said railway company, and such waiver of compensation shall attach to and run with such land in the hands of any grantee or grantees of such railway company, but the sole cost and expense of the construction of such subway or subways and of such bridge or bridges as may be necessary to carry all the tracks on said company's lands and right of way, and over such highways shall be borne and paid by the city of Chicago without expense to said railway company mentioned in this ordinance, and in no case shall any such bridge or

bridges or such subway or subways so to be built be inferior in any respect to the bridges and subways to be built by the railway company across the streets provided for in this ordinance. Such bridges shall conform to the general plan of the bridges provided for in this ordinance, except as to such changes in the details thereof as may be agreed upon by the city engineer of the city of Chicago and the chief engineer of said railway company; but in all other respects such crossing shall be constructed in accordance with the provisions thereof in respect to the streets named in this ordinance. The work of such construction shall be done by the railway company, and the amount to be paid by the city for such work and construction shall not exceed the actual and reasonable cost thereof. Said bridges respectively, shall support all the tracks of said company then existing and in use across the lines of the proposed street or streets at the time of the construction of such subway across such right of way of said company; but said railway company shall not be required to do any work toward the construction of any such subway or subways until the cost thereof, as may be estimated by the city engineer and chief engineer of said railway company, shall have been first paid over to said railway company, or deposited in some responsible bank for its benefit, and to be paid over to it at once upon the completion of said work.

¶ 33. **When in force.**] § 17. This ordinance shall take effect from and after its passage, approval and publication; provided, however, this ordinance shall be null and void unless said Chicago and Northwestern Railway Company, and the Chicago, Milwaukee and St. Paul Railway Company shall, through their authorized officers, file with the mayor of the city of Chicago, within thirty days from the passage and approval by the mayor, of this ordinance, agreement or agreements duly executed, whereby said railway companies shall undertake to do and perform all the matters and things required of them respectively by this ordinance. After the filing of said agreement or agreements by said companies, and not before, this ordinance shall not be materially modified or amended without the consent of either company effected by any proposed modification, unless said company or companies shall be in default in the performance of the several matters and things required by this ordinance and undertaken to be done by such agreement.

§ 923. Chicago and Northwestern Railway Company and Chicago, Milwaukee and St. Paul Railway Company

¶ 1. Plane of roadbeds and tracks changed.
¶ 2. Elevation when to begin and end—height.
¶ 3. Extension of elevation—height.
¶ 4. Extent of elevated roadbed and tracks—height.
¶ 5. Location of tracks changed how—mutual agreement.
¶ 6. Authority to elevate tracks.
¶ 7. Elevation—top rail.
¶ 8. Embankment—material from subways.
¶ 9. Authority to elevate roadbeds and tracks.
¶ 10. Elevate tracks—subways—materials—storm water—bridges.
¶ 11. Subways constructed where.
¶ 12. Subways—size.
¶ 13. Subways—grade crossing constructed by whom.
¶ 14. Subways must comply with schedule—depression of streets.
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¶ 17. Excavation—subways to be restored.
¶ 18. Grades of streets—subways—changes how made—former ordinances repealed.
¶ 19. Drainage of subways—receiving basins—sewers.
¶ 20. Subways to conform to structural requirements.
¶ 21. Streets to be restored—expense.
¶ 22. Roadway to be paved by Railway Company.
¶ 23. Change of grade of street—damages.
¶ 24. Damages to adjacent property—change of grade.
¶ 25. Work subject to approval of Commissioner of Public Works.
¶ 26. Authority to obstruct—temporary structures.
¶ 27. Elevated or depressed tracks when completed—speed of trains—length of same.
¶ 28. Plans and specifications of proposed work to be approved by Commissioner of Public Works.
¶ 29. Works to begin when—time for completion of work.
¶ 30. Time in which to elevate tracks—power of Commissioner of Public Works to do work.
¶ 31. Ordinance to take effect when.

An ordinance requiring the Chicago & Northwestern Railway Company and the Chicago, Milwaukee & St. Paul Railway Company, respectively, to change the plane of certain of their roadbeds and railway tracks within the city of Chicago. (Passed December 2, 1897; amended December 6, 1897; amended December 29, 1897; accepted January 10, 1898.)

¶ 1. Plane of roadbeds and tracks changed.] Be it ordained by the city council of the city of Chicago: § 1. That the Northwestern Railway Company where said tracks are intersected and May street, Elston avenue, North Centre avenue, Augusta street, within certain limits of the city of Chicago in manner and upon the conditions hereinafter specified, that is to say:

¶ 2. Elevation—where to begin and end — height.] Paragraph 1. Beginning at the most desirable point on the existing tracks of the Chicago and Northwestern Railway Company, about on the south line of West Chicago avenue, which point is underneath the Chicago avenue and North Halsted street viaduct. From said

initial point said roadbed and tracks shall rise on a gradient of about 0.5 per centum for a distance of about 2,300 feet to a point about on the east line of May street, where an elevation of not less than 20.8 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a northerly and westerly direction on a a slightly ascending gradient for a distance of about 5,340 feet to a point about on the south line of North avenue, where an elevation of not less than 21.0 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a northerly and westerly direction on a descending gradient of about .05 per centum for a distance of about 1,500 feet to a point about 10 feet south of the south rail of the most southerly track of the Chicago, Milwaukee and St. Paul Railway, where an elevation of not less than 20.2 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a northerly and westerly direction on a substantially level gradient to a point about 10 feet north of the north rail of the most northerly track of the Chicago, Milwaukee and St. Paul Railway Company; and crossing in said last mentioned course at grade the proposed elevated roadbed and tracks of the Chicago, Milwaukee and St. Paul Railway, as hereinafter described in section 1, paragraph 3; thence said elevated roadbed and tracks of the said Chicago and Northwestern Railway shall continue in a northerly direction and on an ascending gradient of about .08 per centum for a distance of about 660 feet to a point about on the south line of Clybourne place, where an elevation of not less than 20.7 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a northerly and westerly direction and on a level gradient for a distance of about 1,260 feet to a point about on the north line of Elston avenue, where an elevation of not less than 20.7 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a northerly direction and on an ascending gradient of about .18 per centum for a distance of about 1,100 feet to a point about on the south line of the North branch of the Chicago river, where an elevation of not less than 22.7 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a northerly direction on a level gradient for a distance of about 500 feet to a point about 10 feet north of the north rail of the most northerly track of the Chicago, Milwaukee and St. Paul Railway, where an elevation of not less than 22.7 feet above city datum shall be attained, and said last mentioned course to cross above and over the proposed depressed tracks of the Chicago, Milwaukee and St. Paul Railway Company; thence said elevated roadbed and tracks shall continue in a northerly direction and on a descending gradient of about .32 per centum for a distance of about 630 feet to a point about on the south line of Fullerton avenue, where an elevation of not less than 20.7 feet above city datum shall be attained; thence said elevated

roadbed and tracks shall continue in a northerly direction and on a level gradient for a distance of about 2,700 feet to a connection with the present elevated roadbed and tracks at the south line of Diversey avenue, in accordance with the provisions of the ordinance passed March 30, 1896, for the elevation of the roadbed and tracks of the Milwaukee division of the Chicago and Northwestern Railway Company.

¶ 3. **Extension of elevation—height.**] Paragraph 2. From a point about on the center line of Clybourn place and on the proposed elevated roadbed and tracks of the said Chicago and Northwestern Railway Company, the roadbed and tracks of the Wisconsin division shall be elevated and diverge to the northwest from said elevated roadbed and tracks, and said elevated roadbed and tracks of the Wisconsin division of said railway company shall continue in a westerly and northerly direction and on an ascending gradient of about .05 per centum for a distance of about 1,960 feet to a point about on the east line of Wood street, where an elevation of not less than 21.4 feet above city datum shall be attained, there to connect with the roadbed and tracks to be elevated, in compliance with the ordinance passed by the city council March 30, 1896, and accepted by the legal officers of said Chicago and Northwestern Railway Company, for the elevation of the roadbed and tracks of the Wisconsin division of the Chicago and Northwestern Railway Company.

¶ 4. **Extent of elevated roadbed and tracks—height.**] Paragraph 3. From the most desirable point east of Elston avenue on the existing tracks of the Council Bluffs division of the Chicago, Milwaukee and St. Paul Railway Company, the tracks of said railway company shall rise on the most suitable gradient convenient and practicable to said railway company to a point about on the east line of Elston avenue, where an elevation of not less than 18.5 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a westerly direction on an ascending gradient of about 0.5 per centum for a distance of about 340 feet to the easterly boundary line of the right of way of the Chicago and Northwestern Railway; thence said elevated roadbed and tracks shall continue in a westerly direction on a level grade to the westerly boundary line of the right of way of the Chicago and Northwestern Railway, and crossing in said last mentioned course at grade the proposed elevated roadbed and tracks of said Chicago and Northwestern Railway Company, as hereinbefore mentioned in section 1, paragraph 1; thence said elevated roadbed and tracks shall continue in a westerly direction on an ascending gradient of about .13 per centum for a distance of about 370 feet to a point about on the west line of Ashland avenue, where an elevation of not less than 20.7 feet above city datum shall be attained, thence said elevated roadbed and tracks shall continue in a westerly direction and shall descend on the most suitable gradient convenient

and practicable to said railway company to a connection with their present roadbed and tracks west of Ashland avenue. The railroad of the Chicago, Milwaukee and St. Paul Railway Company, where it crosses the right of way of the Chicago and Northwestern Railway Company, about 250 feet north of the north branch of the Chicago river, shall be depressed to the level of 5.2 feet above city datum, measured from the top of the rail, and shall cross on that level said right of way of the Chicago and Northwestern Railway Company.

¶ 5. **Location of tracks, changed how—mutual agreement.**] Paragraph 4. Nothing in this ordinance shall present the various companies owning their tracks mentioned herein from changing the location of said tracks by the mutual agreement of those interested, as they may deem necessary, provided that no change of location shall be made that will prevent the separation of the grades of said tracks as contemplated in this ordinance.

The railway companies named in this ordinance are hereby authorized to make such changes in the position and alignment of their respective main and side tracks and switch connections as may be desirable in order to carry out the provisions of this ordinance.

¶ 6. **Authority to elevate tracks.**] Paragraph 5. Permission and authority are hereby granted to the Chicago, Milwaukee and St. Paul Railway Company to elevate its tracks leading to its yard, lying south of the Bloomingdale road and immediately east of and adjoining the right of way of the Chicago and Northwestern Railway and extending over and across Wabansia avenue, and to make such changes in the location and elevation of their tracks as said company may deem necessary to carry out the provisions of this ordinance.

¶ 7. **Elevation — top rail.**] Paragraph 6. All elevation of railroad tracks mentioned in this ordinance shall refer to the top of the rail.

¶ 8. **Embankment—material from subways.**] § 2. The embankment or embankments on which said elevated roadbed shall be constructed within the aforesaid limits shall be composed of sand, clay, gravel, loam, broken stone, or whatever else may compose the surplus material excavated from the subways and from the foundation pits and trenches along the line of said work; the side slopes and lateral dimensions of said embankments will be fixed and determined by the natural angle of repose of the materials of which said embankments may be constructed, but whenever it may become necessary for the purpose of keeping said embankments entirely within the lines of the right of way of said company, such proportions of said embankments at all such points shall be kept within said right of way lines by, or they shall be confined between retaining walls of stone or brick masonry or concrete, or other suitable material satisfactory to the commissioner of public works; provided, however, that whenever said retaining walls are of insufficient height to properly protect said right

of way, and to prevent trespassing thereon, then said retaining walls as aforesaid, shall be surmounted with a suitable fence or railing, but wherever said retaining walls are not used at all the right of way of said company shall be fenced in, or otherwise properly enclosed in compliance with the present ordinances of the city of Chicago relating to the fencing of railroad tracks.

¶ 9. **Authority to elevate roadbeds and tracks.**] § 2a. To enable the Chicago and Northwestern Railway Company to prosecute the work of the elevation of their roadbeds and tracks, in accordance with the provisions of this ordinance, permission and authority is hereby granted to the Chicago, Milwaukee and St. Paul Railway Company to elevate its roadbed and tracks, lying east and west of the crossing of said Chicago and Northwestern Railway upon an open trestle work structure; but the abutments of the subways at the intersection of Elston avenue and North Ashland avenue shall be constructed of stone, in accordance with the provisions described in section 4a of this ordinance; and neither the passage of this ordinance, the incurring of any expense, nor the doing of any work thereunder by the Chicago, Milwaukee and St. Paul Railway Company shall ever be construed in any manner whatever to estop or prevent the city of Chicago from hereafter passing an ordinance for the elevation of the roadbeds and tracks beyond the points mentioned in this ordinance.

¶ 10. **Elevated tracks—subways—materials—storm water—bridges, supported how.**] § 3. The said elevated tracks shall be carried across all intersecting streets, avenues and alleys, which by the terms of this ordinance are to be provided with subways, on suitable bridges of one, two, or three spans, whose superstructure shall consist of iron or steel main girders, with iron or steel main floor or ordinary track stringers; but should the latter method be adopted, some suitable device shall be provided to prevent storm water, dirt, oil and other substances from dropping from such elevated structure upon the subways beneath.

The said bridges shall be supported on abutments of concrete, stone or brick masonry, as indicated in the schedule of subways, or on rows of iron or steel columns, braced together laterally and erected on and anchored to masonry foundations, constructed within the lines of the railroad right of way and in the center and curb lines of the intersecting avenues and streets.

¶ 11. **Subways, constructed where.**] § 4. Paragraph 1. Subways shall be constructed beneath the tracks of the Chicago and Northwestern Railway Company where said tracks are intersected and crossed by North Sangamon street, North Carpenter street, North May street, Elston avenue, North Centre avenue, Augusta street, Wade street, West Division street, Sloan street, Bradley street, Ingraham street, Blackhawk street, the junction of Fox place, Blanche and

Noble streets, West North avenue, Wabansia avenue, Clybourn place, Armitage avenue, Elston avenue, Webster avenue, East Fullerton avenue, Clybourn avenue and Wrightwood avenue.

¶ 12. **Subways — size.**] Paragraph 2. As to the subways mentioned in section 4, paragraph 1, the subways at North Carpenter Street, North May street, North Centre avenue, Wade street, Sloan street, Ingraham street and Wrightwood avenue shall be constructed by said Chicago and Northwestern Railway Company as passageways, according to size and dimensions as provided in the schedule of subways, and referred to in section 4a of this ordinance.

¶ 13. **Subways — grade crossing, constructed by whom.**] Paragraph 3. Subways shall be constructed beneath the tracks of the Chicago, Milwaukee and St. Paul Railway Company where said tracks are intersected and crossed by Elston avenue, North Ashland avenue and north Marshfield avenue; and a grade crossing shall be constructed by the said Chicago, Milwaukee and St. Paul Railway Company on the declining grade where same crosses North Paulina street.

¶ 14. **Subways must comply with schedule—depression of street.**] § 4a. The several subways, passageways and street grade crossings, hereinbefore referred to in section 4 of this ordinance, and which shall be constructed with the elevation upon which such tracks are to be placed, shall, as to their size and dimensions, locations and other details, be in accordance with the following schedule:

Subway in North Sangamon street, under the Chicago and Northwestern Railway. (Street, 80 feet wide.)

The depression of street shall not exceed 5.8 feet below the present surface of tracks, making the elevation of the floor of subway not less than 4.0 feet above city datum. This level shall extend on the northeast 10 feet beyond the northeast portal of subway, and on the southwest 10 feet beyond the southwest portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the approaches into George street.

Width between walls of subway, 80 feet.

Width of roadway, 40 feet.

Width of sidewalks, 20 feet each.

Width of roadway and sidewalks in George street shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 11 feet.

Passageway in North Carpenter street, under the Chicago and Northwestern Railway. (Street, 66 feet wide.)

The depression of street shall not exceed 2.9 feet below the present surface of tracks, making the elevation of the floor of passageway not less than 7.4 feet above city datum. This level shall extend on the northeast 10 feet beyond the northeast portal of passageway, and on the southwest 10 feet beyond the southwest portal of passageway. From this level the approaches shall extend on a grade of not to exceed 5.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of passageway, 12 feet.

Width of roadway and sidewalks outside of passageway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same, outside of the passageway.

Clear headroom, 10 feet.

The permission and authority granted to the Chicago and Northwestern Railway Company to construct the above described passageway in North Carpenter street is with the distinct understanding that whenever said Carpenter street shall be extended to and across the north branch of the Chicago river and a bridge built across said river at said North Carpenter street, by the city of Chicago, then said railway company shall replace said passageway by a subway of the following dimensions, at the expense of said railway company:

Width between walls of subway, 66 feet.

Width of roadway, 38 feet in subway.

Width of sidewalks, 14 feet each in subway, but it is now agreed that the railway company has the right to construct one of the abutments of said passageway on either line of said street as they may select. In the event, however, of the construction hereafter of such subway in North Carpenter street, the levels and grades fixed by this ordinance for the roadbed and tracks of the railway company shall not be changed.

Passageway in North May street, under the Chicago and Northwestern Railway. (Street, 66 feet wide.)

The depression of street shall not exceed 3.1 feet below the present surface of tracks, making the elevation of the floor of subway not less than 7.3 feet above city datum. This level shall extend on the northeast 10 feet beyond the northeast portal of subway, and on the southwest 10 feet beyond the southwest portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the approach into George street.

Width between walls of passageway, 30 feet.

Width of roadway, 22 feet.

Width of sidewalks, 4 feet each in passageway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of same.

Clear head room, 12 feet.

Subway in Elston avenue, under the Chicago and Northwestern Railway. (Avenue, 70 feet wide.)

The depression of street shall not exceed 4.2 feet below the present surface of tracks, making the elevation of the floor of subway not less than 6.8 feet above city datum. This level shall extend on the northeast 10 feet beyond the northeast portal of subway, and on the southwest 10 feet beyond the southwest portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 70 feet.

Width of roadway, 42 feet in subway.

Width of sidewalks, 14 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12.5 feet.

Passageway in Center avenue, under the Chicago and Northwestern Railway. (Avenue, 66 feet wide.)

The depression of street shall not exceed 2.4 feet below the present surface of tracks, making the elevation of the floor of passageway not less than 8.3 feet above city datum. This level shall extend 10 feet beyond the northeast portal of passageway, and on the southwest 10 feet beyond the southwest portal of passageway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of passageway, 30 feet.

Width of roadway in passageway, 22 feet.

Width of sidewalks, 4 feet each in passageway.

Width of roadway and sidewalks outside of passageway will be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of same.

Clear head room, 11 feet.

Subway in Augusta street, under the Chicago and Northwestern Railway. (Street, 66 feet wide.)

The depression of street shall not exceed 2.3 feet below the present surface of tracks, making the elevation of the floor of subway not less than 8.3 feet above city datum. This level shall extend on the northeast 10 feet beyond the northeast portal of subway, and on the southwest 10 feet beyond the southwest portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100

feet to a connection with the present surface of street, including the approach of Will street into Augusta street.

Width between walls of subway, 66 feet.

Width of roadway, 42 feet in each subway.

Width of sidewalks, 12 feet in each subway.

Width of roadway and sidewalks outside of subways shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadways, and about one foot above the level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders, and one line of posts in the center of roadway.

Clear head room, 11 feet.

Passageway in Wade street, under the Chicago and Northwestern Railway. (Street, 66 feet wide.)

The depression of street shall not exceed .9 feet below the present surface of tracks, making the elevation of the floor of passageway not less than 9.4 feet above city datum. This level shall extend on the northeast 10 feet beyond the northeast portal of passageway, and on the southwest 10 feet beyond the southwest portal of passageway. From this level the approaches shall extend on a grade of not to exceed 5.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of passageway, 12 feet.

Width of roadway and sidewalks outside of passageway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of same, outside of passageway.

Clear head room, 10 feet.

Subway inWest Division street, under the Chicago and Northwestern Railway. (Street, 100 feet wide.)

The depression of street shall not exceed 3.4 feet below the present surface of tracks, making the elevation of the floor of subway not less than 6.9 feet above city datum. This level shall extend on the east 10 feet beyond the east portal of subway, and on the west 10 feet beyond the west portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with present surface of street.

Width between walls of subway, 100 feet.

Width of roadway, 50 feet

Width of sidewalks, 25 feet each

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of the same.

Two lines of posts may be placed in curb lines and inside thereof to support girders

Clear head room, 12.5 feet.

Passageway in Sloan street, under the Chicago and Northwestern Railway. (Street, 60 feet wide.)

The depression of street shall not exceed .7 feet below the present surface of tracks, making the elevation of the floor of passageway not less than 9.4 feet above city datum. This level shall extend on the east 10 feet beyond the east portal of passageway, and on the west 10 feet beyond the west portal of passageway. From this level the approaches shall extend on a grade of not to exceed 5.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of passageway, 12 feet.

Width of roadway and sidewalks, outside of passageway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of same, outside of passageway.

Clear head room, 10 feet.

Subway in Bradley street, under the Chicago and Northwestern Railway. (Street, 60 feet wide.)

The depression of street shall not exceed 2.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 7.4 feet above city datum. This level shall extend on the east 10 feet beyond the east portal of subway, and on the west 10 feet beyond the west portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 60 feet.

Width of roadway, 36 feet in subway.

Width of sidewalks, 12 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders

Clear head room, 12 feet.

Passageway in Ingraham street, under the Chicago and Northwestern Railway. (Street, 60 feet wide.)

The depression of street shall not exceed 0.5 feet below the present surface of tracks, making the elevation of the floor of passageway not less than 9.4 feet above city datum. This level shall extend on the east 10 feet beyond the east portal of subway, and on the west 10 feet beyond the west portal of passageway. From this level the approaches shall extend on a grade of not to exceed 5.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of passageway, 12 feet.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of the same, outside of passageway.

Clear head room, 10 feet.

Subway in Blackhawk street, under the Chicago and Northwestern Railway. (Street, 66 feet wide.)

The depression of street shall not exceed 2.2 feet below the present surface of tracks, making the elevation of the floor of subway not less than 7.4 feet above city datum. This level shall extend on the northeast 10 feet beyond the northeast portal of subway, and on the southwest 10 feet beyond the southwest portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 38 feet in subway.

Width of sidewalks, 14 feet each in subway.

Width of roadway and sidewalks outside of passageway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12 feet.

Junction subway in Noble street and Blanche street, and in Fox place, under the Chicago and Northwestern Railway. (Noble and Blanche streets, each 66 feet wide; Fox place, 50 feet wide.)

The depression of street shall not exceed 2.8 feet below the present surface of tracks, making the elevation of the floor of subways not less than 7.4 feet above city datum. This level shall extend on the northeast 10 feet beyond the northeast portal of subways, and on the southwest 10 feet beyond the southwest portal of subways. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of the three named streets.

Width of roadway, 38 feet in each subway in Blanche and Noble streets.

Width of roadway in Fox place shall be the same as it now exists.

Width of sidewalks, 14 feet each in subways in Blanche and Noble streets.

Width of sidewalks in Fox place shall be the same as they now exist.

Width of roadway and sidewalks outside of subways shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same

Two lines of posts may be placed in curb lines and inside thereof, to support girders, and one line of posts in the center of roadway.

Clear head room, 12 feet.

Subway in West North avenue, under the Chicago and Northwestern Railway. (Avenue, 66 feet wide.)

The depression of street shall not exceed 3.9 feet below the present surface of tracks, making the elevation of the floor of subway not less than 7.0 feet above city datum. This level shall extend on the northeast 10 feet beyond the northeast portal of subway, and on the southwest 10 feet beyond the southwest portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the approaches of the alley on the east and west side of tracks.

Width between walls of subway, 66 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 13 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12.5 feet.

Subway in Wabansia avenue, under the Chicago and Northwestern Railway. (Avenue, 66 feet wide.)

The depression of street shall not exceed 1.4 feet below the present surface of tracks, making the elevation of the floor of subway not less than 8.1 feet above city datum. This level shall extend on the northeast 10 feet beyond the northeast portal of subway, and on the southwest 10 feet beyond the southwest portal of subway. From this level the approaches shall extend on a grade of not to exceed 5.0 feet in 100 feet to a connection with the present surface of street, including the approach into Holt street.

Width between walls of subway, 33 feet.

Width of roadway, 25 feet.

Width of sidewalks, 4 feet each.

Width of roadway and sidewalks outside of subway and in Holt street shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 11 feet.

Subway in Clybourn place, under the Chicago and Northwestern Railway. (Place, 66 feet wide.)

The depression of street shall not exceed 3.9 feet below the present surface of tracks, making the elevation of the floor of subway not less than 6.6 feet above city datum. This level shall extend on the east 10 feet beyond the east portal of subway, and on the west 10 feet beyond the west portal of subway. From this level the approaches shall ex-

tend on a grade of not to exceed 3.5 feet feet in 100 feet to a connection with the present surface of street, including the approaches in Ashland avenue and Coventry street.

Width between walls of subway, 66 feet.

Width of roadway, 38 feet in subway.

Width of sidewalks, 14 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of same.

Three lines of posts may be placed in subway, one in each curb line of street and inside thereof, to support girders, and one line of posts in the center of roadway.

Clear head room, 12 feet.

Subway in Armitage avenue, under the Chicago and Northwestern Railway, Milwaukee and Wisconsin divisions. (Avenue, 66 feet wide.)

The depression of street shall not exceed 3.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 7.2 feet above city datum. This level shall extend on the east 10 feet beyond the east portal of subway, and on the southwest 10 feet beyond the southwest portal of subway of the Wisconsin division of said railway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the approaches of the alleys and streets between the head of the east and west approaches of subway.

Width between walls of subway, 66 feet.

Width of roadway, 38 feet in subway.

Width of sidewalks, 14 feet each in subway.

Width of roadway and sidewalks outside of subway, including all of the streets intersecting said approaches of subway, shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders on the Wisconsin division portion of subway.

Clear head room, 12 feet

Subway in Elston avenue (second crossing), under Chicago and Northwestern Railway. (Avenue, 66 feet wide.)

The depression of street shall not exceed 4.2 feet below the present surface of tracks, making the elevation of the floor of subway not less than 6.7 feet above city datum. This level shall extend on the east 10 feet beyond the east portal of subway, and on the west 10 feet beyond the west portal of subway. From this level the approaches shall ex-

tend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders, and one line of posts in the center of roadway.

Clear head room, 12.5 feet.

Subway in Webster avenue, under the Chicago and Northwestern Railway. (Avenue, 66 feet wide.)

The depression of street shall not exceed 2.9 feet below the present surface of tracks, making the elevation of the floor of subway not less than 8.7 feet above city datum. This level shall extend on the east 10 feet beyond the east portal of subway, and on the west 10 feet beyond the west portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 38 feet in subway

Width of sidewalks, 14 feet each in subway.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12 feet.

Subway in Fullerton avenue, under the Chicago and Northwestern Railway. (Avenue, 80 feet wide.)

The depression of street shall not exceed 4.2 feet below the present surface of tracks, making the elevation of the floor of subway not less than 6.7 feet above city datum. This level shall extend on the northeast 10 feet beyond the northeast portal of subway; and on the southwest 10 feet beyond the southwest portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the approaches of the streets, which are parallel with the east right of way line of said railway.

Width between walls of subway, 80 feet.

Width of roadway, 48 feet.

Width of sidewalks, 16 feet each.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 12.5 feet.

Subway in Clybourn avenue, under the Chicago and Northwestern Railway. (Avenue, 66 feet wide.)

The depression of streets shall not exceed 4.4 feet below the present surface of tracks, making the elevation of the floor of subway not less than 6.7 feet above city datum. This level shall extend on the northeast 10 feet beyond the northeast portal of subway, and on the southwest 10 feet beyond the southwest portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the approaches of the alleys and streets between the heads of the east and west approaches of subways.

Width between walls of subway, 66 feet.

Width of roadway, 42 feet in subway.

Width of sidewalks, 12 feet each in subway.

Width of roadway and sidewalks outside of subway, and including all of the streets and alleys intersecting said approaches of subway, shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders, and one line of posts in center of roadway.

Clear head room, 12.5 feet.

Subway in Wrightwood avenue, under the Chicago and Northwestern Railway. (Avenue, 66 feet wide.)

The depression of street shall not exceed 3.4 feet below the present surface of tracks, making the elevation of the floor of subway not less than 8.2 feet above city datum. This level shall extend on the east 10 feet beyond the east portal of subway, and on the west 10 feet beyond the west portal of subway. From this level the approaches shall extend on a grade of not to exceed 5.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 33 feet.

Width of roadway, 25 feet in subway.

Width of sidewalks, 4 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Two lines of posts may be placed in curb lines and inside thereof, to support girders.

Clear head room, 11 feet.

Subway in Elston avenue, under the Chicago, Milwaukee and St. Paul Railway. (Avenue, 66 feet wide.)

The depression of street shall not exceed 5.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 4.5 feet above city datum. This level shall extend on the south 10 feet beyond the south portal of subway, and on the north 10 feet beyond the north portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of same.

Clear head room, 12.5 feet.

Subway in North Ashland avenue, under the Chicago, Milwaukee and St. Paul Railway. (Avenue, 66 feet wide.)

The depression of street shall not exceed 3.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 6.7 feet above city datum. This level shall extend on the south 10 feet beyond the south portal of subway, and on the north 10 feet beyond the north portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of same.

Clear head room, 12.5 feet

Subway in North Marshfield avenue, under the Chicago, Milwaukee and St. Paul Railway. (Avenue, 66 feet wide.)

The depression of street shall not exceed 2.6 feet below the present surface of tracks, making the elevation of the floor of subway not less than 7.5 feet above city datum. This level shall extend on the south 10 feet beyond the south portal of subway, and on the north 10 feet beyond the north portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above level of same.

Clear head room, 12 feet.

Provided, however, that the said Chicago, Milwaukee and St. Paul Railway Company shall not be required to construct any part of this subway, or to provide any opening whatever of this street across or through its proposed embankment or structure as required by the terms of this ordinance, until such time as the city council of the city of Chicago shall have passed an ordinance for continuing the elevation of the roadbed and tracks of the said Chicago, Milwaukee and St. Paul Railway west from Ashland avenue, and such elevation shall be so continued, then, and in that case, a subway shall be constructed to conform with the dimensions and specifications given above.

¶ 15. **Grade of streets — approaches of subways.**] § 4b. The grade of all the streets that intersect the approaches to subways, as described in section 4a of this ordinance, shall be depressed so as to conform to the grade of the approaches into such subways.

¶ 16. **Retaining walls — where constructed and how.**] § 4c. If in any case it shall be found necessary to construct any retaining or side walls in connection with any approaches to subways, then such walls may be constructed within the limits of the street, alley or way upon which such approach is situated, and the abutments or side walls of the subway itself, reached by such approach, may be correspondingly advanced into the street so as to be in a continuous straight line with the approach wall; and in any such case the other details and dimensions of the subway, given in the attached schedule of subways, may be changed as far as necessary to accord with the location of retaining or side walls or abutments as aforesaid.

¶ 17. **Excavation—subways be to restored.**] § 5. All such excavations shall be made in the streets as may be required for the depression of such subways and the approaches thereto. But the depressed portion of the streets shall be restored to serviceable condition for the use of the public as soon as practicable, and all water pipes, conduits, sewers and other similar substructures belonging to the city that may be disturbed by such excavations or required to be moved or deflected from the position in which they are found shall be replaced or suitable expedients and arrangements shall be devised and provided to restore them as fully as may be to their former state of usefulness, but the gradients of the sewers shall not be reduced in any event. All such work shall be done by the respective railway companies, as indicated in section 4a, at their sole expense, and under the immediate supervision and to the satisfaction of the commissioner of public works of the city of Chicago.

¶ 18. **Grades of streets— subways — changes, how made— former ordinances repealed.**] § 6. The grades of all the streets and alleys in which any subways or approaches are to be built, in ac-

cordance with the provisions of this ordinance, or where streets shall be depressed in accordance with the provisions of this ordinance along the line of the several subways, or approaches, shall be and the same are hereby changed so as to conform to the grades of such subways or approaches as they shall be depressed and constructed pursuant to the provisions of this ordinance. All ordinances heretofore passed for opening streets across any portion of the right of way or yards of the Chicago and Northwestern Railway Company, or of the Chicago, Milwaukee and St. Paul Railway Company, where the tracks are required to be elevated as in this ordinance provided, are hereby repealed, except in those cases where the street ordered opened has already in fact been opened and traveled and has become a lawful and existing highway not hereby vacated, with the exception of Webster avenue, where a subway is to be built in accordance with the schedule of subways in this ordinance contained, and any and all portions of any streets, alleys or avenues now existing and crossing either of the lines of railway within the limits in this ordinance provided for, the elevation or depression of such company's roadbed are hereby discontinued and vacated within the limits of such company's right of way, except the parts of streets, alleys or avenues hereby required to be occupied by subways or passageways, or where this ordinance requires a grade crossing to be provided.

¶ 19. **Drainage of subways — receiving basins — sewers.**] § 7. Provision shall be made for the drainage of the several depressed subways provided for in this ordinance by the construction of receiving basins properly located in or immediately adjacent to said subways, which said receiving basins shall be connected with, and discharge their contents into the adjacent city sewers. In case the lowest point of the surface of any of said subways should be below the grade of the adjacent sewer, some other adequate means of drainage satisfactory to the commissioner of public works must be devised and provided by said railway companies at their expense.

¶ 20. **Subways to conform to structural requirements.**] § 8. Paragraph 1. The subways and the approaches thereto, so to be constructed by said companies in said streets and avenues aforesaid, shall all conform to the following structural requirements, viz.: The roadways shall be paved with a single course of vitrified brick of standard quality, laid at right angles with the curb lines and set upon a solid foundation of hydraulic cement concrete of not less than six (6) inches thick or deep when solidly tamped in place and otherwise finished and properly crowned ready for the brick wearing surface, between which and the concrete there shall be interposed a layer of screened sand not less than one-half inch thick. The curb shall be of sound hard limestone of standard dimensions and finish, and the sidewalks in subways shall be finished and paved with Portland cement concrete of standard quality and workmanship, and with the curbing

and roadway paving shall be made, finished and put in permanent place in accordance with the requirements of the department of public works of the city of Chicago. The approaches of subways shall be excavated to the grade established by this ordinance and shall be in all other respects restored as near as may be to their condition before being so excavated.

¶ 21. **Streets to be restored—expense.**] Paragraph 2. As to streets in this section mentioned, which are already paved or provided with sidewalks, such paving and sidewalks shall be restored with the present material, when the same is in good condition, by said railway company or companies, at their own expense, in such portions of said streets as are required to be constructed by said company or companies, except that said railway company or companies are not required to restore any part of the paving of approaches or subways, which will be the duty of any street railway company, or other corporation, itself to restore under existing laws or ordinances.

¶ 22. **Roadway to be paved by railway company.**] Paragraph 3. Said company or companies shall pave the entire length and width of the roadway in such portions of the subways as are required to be constructed by said company or companies, as is mentioned in this ordinance, except that such company or companies shall not be required to pave any part of the subways to be occupied by, or adjacent to street railway tracks, which by reason of existing laws or ordinances it will be the duty of any street railway company or other corporation itself to pave.

¶ 23. **Change of grade of street—damages.**] Paragraph 4. Any street railway company occupying any of the streets in the city of Chicago where the grade of such streets is changed, shall, when and as the grade as such street shall be changed, as in this ordinance provided, at its own expense, without claim for damages, conform the grade of its track or tracks to the said change of grade of said streets, and nothing in this ordinance shall operate or be held to relieve such street railway companies from any liability now existing, however created, to pave or bear the expense of paving such streets between or on either side of the rails of its said tracks, in the manner and form as now required.

¶ 24. **Damages to adjacent property—change of grade.**] Paragraph 5. Nothing in this ordinance contained shall be so construed as to require the said railway companies, or either of them, to assume any damages to adjacent property or business caused by change of grade of streets, avenues, alleys or the railway, or by the vacation of any street, alley, avenue or other public way, or by the performance by either railway company of the matters and things in this ordinance required of such railway, or to defend any suit or suits which may be brought against any party or parties for the recovery of any such damages, but it is understood that all such damages, if there are any, shall be adjusted and paid by the city of Chicago, and said city

will assume the defense of any and all suits brought for the recovery of the same, intervening therein if necessary, for such purpose, and will wholly relieve said railway companies from defending the same, and will assume and pay all judgments recovered therein. The above stipulations in this paragraph are, however, upon the condition precedent that, in case any suit be brought against any of the said companies, said company will, before the last day to plead therein, give notice in writing of such suit and of such service to the mayor and the corporation counsel of said city for the purpose of enabling such defense to be made by the city.

¶ 25. **Work subject to approval of commissioner of public works.**] § 9. All the work hereinbefore in this ordinance required to be done by said company or companies, upon or in connection with the public avenues and streets of the city shall be done and performed under the superintendence and subject to the inspection and approval of the commissioner of public works of said city. At least ten (10) days prior to the commencement of any part of such work the plans and specifications therefor shall be submitted to said commissioner of public works for his examination, and if found to be in accordance with the provisions of this ordinance in so far as this ordinance contains specific provisions, and in the absence of such specific provisions, if they shall be satisfactory to the commissioner of public works in regard to matters and details, which by this ordinance are left to his discretion and judgment, such plans shall be approved by him, and after such approval all of the work outlined and included therein shall be constructed in strict conformity therewith. Nothing in this ordinance contained shall impose any liability on either of said railway companies to the city of Chicago for the services to be performed by any officer or employe of said city in superintending the work required by this ordinance.

¶ 26. **Authority to obstruct—temporary structures.**] § 10. Permission and authority are hereby given to said companies, whenever the same shall be necessary in the prosecution of the work they are herein authorized or required to perform, to obstruct, temporarily, any public street, avenue or alley to such extent and for such length of time as may be approved by the commissioner of public works, and they are also hereby authorized, whenever the same shall become necessary, to erect and maintain temporary structures and false work in any of said streets and avenues during the construction of their said elevated railways, subject to the like approval of said commissioner of public works.

¶ 27. **Elevated or depressed tracks when completed—speed of trains—length of same.**] § 11. When the said several railways, in section 1 of this ordinance mentioned, shall have elevated or depressed their respective tracks in accordance with this ordinance, so that the same shall be ready for use, then and thereupon all provisions

of the ordinances of the city of Chicago relating to the speed of railway trains, the length of trains, the number of cars to constitute a train, the giving of signals upon such trains, and the maintenance of gates, flagmen, watchmen, signals and signal towers, shall cease to be applicable to said railroads; Provided, however, that the foregoing provisions of this section shall apply only to such portions of the tracks of said railroad companies as shall have been elevated pursuant to the terms of this ordinance, and provided, however, this ordinance is not to be construed as a waiver or surrender by the city of Chicago of any of its police powers or of the right at any time hereafter to pass necessary and reasonable police ordinances in relation to the matters last above enumerated. After such elevation it shall be unlawful for any person or persons, save employes of said companies, or either of them, in the discharge of their duties, to enter or be upon or to walk along or across the said elevated structure or roadway at any place. If any person shall wilfully trespass upon said elevated roadway, such person and all others aiding, abetting or assisting therein shall be liable to a fine of not less than five dollars nor more than one hundred dollars for each and every offense.

¶ 28. **Plans and specifications of proposed work to be approved by commissioner of public works.**] § 12. Said railway company or companies mentioned in this ordinance shall at least ten (10) days prior to the commencement of any part or parts of said work which is designated to be within the limits of, or abutting on, any street or avenue, submit to the commissioner of public works, for his approval, complete plans and specifications of said part or parts of said proposed work, for the purpose of ascertaining whether the same are in strict compliance with the provisions of this ordinance; and after approval of all such plans and specifications by the commissioner of public works, all of said work shall be constructed in strict accordance therewith, and to the entire satisfaction of said commissioner of public works, and not otherwise, except as herein otherwise provided.

¶ 29. **Work to begin when — time for completion of work.**] § 13. The said railway companies mentioned in section 1 of this ordinance, and who are required to elevate or depress their tracks shall commence the work of such elevation and depression on or before the first day of May, 1898; Provided, this ordinance shall have been accepted by the said railways hereby required to elevate or depress their tracks, such work shall be fully and finally completed within two years, unless prevented by strike, or restrained by injunction or other orders or process of a court of competent jurisdiction. The time during which said railway companies shall be prevented by strike or strikes or legal proceedings, as aforesaid, shall be added to the time hereby limited for the completion of said work, provided, said railway companies give notice to the corporation counsel of the city of Chicago, of the institution of such legal proceedings. The city of Chicago shall thereupon have the right to intervene in any suit or proceedings

brought by any person or persons seeking to enjoin or restrain, or in any manner interfere with the prosecution of said work, and move for a dissolution of such injunction and restraining order, and for any other proper order in such suit.

¶ 30. **Time in which to elevate tracks — power of commissioner of public works to do work.**] § 14. Each of the companies required by this ordinance to elevate its tracks shall do its portion of the work in accordance with the terms hereof, in apt and proper time, so as not to interfere with the proper and orderly prosecution of such work as a whole. Should either of the companies mentioned in section 1 of this ordinance fail or neglect so to prosecute its work the commissioner of public works of the city of Chicago shall have and is hereby given the right, power and authority to give ten days' notice in writing to said delinquent company to prosecute such work. If such company shall fail or neglect to comply with said notice, the commissioner of public works may take charge of and cause such work to be done, and the expense thereof shall thereupon be paid by such delinquent company. Any time during which either of said companies may be prevented by delay of the other of such companies from performing its part of the work under this ordinance, shall be added to the total time allowed to the company so delayed for the completion of its own work.

¶ 31. **Ordinance to take effect when.**] § 15. This ordinance shall take effect from and after its passage, approval and publication; Provided, however, this ordinance shall be null and void unless said Chicago and Northwestern Railway Company and the Chicago, Milwaukee and St. Paul Railway Company shall, through their authorized officers, file with the mayor of the city of Chicago, within thirty days from the passage and approval by the mayor of this ordinance, agreement or agreements duly executed whereby said railway companies shall undertake to do and perform all the matters and things required of them respectively by this ordinance. After the filing of said agreement or agreements by all of said companies and not before, this ordinance shall not be materially modified or amended without the consent of any company affected by any proposed modification, unless said company shall be in default in the performance of the several matters and things required by this ordinance and undertaken to be done by such agreement.

CHICAGO AND NORTHWESTERN RAILWAY COMPANY.

§ 924. Chicago and Northwestern Railway Company.

¶ 1. Amendment.
¶ 2. Original ordinance—acceptance.
¶ 3. When in force.

An ordinance amending an ordinance passed March 30th, 1896. (Passed June 13, 1898.

¶ 1. **Amendment.**] Be it ordained by the city council of the city

of Chicago: § 1. That an ordinance passed by the city council of the city of Chicago March 30, 1896, requiring the Chicago and Northwestern Railway Company to elevate the plane of its roadbed and tracks within the limits and in the form and manner and upon the terms and conditions in said ordinance set forth, be and the same is hereby amended, so that the schedule of subways, Wisconsin division, relating to subways in Irving Park boulevard, shall read as follows:

Subway in Irving Park boulevard. (East and west, 100 feet wide—askew.)

The depression of street shall not exceed 4.0 feet below the present grade of street, making the elevation of the floor of subway not less than 20.5 feet above city datum. This level shall extend on the east to the intersection of the north right of way line with the south curb line and on the west to the intersection with the south right of way line to the north curb line. From this level the east approach shall extend from the east right of way line to an intersection with the present surface of street, at the west curb line of North Forty-first court; and the west approach shall extend from the west right of way line to an intersection with the present surface of street, at the east curb line of North Forty-second avenue.

Width of roadway shall be 40 feet and width of sidewalks on each side 30 feet, and two lines of posts may be placed in said subway and at the curb lines and inside thereof, to support girders.

The depression of sidewalks shall be uniform with the roadway and about one foot above the level of the same.

Minimum clearance above roadway, 12.5 feet.

¶ 2. **Original ordinance—acceptance.**] § 2. Said original ordinance passed March 30th, 1896, and the acceptance thereof, heretofore filed by the Chicago and Northwestern Railway Company, shall be deemed, notwithstanding this amendment, to continue in full force and effect except to the extent of substituting the new measurements and specifications by this ordinance required for the old corresponding measurements and specifications contained in said original ordinance; and said original ordinance and the acceptance thereof shall continue effective in the same way as if said original ordinance had been passed and accepted in form as hereby amended.

¶ 3. **When in force.**] § 3. This ordinance shall take effect from and after its passage and approval; Provided, however, that this ordinance shall be null and void unless said Chicago and Northwestern Railway Company shall, through its authorized officers, file with the mayor of the city of Chicago within ten days from the passage of this ordinance, an instrument duly executed, whereby said railway company shall consent to the amendments made by this ordinance.

§ 925. Chicago and Northwestern Railway Company.

¶ 1. Amendment.
¶ 2. Subway in Sunnyside avenue 80 feet wide. (East and West.)
¶ 3. Subway in Wilson avenue 80 feet wide.
¶ 4. Subway in Leland avenue 80 feet wide. (East and West.)
¶ 5. Acceptance.
¶ 6. When in force.

An ordinance amending an ordinance passed March 30, 1896, relating to the elevation of the C. & N. W. Ry. Co's. tracks (subways at Sunnyside, Wilson and Leland avenues). (Passed May 3, 1897; substituted May 10, 1897. Passed May 10, 1897.)

¶ 1. **Amendment.**] Be it ordained by the city council of the city of Chicago: § 1. That an ordinance passed by the city council of the city of Chicago March 30th, 1896, requiring the Chicago and Northwestern Railroad Company to elevate the plane of its roadbeds and tracks within the limits and in the form and manner and upon the terms and conditions in said ordinance set forth, be and the same is hereby amended so that the schedule of subways, Milwaukee division, relating to the subways in Sunnyside avenue, Wilson avenue and Leland avenue shall read as follows:

¶ 2. **Subway in Sunnyside avenue, 80 feet wide (east and west).**] The depression of street shall not exceed 3.5 feet below the city grade of street, making the elevation of floor of subway not less than 17 feet above city datum. This level shall extend to the east and west right of way lines. From this level the approaches shall extend in Sunnyside avenue easterly to intersection with present surface of East Ravenswood Park at east street line, and westerly to intersection with present surface of West Ravenswood Park at west line; the approaches in East and West Ravenswood Park streets, parallel to right of way, will have a grade of not more than 4.5 feet in 100 feet at the right of way lines.

The width of streets and sidewalks shall be the same as now exist, and two lines of posts shall be placed in said subway at the curb lines and inside thereof to support girders.

The depression of sidewalks in subway proper will be uniform with and one foot above the center of roadway, but in the approaches in East and West Ravenswood Park the level of the sidewalks at property lines of residents will be the same as at present, except near right of way lines, where the curbstones will be depressed uniform with roadway

Minimum clearance above roadway. 11 feet.

¶ 3. **Subway in Wilson avenue, 80 feet wide.**] The depression of street shall not exceed 3 feet below the city grade of streets, making the elevation of floor of subway not less than 17 feet above city datum. This level shall extend to the east and west right of way lines. From this level the approaches shall extend in Wilson avenue easterly to intersection with the present surface of East Ravenswood Park at east street line, and westerly to in-

tersection with present surface of West Ravenswood Park; at west street line the approaches in East and West Ravenswood Park will have a grade of not more than 4.5 in 100 feet at the right of way lines.

The width of streets and sidewalks shall be the same as now exists, and two lines of posts shall be placed in said subway at the curb lines and inside thereof to support girders.

The depression of sidewalks in subway proper will be uniform with and one foot above the center of roadway, but in the approaches in the streets parallel to the right of way the level of the sidewalks at property lines of the residents will be the same as at present, except at right of way lines where the curbstones will be depressed uniform with roadway.

Minimum clearance above roadway, 11 feet

¶ 4. **Subway in Leland avenue, 80 feet wide (east and west).**] The depression of street shall not exceed 3 feet below city grade of street, making the elevation of floor of subway not less than 17 feet above city datum. This level shall extend to the east and west right of way lines. From this level the approaches shall extend in Leland avenue easterly to intersection with the present surface of East Ravenswood Park at east street line, and westerly to intersection with present surface of West Ravenswood Park at west street line.

The approaches in East and West Ravenswood Park will have a grade of not more than 4.5 feet in 100 feet at the right of way lines.

The width of streets and sidewalks within the limits of approaches shall be the same as now exist, but in the subway proper the roadway will be 40 feet wide, with 20-feet sidewalks on each side, and two lines of posts shall be placed in said subway at the curb lines, and inside thereof, to support girders.

The depression of sidewalks in subway proper will be uniform with and one foot above the center of roadway, but in approaches in streets parallel to the right of way the level of the sidewalks at property lines of residents will be the same as at present, except at right of way lines, where the curb stones will be depressed uniform with roadway

Minimum clearance above roadway, 11 feet

¶ 5. **Acceptance.**] § 2. Said original ordinance passed March 30, 1896, and the acceptance thereof heretofore filed by the Chicago and Northwestern Railway Company shall be deemed, notwithstanding this amendment, to continue in full force and effect except to the extent of substituting the new measurements and specifications by this ordinance required for the old corresponding measurements and specifications contained in said original ordinance: and said original ordinance and the acceptance thereof shall continue effective in the same way as if said original ordinance had been passed and accepted in form as hereby amended.

¶ 6. **When in force.**] § 3. This ordinance shall take effect from and after its passage and approval; provided, however, that this

ordinance shall be null and void unless said Chicago and Northwestern Railway Company shall, through its authorized officers, file with the mayor of the city of Chicago, within ten days from the passage of this ordinance, an instrument duly executed, whereby said railway company shall consent to the amendments made by this ordinance.

CHICAGO AND WESTERN INDIANA RAILROAD COMPANY.

§ 926. Chicago and Western Indiana Railroad Company.

¶ 1. Grant.
¶ 2. Provisions.
¶ 3. How constructed.
¶ 4. Openings to be left.
¶ 5. Protection of street.
¶ 6. Commissioner of Public Works to approve.
¶ 7. Subject to ordinance.
¶ 8. Streets vacated.
¶ 9. Repealing ordinances.
¶ 10. Company to keep in repair.
¶ 11. When in force.

An ordinance granting permission to the Chicago & Western Indiana Railroad Company to construct and maintain a double dirt embankment and viaduct upon West 46th street. (Passed April 6, 1898.)

¶ 1. Grant.] Be it ordained by the city council of the city of Chicago: § 1. Permission is hereby granted to the Chicago and Western Indiana Railroad Company to construct and maintain a double track dirt embankment and viaduct upon West 46th street in the city of Chicago, between Jackson street and Kinzie street, and from the north line of Kinzie street to the present grade of the Chicago and Western Indiana Railroad Company, in the place of the wooden trestle and viaduct which said railroad company has constructed and now maintains on said West 46th street between said points under and by virtue of the ordinances of the town of Cicero, adopted on the 25th day of August, 1883, and the 26th day of September, 1885, respectively, which said dirt embankment shall be constructed upon the grades and in conformity with the provisions following, to wit:

¶ 2. Provisions.] From the top of the rail of the present grade of tracks at the south end of said wooden trestle, at an elevation of 36 1-10 feet above city datum, on an ascending grade of one (1) foot in each one hundred (100) feet, to the south line of Madison street, where the top of the rails will have an elevation of forty-six (46) feet

above city datum; thence on a level grade to the north line of Lake street; thence on an ascending grade of one and one-tenth (1 1-10) feet per hundred (100) feet to the north line of Kinzie street, where the top of the rails will have an elevation of fifty and eight-tenths (50 8-10) feet above city datum; thence on a level grade one hundred and ten (110) feet to the north line of the right of way of the Chicago and Northwestern Railway Company; thence on a descending grade of one (1) foot in each one hundred (100) feet to the present grade of tracks south of Chicago avenue.

¶ 3. **How constructed.**] The said embankment and viaduct shall be constructed, beginning at the south end of the said wooden trestle work, which is situated 210 feet north of the north line of Jackson street, and extending thence north to the north end of the present wooden trestle at a point near the north line of Huron street, with side slopes of one and one-half horizontal to one vertical, and with steel structures over the following streets: Madison street, Washington street, Randolph street, Park avenue, Fulton street, Lake street and Kinzie street, and over the right of way of the Chicago and Northwestern Railway Company, resting upon steel columns placed in the line of curb upon solid stone masonry abutments placed at the north and south lines of each of said streets, so as to clear the street lines and leave headroom between the surface of the street and said structures at their lowest point of not less than fourteen (14) feet.

¶ 4. **Openings to be left.**] An opening of the full width of Monroe street shall be left in said embankment connecting Monroe street on the east side with the street provided for in this ordinance on the west side of said embankment; also an opening sixty-six (66) feet wide shall be left in said embankment connecting the present west end of Adams street with said proposed street on the west side of said embankment; an opening 33 feet wide shall be left in Wilcox avenue between the abutment walls; the roadway shall be 25 feet wide and the sidewalks on each side 4 feet wide in said opening. All of said openings shall be protected by stone abutments and steel structures, and the lower face of the track structure above such openings shall be thirty-seven (37) feet above city datum at Monroe street, and thirty-four and five-tenths (34.5) feet above city datum at Adams street, and thirty-six and five-tenths (36.5) at Wilcox avenue; and be it provided further, that when the tracks of said company are elevated the subway at Adams street shall be constructed the full width of street as laid out on the east side of said embankment and in the same manner as all other subways are constructed under this ordinance the full width of street and no further depression of same; and it is further hereby provided that said company shall construct plank crossings at Jackson street over their right of way.

¶ 5. **Protection to street.**] The track work over each of the said streets shall be carried on steel cross girders and track stringers.

A suitable metal sheathing shall be placed between the stringers if required to protect the surface of the street and the sidewalks beneath the structure.

¶ 6. **Commissioner of public works to approve.**] All of which work shall be constructed under the direction of and subject to the approval of the commissioner of public works of the city of Chicago.

¶ 7. **Subject to ordinance.**] The franchises and privileges hereby granted shall be subject to all the general ordinances of the city of Chicago now in force or hereafter to be passed affecting railways and their operations.

¶ 8. **Streets vacated.**] § 2. The following described streets and parts of streets and alleys and places, situated in the said city of Chicago, in the county of Cook and state of Illinois, are hereby vacated:

That part of Ontario street which lies to the east of the west line of lot two (2) in block one (1), produced north; that part of the sixteen (16) foot alley which lies between lots one (1) and two (2), and lots forty-nine (49) and fifty (50) in block one (1); and all those parts of Ohio street, of the sixteen (16) foot alley in block four (4), of Indiana street, of the sixteen (16) foot alley in block five (5), of Hubbard street, of the sixteen (16) foot alley in block eight (8) and of the forty (40) foot street adjoining block eight (8) on the south, which lie to the east of a straight line drawn from the southwest corner of lot fifty (50) in said block one (1) to a point in the north line of the right of way of the Chicago and Northwestern Railway Company, fifty-seven and five-tenths (57.5) feet west of the east line of the southwest quarter of the northwest quarter of section ten (10), all in the subdivision called Moreland, of the southwest quarter of the northwest quarter of section ten (10), township (39) north, range thirteen (13), east of the third principal meridian.

All those parts of Philadelphia place, of Independence place, of Penn place, of the twenty (20) foot alleys in blocks twenty-three (23), twenty-six (26) and thirty-nine (39), which lie to the east of a straight line drawn from the south line of Kinzie street to the north line of Madison street, parallel to and fifty-eight (58) feet west of the east line of the west half of the southwest quarter of section ten (10);

Also the west eighty-one (81) feet of west 46th street (or Belt Line avenue), as originally laid out and subsequently widened, extending from Kinzie street on the north to Madison street on the south, which is embraced within the West Chicago Land Company's subdivision of the south half of section ten (10), township thirty-nine (39) north, range thirteen (13) east of the third principal meridian, except intersecting streets;

Also, all those parts of streets and alleys in Boynton's subdivision, in the west half of the west half of the northeast quarter of the northwest quarter of section fifteen (15), township thirty-nine (39) north, range thirteen (13) east, which lie to the west of a straight line drawn

from the northeast corner of lot twelve (12) in block four (4) in said subdivision, to the southeast corner of lot thirteen (13) in block one (1) in said subdivision.

Also, all that part of the plat of Edmund A. Cumming's subdivision of the east half of the northwest quarter of section fifteen (15), township thirty-nine (39) north, range thirteen (13) east of the third principal meridian, which lies to the east of a straight line drawn from a point in the south line of Madison street fifty-one and forty-five hundredths (51.45) feet west of the east line of the northwest quarter of the northwest quarter of said section fifteen (15) to a point in the north line of Jackson street fifty-one and twenty-two hundredths (51.22) feet west of the said east line of the northwest quarter of the northwest quarter of said section fifteen (15), including all that part of West 46th street (or Belt Line avenue) which lies within said above described strip of land.

And leave is hereby granted to said Chicago and Western Indiana Railroad Company, and to the Belt Railway Company, of Chicago, to occupy and use the above described pieces and parcels of land for the purposes of the construction of the said dirt embankment and viaduct, and the operation of a double track railroad thereon.

Provided, that the said Chicago and Western Indiana Railroad Company shall dedicate upon acceptance of this ordinance, and forever upon the passage of this ordinance, for the purpose of the widening of West Forty-sixth street, from the south line of Kinzie street to the north line of Madison street, a strip of land forty (40) feet in width, east of and adjoining the east line of West Forty-sixth street, as now located; and shall also dedicate, as part of and for the uses of a thirty-three (33) foot street to take the place of that part of the thirty-three (33) foot street in said Cumming's subdivision, which will be used in the construction of said embankment or viaduct, lots one (1), forty-six (46), forty-seven (47), ninety-two (92), ninety-three (93), and one hundred and thirty-eight (138) in said Cumming's subdivision.

¶ 9. Repealing ordinances.] § 3. The ordinances of the town of Cicero, hereinbefore referred to, so far as the same or either thereof conflict with or are inconsistent with the terms of this ordinance, are hereby repealed; but the permission and authority hereby granted are granted subject to all the terms and conditions of said prior ordinances, except as herein and hereby repealed or rendered inoperative.

¶ 10. Company to keep in repair.] § 4. The permission and authority hereby granted are granted upon the express agreement and understanding that said Chicago and Western Indiana Railroad Company, its lessees, successors and assigns, shall at all times keep the said embankment and viaducts in good condition and repair, and that it shall and will reimburse, indemnify and save harmless the said city of Chicago against and from all costs and expenses which it may incur or be put to for and on account of the construction, renewal and repair of the same or of any part thereof.

¶ 11. **When in force.**] § 5. This ordinance shall take effect and be in full force as a binding contract between the city and the said railroad company from and after its passage hereof and the written acceptance hereof by the said Chicago and Western Indiana Railroad Company.

LAKE SHORE AND MICHIGAN SOUTHERN RAILWAY COMPANY.

§ 927. Lake Shore and Michigan Southern Railway Company.

¶ 1. Elevate tracks—conditions—manner.
¶ 2. Permission and authority to change line of street.
¶ 3. Ordinances—acceptance—specifications and measurements.
¶ 4. Take effect when.

An ordinance amending an ordinance of July 9, 1894, requiring the Lake Shore & Michigan Southern Railway Company and the Chicago, Rock Island & Pacific Railway Company to elevate the plane of their road-bed. (Passed November 1, 1897. Accepted by Chicago, Rock Island & Pacific Railway Company November 15, 1897.)

¶ 1. **Elevate tracks — conditions — manner.**] Be it ordained by the city council of the city of Chicago: § 1. That an ordinance passed by the city council of the city of Chicago, July 9, 1894, requiring the Lake Shore and Michigan Southern Railway Company, and the Chicago, Rock Island and Pacific Railway Company to elevate the plane of their roadbed and tracks within certain limits of the city of Chicago, in the manner and upon the condition in said ordinance, set forth, be and the same is hereby amended so that the subways in 65th street and Wentworth avenue, shall be constructed to conform to the following schedule of subways:

Subway in 65th street, under Chicago, Rock Island and Pacific Railway.

The depression of street shall not exceed 2.2 feet below the established grade of street, making the elevation of the floor of subway not less than 19.5 feet above city datum. This level shall extend on the east ten feet beyond the east portal of subway, and on the west ten feet beyond the west portal of subway, from this level the east approach shall extend on a grade of not to exceed 3.0 feet in 100 feet, to a connection with the present surface of street, and the west approach shall extend on an ascending grade to a connection with the proposed depressed north approach to subway in Wentworth avenue, where the elevation of the intersection of Wentworth avenue and 65th street shall not exceed 20.8 feet above city datum.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet.

Width of sidewalks in subway, 10 feet, all other places the sidewalks shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway and about one foot above level of same.

Clear head room, 12 feet.

Subway in Wentworth avenue, under the Chicago, Rock Island and Pacific Railway.

The depression of street shall not exceed 3.6 feet below the established grade of street, making the elevation of the floor of subway not less than 18.0 feet above city datum. This level shall extend on the north to a point about 45 feet south of the present southeast corner of Wentworth avenue and 65th street, and on the south to a point about 48 feet south of the south portal of subway. From this level the north approach shall extend on ascending gradient to a point about the center of the new roadway approach in 65th street subway, as changed by this ordinance hereinafter mentioned, where the elevation of the roadway, at this point, shall not exceed 20.8 feet above city datum, from this last mentioned point, the north approach shall continue and shall ascend on a gradient not to exceed 3.0 feet in 100 feet to a connection with the existing surfaces of Wentworth avenue and Ross avenue. The south approach shall extend on a grade not to exceed 3.0 feet in 100 feet to a connection with the existing surface of street.

Width of subway in Wentworth avenue between walls, 63 feet. Number of roadways, 2.

Width of roadway between curbs and wheel guards around center of column, 20 feet each.

Width of sidewalks, 10 feet each in subway. At all other places the sidewalks shall be the same as they now exist.

The depression of sidewalk shall be uniform with the roadway and about one foot above level of same, except on the west side of Ross avenue and their connections with Wentworth avenue and 65th street where the sidewalks shall remain at the present elevation; and if it be deemed necessary by the commissioner of public works suitable steps shall be provided at the intersection of the sidewalk at Wentworth avenue and Ross avenue, descending into the proposed depressed roadway in Wentworth avenue.

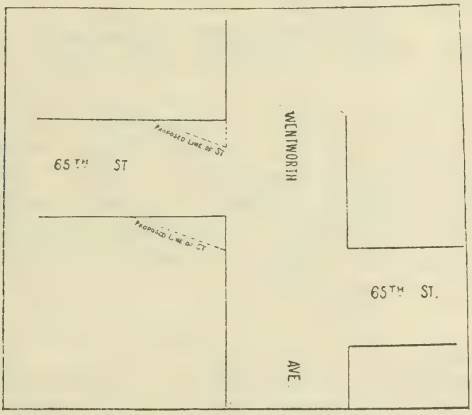
Width of wheel guards around bases of center line of column shall not exceed 3 feet at the floor line.

Two lines of posts may be placed in curb line and inside thereof, to support girders.

Clear head room, 13.5 feet.

¶ 2. **Permission and authority to change line of street.**] § 2. Permission and authority are hereby granted to the Chicago, Rock Island and Pacific Railway Company to change the lines of 65th street

underneath their tracks at the intersection of Wentworth avenue and 65th street, not more than 25 feet, north at the corners of said streets; so as to give more practicable gradients in subways for Wentworth avenue and 65th street (in accordance with the following diagram):



¶ 3. **Ordinances — acceptance — specifications and measurements.**] § 3. Said original ordinance, passed July 9, 1894, and the acceptance thereof heretofore filed by the Lake Shore and Michigan Southern Railway Company, and the Chicago, Rock Island and Pacific Railway Company shall be deemed, notwithstanding this amendment, to continue in full force and effect except to the extent of substituting the new measurements and specifications by this ordinance required for the old corresponding measurements and specifications contained in said original ordinance and the acceptance thereof shall continue effective in the same way as if said original ordinance had been passed and accepted in form as hereby amended.

¶ 4. **Take effect when.**] § 4. This ordinance shall take effect from and after its passage and approval; provided, however, that this ordinance shall be null and void unless said Chicago, Rock Island and Pacific Railway Company, through its authorized officers, file with the mayor of the city of Chicago, within 30 days from the passage and the approval by the mayor of this ordinance, an instrument duly executed, whereby said railway company shall consent to the amendment made by this ordinance.

§ 928. Lake Shore and Michigan Southern Railway Company.

¶ 1. **Elevate tracks—height—subways.**
¶ 2. Amendment of ordinance—subway—posts—roadway.
¶ 3. When in force.

An ordinance amending an ordinance of July 9, 1894, requiring the Lake Shore & Michigan Southern Railway Company and the Chicago, Rock Island & Pacific Railway Company to elevate the plane of their road-bed. (Passed December 29, 1897. Accepted by Lake Shore & Michigan Southern Railway Company, January 10, 1898; accepted by Chicago, Rock Island & Pacific Railway Company, January 17, 1898.)

¶ 1. **Elevate tracks — height — subways.**] Be it ordained by the city council of the city of Chicago: § 1. That an ordinance passed by the city council of the city of Chicago, July 9, 1894, entitled "An ordinance requiring the Lake Shore and Michigan Southern Railway Company, and the Chicago, Rock Island and Pacific Railway Company to elevate the plane of certain of their railway tracks within the city of Chicago," be and the same is hereby amended so that the "Schedule of Subways" contained in said ordinance so far as the same relates to the details of subways in Sixty-third street and State street shall read as follows:

DETAILS OF SUBWAY IN SIXTY-THIRD STREET.

The elevation of floor of subway, at its intersection with the east line of State street, shall be not less than 17 feet above city datum. This level shall extend to the west line of State street subway; thence the floor of subway shall continue in a westerly direction on a uniform gradient to its connection with the grade established for the portion of the subway under the tracks of the Pittsburg, Fort Wayne and Chicago Railway.

The portion of subway in Sixty-third street east of State street shall be 34 feet wide, and shall extend on a grade of not to exceed 3.5 feet in 100 feet, to a connection with the present surface of street. The portion of subway west of State street shall be 60 feet wide, and from the west portal of subway the west approach shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

The north approach in State street shall extend on an ascending grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width of street on the north side of Sixty-third street and extending from intersection of State street and Sixty-third street to the head of the east approach of Sixty-third street subway, 30 feet.

Width of roadway in said street, 22 feet.

Width of one sidewalk on the north side of said street, 8 feet.

Width between walls of subway, east of the east line of State street subway, 34 feet.

Width of roadway, 28 feet.

Width of one sidewalk on the south side in subway, 6 feet.

Width between walls of subway, west of the west line of State street subway, 60 feet; the face of the south abutments of subway to

be on south line of Sixty-third street, west of the west line of State street.

Width of roadway, 38 feet.

Width of sidewalk, 11 feet.

The depression of sidewalks shall be uniform with the roadways, and six inches above crown of same at curb lines.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 13.5 feet.

If either or both of the railway companies desire to adopt a style of construction for any or all of its bridges over Sixty-third street, requiring posts or supports in the center of the roadway, such posts may be so placed, under the following conditions, viz.:

Width of posts not to exceed three (3) feet, and

Width of roadway to be 41 feet, and the

Width of subway 63 feet in that part of roadway or subway in which posts shall be used.

The construction of the west approach to this subway will be the joint work of the Chicago, Rock Island and Pacific Railway Company and the Pittsburg, Fort Wayne and Chicago Railway and its lessee, the Pennsylvania Company; and the construction of the east approach will be the exclusive work of the Lake Shore and Michigan Southern Railway Company.

The Lake Shore and Michigan Southern Railway Company shall construct the subways under its own tracks and up to the lines of its right of way between the portals, and the Chicago, Rock Island and Pacific Railway Company shall construct the subways under its own tracks and up to the lines of its right of way between the portals.

DETAILS OF SUBWAY IN STATE STREET.

The elevation of floor of subway, at its intersection with Sixty-third street, shall be not less than 17 feet above city datum. This level shall extend to the south line of Sixty-third street subway, thence the floor of subway shall continue in a southerly direction and shall descend on a uniform gradient to its connection with the grade established for the portion of the subway under the tracks of the Pittsburg, Fort Wayne and Chicago Railway Company. The north and south approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet.

Width of sidewalks, 10 feet.

Width of street on east side of State street and extending from the intersection of Sixty-third and State streets to the head of the north approach of State street subway, 38 feet.

Width of roadway in said street, 28 feet.

Width of one sidewalk, on the east side of street, 10 feet.

The depression of sidewalks in subway shall be uniform with the roadway, and six inches above crown of same at the curb lines.

Two lines of posts may be placed in curb line and inside thereof to support girders.

Clear head room, 13.5 feet.

The construction of the north approaches to this subway will be the exclusive work of the Lake Shore and Michigan Southern Railway Company, and the construction of the south approaches will be the exclusive work of the Pittsburg, Fort Wayne and Chicago Railway and its lessee, the Pennsylvania Company.

The Lake Shore and Michigan Southern Railway Company shall construct the subways under its own tracks and up to the lines of its right of way between the portals.

If either or both of the railway companies desire to adopt a style of construction for any or all of its bridges over State street, requiring posts or supports in the center of the roadway, such posts may be so placed under the following conditions, viz.:

Width of posts to be not more than three (3) feet, and

Width of roadway, 43 feet, and

Width of subway, between walls, 63 feet in that part of roadway or subway in which posts shall be used.

¶ 2. **Amendment of ordinance—subway—posts—roadway.**] § 2. That the said ordinance passed July 9th, 1894, be and the same is hereby further amended by adding to the "Details of Subway in Sixty-first Street," the following:

If either or both of the railway companies desire to adopt a style of construction for any or all of its bridges over Sixty-first street, requiring posts or supports in the center of the roadway, such posts may be so placed, under the following conditions, viz.:

Width of posts not to exceed three (3) feet.

Width of roadway to be 41 feet, and the

Width of subway 63 feet in that part of roadway or subway in which posts shall be used.

¶ 3. **When in force.**] § 3. This ordinance shall take effect from and after its passage, approval and publication; Provided, however, that this ordinance shall be null and void if the said railway companies shall not file with the mayor of said city, within thirty (30) days from the passage of this ordinance, a written consent to, and acceptance by said companies, respectively, of this ordinance.

§ 929. Lake Shore and Michigan Southern Railway Company and Chicago, Rock Island and Pacific Railway Company.

¶ 1. How amended.
¶ 2. Manner of elevating, grade.
¶ 3. Revised and new subways.
¶ 4. Provisions amended, how, powers and duties.
¶ 5. Additional work, when to commence and terminate.
¶ 6. Light for subways.
¶ 7. Pipes, change of location, how to be done.
¶ 8. Opening of streets.
¶ 9. Consideration, dedication of streets.
¶ 10. When in force, conditions.

An ordinance to amend an ordinance relating to the elevation of the tracks of the Lake Shore & Michigan Southern Railway Company and of the Chicago, Rock Island & Pacific Railway Company. (Passed January 17, 1898.)

¶ 1. How amended.] Be it ordained by the city council of the city of Chicago: § 1. That an ordinance entitled "An ordinance requiring the Lake Shore and Michigan Southern Railway Comany, and the Chicago, Rock Island and Pacific Railway Company to elevate the plane of certain of their railway tracks within the city of Chicago," passed by the city council of said city on July 9, 1894, be and the same is hereby amended by adding thereto other sections to be known as sections 3a, 3b, 3c, 3d, 3e, 3f, 3g and 3h, respectively, so that section 3 as amended, and so that said additional sections, as inserted in said amended ordinance, shall be as follows:

¶ 2. Manner of elevating, grade.] § 3. From the point where the said roadbed and tracks so to be elevated, as aforesaid, cease to be common as between the railway companies in this ordinance named, and where the line of the said Chicago, Rock Island and Pacific Railway Company separates and diverges from the line of the said Lake Shore and Michigan Southern Railway Company, the said Chicago, Rock Island and Pacific Railway Company shall elevate the plane of its roadbed and tracks in the manner following, that is to say: Beginning at the said point of divergence at or near the north line of Sixty-first street, where an elevation of not less than nine (9) feet above the plane of said existing roadbed and tracks of said Chicago, Rock Island and Pacific Railway Company, continuing therefrom in a southerly and southwesterly direction, shall rise on a gradient of about two-tenths of one per centum for a length or distance of about one thousand (1,000) feet to a point about sixty-five (65) feet north of the north line of Sixty-third street, from which latter point they shall continue for a further length or distance of about eighteen hundred and fifty (1850) feet to a point about two hundred (200) feet north of the north line of Sixty-sixth street, within which length or distance of about two thousand, eight hundred and fifty (2,850) feet, elevations above the plane of said existing roadbed shall be attained of not less than ten (10) feet at Sixty-third street, and of not less than eleven (11) feet at Sixty-fifth street and at Wentworth avenue; thence said elevated roadbed and tracks shall continue and shall descend on a gradient of

about .06 of one per centum for a distance of about twenty-three hundred (2,300) feet to a point about 100 feet north of the north line of Sixty-ninth street, where an elevation at the base of the rail of said elevated roadbed and tracks shall not be less than 28.6 feet above city datum and within the limits of said mentioned course attaining elevations above the existing roadbed and tracks of not less than 10.2 feet at Sixty-sixth street, 10.5 feet at Sixty-seventh street, and 10.5 feet at Normal parkway; thence said elevated roadbed and tracks shall continue in a southwesterly direction and on any suitable gradients convenient and practicable to railway company to a point about on the south line of Seventy-sixth street, and within the limits of said last mentioned course, attaining elevations at the base of the rail above the existing roadbed and tracks of not less than 9.6 feet at Sixty-ninth street, 9.3 feet at Seventieth street, 9.0 at Seventy-first street, 9.0 feet at Seventy-second street, 8.8 feet at Seventy-third street, 8.4 feet at Seventy-fourth street, 8.4 feet at Seventy-fifth street, and 5.2 feet at Seventy-sixth street thence said elevated roadbed and tracks shall continue in a southwesterly direction and may descend on the most suitable gradient convenient and practicable to said railway company to a connection with their present roadbed and tracks.

¶ 3. **Revised and new subways.**] § 3a. The said Chicago, Rock Island and Pacific Railroad Company shall built and construct a revised subway in Sixty-ninth street and new subways at Seventieth street, Seventy-first street, Seventy-second street, Seventy-third street, Seventy-fourth street, Seventy-fifth street and Seventy-sixth street, to conform with the following details:

DETAILS OF REVISED SUBWAY IN SIXTY-NINTH STREET.

The floor of said subway shall be elevated 1.3 feet above the elevation as prescribed in ordinance passed July 9, 1894, making the elevation of the new floor not less than 14.0 feet above city datum. From this level the approaches of subway shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including approaches in Webster avenue.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

Two lines of posts may be placed in curb lines and inside thereof to support girders

Clear head room, 13 feet 6 inches.

DETAILS OF SUBWAY IN SEVENTIETH STREET.

The depression of street shall not exceed 4.2 feet below the present surface of tracks, making the elevation of floor of subway not less than 14.6 feet above city datum. This level shall extend on the east 10 feet beyond the east portal of subway and on the west 10 feet

beyond the west portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street, including the approach into Grant place.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with roadway and about one foot above level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12 feet.

DETAILS OF SUBWAY IN SEVENTY-FIRST STREET.

The depression of street shall not exceed 4.4 feet below the present surface of tracks, making the elevation of floor of subway not less than 13.8 feet above city datum. This level shall extend on the east 10 feet beyond the east portal of subway, and on the west 10 feet beyond the west portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 to a connection with the present surface of street, including the approach into Harvard street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist

The depression of sidewalks shall be uniform with the roadway and about one foot above the level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12 feet.

DETAILS OF SUBWAY IN SEVENTY-SECOND ST. AND STEWART AVE.

The depression of street shall not exceed 4.9 feet below the present surface of tracks, making the elevation of floor of subway not less than 12.5 feet above city datum. This level shall extend on the east 10 feet beyond the east portal of subway, and on the west 10 feet beyond the west portal of subway. From this level the approaches shall extend not to exceed 3.0 feet in 100 feet to a connection with the present surface of street, including the approaches into Stewart avenue, as they shall be diverted at its intersection with West Seventy-second street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway in Seventy-second street shall be the same as they now exist.

Width between walls of Stewart avenue approaches, as diverted, 40 feet.

Width of roadway in Stewart avenue, north approach, 28 feet.

Width of sidewalks, 6 feet each.

Width of roadway of Stewart avenue, south approach, 30 feet.

Width of one sidewalk on the east side, 10 feet.

Width of roadway and sidewalks outside of approaches shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway and about one foot above the level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12 feet.

DETAILS OF SUBWAY IN SEVENTY-THIRD STREET.

The depression of street shall not exceed 5.1 feet below the present surface of tracks, making the elevation of the floor of subway not less than 11.9 feet above city datum. This level shall extend 10 feet beyond the east portal of subway and on the west 10 feet beyond the west portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street, including the approach in Stewart avenue.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway and about one foot above the level of same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12 feet.

DETAILS OF SUBWAY IN SEVENTY-FOURTH STREET.

The depression of street shall not exceed 5.5 feet below the present surface of tracks, making the elevation of the floor of subway not less than 11.1 feet above city datum. This level shall extend on the east 10 feet beyond the east portal of subway, and on the west 10 feet beyond the west portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a con-

nection with the present surface of street, including the approach into Eggleston avenue.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway.

Width of sidewalks, 10 feet each in subway

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 12 feet

DETAILS OF SUBWAY IN SEVENTY-FIFTH STREET.

The depression of street shall not exceed 6.6 feet below the present surface of tracks, making the elevation of the floor of subway not less than 9.2 feet above city datum. This level shall extend on the east 10 feet beyond the east portal of subway, and on the west 10 feet beyond the west portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street, including the approaches into Goldsmith avenue and Wright avenue.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet in subway

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same.

Two lines of posts may be placed in curb lines and inside thereof to support girders.

Clear head room, 13 feet 6 inches.

DETAILS OF SUBWAY IN SEVENTY-SIXTH STREET.

The depression of street shall not exceed 6.0 feet below the present surface of tracks, making the elevation of the floor of subway not less than 10.0 feet above city datum. This level shall extend on the east 10 feet beyond the east portal of subway, and on the west 10 feet beyond the west portal of subway. From this level the approaches shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street, including the approaches into Wright avenue and Goldsmith avenue.

Width between walls of subway, 60 feet.

Width of roadway, 40 feet in subway.

Width of sidewalks, 10 feet each in subway.

Width of roadway and sidewalks outside of subway shall be the same as they now exist

The depression of sidewalks shall be uniform with the roadway, and about one foot above the level of the same

Two lines of posts may be placed in curb lines and inside thereof to support girders.

The face of the abutments of this subway to be located on the lines determined by the commissioner of public works.

Clear head room, 10 feet.

¶ 4. **Provisions amended, how, powers and duties.**] § 3b. All of the provisions of the ordinance of July 9, 1894, hereby amended, shall apply to all things provided for and embraced in this ordinance, unless otherwise herein specially provided, and the rights, obligations, powers and duties of the city and said Chicago, Rock Island and Pacific Railroad Company shall be the same in all respects as if said ordinance of July 9, 1894, had originally contained all the matters and things contained in this ordinance, and said ordinance of July 9, 1894, and this ordinance shall be construed together, the same as if both had been contained in said ordinance hereby amended.

¶ 5. **Additional work, when to commence and terminate.**] § 3c. The additional work provided for in this amendatory ordinance, shall be commenced not later than August 1, 1899, and fully finished and completed within two years from that date.

¶ 6. **Light for subways.**] § 3d. Said railway company shall construct the necessary appliances and perpetually provide, at its own expense, a good and sufficient light for each of the subways herein provided for. The light so to be furnished to be satisfactory to the commissioner of public works of the city of Chicago

¶ 7. **Pipes, change of location, how to be done.**] § 3e. If found necessary during the construction of said subways to change the location of the water pipes, sewers or electrical conduits owned by the city of Chicago, all such work shall be done by the said railway company at its own cost and expense and according to the direction of the commissioner of public works, but the gradient of the sewers shall not be reduced in any event.

¶ 8. **Opening of streets.**] § 3f. All ordinances heretofore passed for opening streets across any portion of the right of way of the Chicago, Rock Island and Pacific Railway Company mentioned in this ordinance, where the tracks are required to be elevated as in this ordinance provided, are hereby repealed, except in those cases where the streets ordered opened, have already in fact been opened and traveled, and have become a lawful and existing highway not hereby vacated, and any and all portions of any streets, alleys, or avenues, now existing, and crossing said railway within the limits of this ordinance provided for, the elevation of said company's roadbed is hereby discontinued and vacated within the limits of said company's

right of way, except the parts of streets, alleys or avenues hereby required to be occupied by subways.

¶ 9. **Consideration—dedication of streets.**] § 3g. In consideration of the rights and privileges hereby granted to the Chicago, Rock Island and Pacific Railway Company are upon the conditions that said railway company shall, within six months after the passage of this ordinance, procure and dedicate for the purpose of a public street, the following described property, namely:

All that part of a tract of land lying northwest of and adjoining block four (4) of Eggleston's second subdivision, being the north half (N. ½) of the northeast quarter (N. E. ¼) —except the north half (N. ½) of the north half (N. ½) of the north half (N. ½) of the northeast quarter (N. E. ¼)—heretofore subdivided, of section twenty-eight (28), township thirty-eight (38) north, range fourteen (14) east of the third (3) principal meridian, lying east of a straight line drawn from the northwest corner of lot twenty-one (21) of block four (4) aforesaid, to a point of intersection with the south line of West Seventy-second street, forty (40) feet at right angles and parallel to the easterly line of the Chicago, Rock Island and Pacific Railway Company's right of way.

In case said Chicago, Rock Island and Pacific Railway Company shall be unable to purchase said property, or any part thereof, described in this section at a price deemed by said railway company to be reasonable, then the same shall be condemned by the city of Chicago for street purposes, and the compensation and damages awarded in such proceedings, including court costs and all other expense of litigation that may be incurred in such condemnation proceedings, shall be paid by said Chicago, Rock Island and Pacific Railway Company, and said Chicago, Rock Island and Pacific Railway Company shall have the right to take part in said condemnation proceedings in behalf of the city by counsel specially employed by it, and shall have the right to have all witnesses that it may name called to testify in said condemnation proceedings.

¶ 10. **When in force, conditions.**] § 3h. This ordinance shall take effect from and after its passage, approval and publication; provided, however, that the same shall be null and void if the said railway company shall not, within sixty (60) days from the passage of this ordinance, file with the mayor of the city of Chicago an agreement, duly executed, whereby said railway company shall undertake to do and perform all the matters and things required of it by this ordinance. After the filing of said agreement, as aforesaid, this ordinance shall be binding upon the city and said railway company, and shall not be materially modified or amended without the consent of said railway company, but nothing in this ordinance contained shall be deemed a waiver or surrender of the police powers of the city, or to deprive the city of the right to perpetually exercise such power.

§ 930. Lake Shore and Michigan Southern Railway Company, and Chicago, Rock Island and Pacific Railway Company.

¶ 1. Amendment.
¶ 2. When in force.

An ordinance amending an ordinance passed January 17, 1898, relating to the elevation of the tracks of the Lake Shore & Michigan Southern Railway Company and the Chicago, Rock Island & Pacific Railway Company. (Passed January 31, 1898.)

¶ 1. **Amendment.**] Be it ordained by the city council of the city of Chicago. § 1. That an ordinance passed by the city council of the city of Chicago January 17, 1898, and published on page 1347 of the council proceedings, to amend an ordinance relating to the elevation of the tracks of the Lake Shore and Michigan Southern Railway Company, and the Chicago, Rock Island and Pacific Railway Company, be and the same is hereby further amended by striking out all of the words after the words "Principal Meridian," in the 19th line, down to and including the word "way," in the 26th line of section 3g, page 1351, and inserting in lieu thereof the following: "Lying west of a line drawn from the northwest corner of lot twenty-one (21) of block four (4), aforesaid, to a point on the south line of West Seventy-second street, forty (40) feet easterly from the easterly line of the right of way of the Chicago, Rock Island and Pacific Railway Company, measuring at right angles thereto."

¶ 2. **When in force.**] § 2. This ordinance shall be in force from and after its passage.

§ 931. Lake Shore and Michigan Southern Railway Company, and Chicago, Rock Island and Pacific Railway Company.

¶ 1. Amendment.
¶ 2. When in force.

An ordinance amending an ordinance passed January 17, 1898, entitled "An ordinance requiring the Lake Shore & Michigan Southern Railway Company and the Chicago, Rock Island & Pacific Railway Company to elevate the plane of their track within the city of Chicago. (Passed March 28, 1898.)

¶ 1. **Amendment.**] Be it ordained by the city council of the city of Chicago. § 1. That an ordinance passed by the city council of the city of Chicago, January 17, 1898, and published on page 1347 of the council proceedings, to amend an ordinance entitled "An ordinance requiring the Lake Shore and Michigan Southern Railway Company, and the Chicago, Rock Island and Pacific Railway Company to elevate the plane of certain of their tracks within the city of Chicago," passed by the city council of said city of Chicago July 9, 1894, be and the same is further amended by inserting after the words, "West Seventy-second street," at the end of the thirteenth line of the clause entitled "Details of subway in Seventy-second street and Stewart avenue," on page 1349, the following:

Stewart avenue shall be diverted as follows: On the north of Seventy-second street, from the point of intersection of Stewart avenue with the west line of the right of way of the railway company, thence southwesterly parallel with the said right of way to Seventy-second street, giving a street as herein provided; and on the south side of Seventy-second street from the intersection of Stewart avenue with the east line of said right of way northeasterly to Seventy-second street, giving a street as hereinafter provided.

The abutment walls of the subway in Seventy-second street, on Stewart avenue, shall be constructed as follows:

The north abutment wall of subway shall commence on the east, at the intersection of the north line of Seventy-second street with the east line of the right of way of said railway company; thence proceed in a northwesterly direction at an angle of 19 degrees 22 minutes to the north from said north line of Seventy-second street to intersect the west line of said company's right of way; and the south abutment shall be constructed parallel to said north abutment, so as to leave a clear opening of 66 feet between the walls of said subway.

And also by striking out the third line from the top of page 1349, right hand column, and also the seventh, eighth and ninth lines from the top of page 1349, of the right hand column, and insert in lieu thereof the following:

"Width of roadway and sidewalks outside of subway in Seventy-second street shall be as follows: On the east the roadway shall be 38 feet wide, sidewalks each 14 feet wide; and on the west the roadway 27 feet wide, and one sidewalk on the north side of street 6 feet wide."

¶ 2. **When in force.**] § 2. This ordinance shall take effect from and after its passage.

NORTHWESTERN ELEVATED RAILROAD COMPANY.

§ 932. Northwestern Elevated Railroad Company.

¶ 1. Preamble.
¶ 2. Extension granted.

An ordinance granting to the Northwestern Elevated Railroad Company an extension of time. (Passed December 29, 1897.)

¶ 1. **Preamble.**] Whereas, The Northwestern Elevated Railroad Company has been obstructed in the construction of its railroad by various legal proceedings for more than two years last past; and,

Whereas, By reason of such legal proceedings, and during the

pendency thereof, the city council of the city of Chicago did, on the 13th day of July, 1896, by an ordinance duly passed, extend the time for the construction, equipment and operation of the railroad of the said company to December 31, 1897; and,

Whereas, for a long time after such extension, such legal proceedings against said company continued to delay it in the construction of its said railroad, and so continued to delay the said construction until October, 1896, when the last of such legal proceedings were disposed of, and the said company, without fault on its part has been thereby deprived of more than two-thirds of the time granted to it for the construction of its railroad.

¶ 2. **Extension granted.**] Be it ordained by the city council of the city of Chicago. § 1. That the period of time granted to the Northwestern Elevated Railroad Company for the construction, equipment and operation of its railroad under and by virtue of sections ten and twelve of a certain ordinance passed by the city council of the city of Chicago on the 8th day of January, 1894, and which period of time was extended to December 31, 1897, by a certain other ordinance passed by the said council on the 13th day of July, 1896, be, and the said period of time so granted and extended for the construction, equipment and operation of the said railroad, is hereby further extended to January 1, A. D. 1899.

PITTSBURG, CINCINNATI, CHICAGO AND ST. LOUIS RAILWAY COMPANY AND OTHER COMPANIES.

§ 933. Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, the Chicago and Northwestern Railway Company, and the Chicago, Milwaukee and St. Paul Railway Company.

¶ 1. Elevation ordered.
¶ 2. Manner and conditions of.
¶ 3. Gradient.
¶ 4. Gradient.
¶ 5. "Y" tracks permission to elevate and change.
¶ 6. Change of location.
¶ 7. Top of rail.
¶ 8. Removal of bridges, viaducts, etc.
¶ 9. Embankments, material of—manner of construction, retaining walls, etc.
¶ 10. Subways and bridges—at intersecting streets avenues and alleys.
¶ 11. Subways to be constructed, where.
¶ 12. Subway by whom constructed.
¶ 13. Subway at Fulton street.
¶ 14. Subways; sizes and dimensions. Schedule of.
¶ 15. Grade of streets.
¶ 16. Vertical curves, approaches.
¶ 17. Depression of streets, excavations.
¶ 18. Grade of streets changed.
¶ 19. Receiving basins, drains.
¶ 20. Subways and approaches, how paved.
¶ 21. Restoration of streets and sidewalks.
¶ 22. Roadway pavement of.
¶ 23. Street Railways—grade to conform—without claim for damages.
¶ 24. Incidental and consequential damages, city to assume.
¶ 25. Superintendence and inspection.
¶ 26. Permission to obstruct streets.
¶ 27. Ordinances as to speed, cars, gates, signals, watchmen to cease.
¶ 28. Building of additional subways—opening of streets.
¶ 29. Requirements as to elevated railroad crossing.
¶ 30. Work, when to commence—continuous prosecution.
¶ 31. Negligence or failure in prosecuting work, notice.
¶ 32. Completion of work.
¶ 33. When in force, conditions.

An ordinance requiring the Pittsburg, Cincinnati, Chicago & St. Louis Railway Company, the Chicago & Northwestern Railway Company, and the Chicago, Milwaukee & St. Paul Railway Company to, respectively, elevate the plane of certain of their railway tracks within the city of Chicago. (Passed February 7, 1898.)

¶ 1. **Elevation ordered.**] Be it ordained by the city council of the city of Chicago: § 1. The Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, the Chicago and Northwestern Railway Company, and the Chicago, Milwaukee and St. Paul Railway Company, are, respectively, hereby ordered and required to elevate the plane of their roadbeds and tracks within certain limits of the city of Chicago, in manner and upon the conditions hereinafter specified, that is to say:

¶ 2. **Manner and conditions of.**] Beginning at a point about 250 feet north of Lake street on the existing elevated roadbeds and tracks of the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, and the Chicago and Northwestern Railway Company, as provided in ordinance passed January 18, 1897 (pages 1440 to 1457, inclusive, of the official council proceedings), the elevation of said elevated roadbeds and tracks at said initial point shall not be less than 28.3 feet above Chicago city datum; thence said elevated roadbeds and tracks of the said Pittsburg, Cincinnati, Chicago and St. Louis Railway Company and the Chicago and Northwestern Railway Company shall continue in a northerly and easterly direction on a slightly ascending gradient for a distance of about 1940 feet to a point about on the west line of Western avenue, where an elevation of not less than 28.7 feet above city datum shall be attained; thence said elevated roadbeds and tracks of said Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, and the Chicago and Northwestern Railway Company, shall continue in an easterly direction on a descending gradient of about .05 per centum for a distance of about 5340 feet to a point on the east line of Ashland avenue, where an elevation of not less than 26.05 feet above city datum shall be attained; thence said elevated roadbed and tracks of said last above mentioned companies shall continue in an easterly direction and may descend on the most suitable gradient convenient and practicable to said railway companies to a connection with the present roadbed and tracks at a point about on the west line of North Ada street.

¶ 3. **Gradient.**] From a point on the proposed elevated roadbed and tracks of the Chicago and Northwestern Railway Company, on the west line of Western avenue, the proposed elevated roadbed and tracks of the Galena division of said Chicago and Northwestern Railway Company shall descend on the most suitable gradient convenient and practicable to said railway company to a connection with its present roadbed and tracks.

¶ 4. **Gradient.**] From a point on the proposed elevated roadbed and tracks of the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company and where the tracks of the Chicago, Milwaukee and St. Paul Railway Company connect with the tracks of the said Pittsburg, Cincinnati, Chicago and St. Louis Railway Company at a point about 250 feet east of the east line of Western avenue, where the elevation of said elevated roadbed and tracks of said Pittsburg, Cincinnati, Chicago and St. Louis Railway Company shall not be less than 28.58 feet above city datum; thence said elevated roadbed and tracks of the Chicago, Milwaukee and St. Paul Railway Company shall continue in a northwesterly direction and on a substantially level grade over the crossing of said elevated roadbed and tracks of the Chicago and Northwestern Railway Company to a point on the west line of Western avenue, where an elevation of not less than 28.7 feet

above city datum shall be attained; thence said elevated roadbed and tracks of said Chicago, Milwaukee and St. Paul Railway Company shall descend on any suitable gradient from said last mentioned point convenient and practicable to a connection with the present roadbed and tracks of said last mentioned railway company.

¶ 5. "Y" tracks — permission to elevate and change.] Permission is hereby granted to all of the railroad companies mentioned in this ordinance, which are required to elevate their roadbed and tracks, to elevate their "Y" tracks, and to make such changes in their location and alignment as said railroad companies may deem necessary to maintain their proper connections with each other's tracks.

¶ 6. Change of location.] Nothing in this ordinance shall prevent the various companies owning their tracks mentioned herein from changing the location of said tracks by the mutual agreement of those interested, as they may deem necessary, providing that no change of location shall be made that will prevent the separation of the grades of said tracks, as contemplated in this ordinance.

The railway companies named in this ordinance are hereby authorized to make such changes in the position and alignment of their respective main and side tracks and switch connections as may be desirable in order to carry out the provisions of this ordinance.

¶ 7. Top of rail.] All elevations of the railroad tracks in this ordinance shall refer to the top of the rail.

¶ 8. Removal of bridges, viaducts, etc.] If any bridge or bridges, viaduct or viaducts, approach or approaches, or other structure or structures belonging to or under the control of the city of Chicago, in any street or avenue, shall be found by said commissioner of public works to constitute an obstruction to or interfere with the work of constructing, maintaining or using the elevated structure hereinbefore required, the said commissioner of public works is hereby authorized and directed to promptly remove the same, at the expense of said railroad companies, or said commissioner of public works may grant to said railroad companies permission to use the material in the work of the elevation of their roadbed and tracks.

¶ 9. Embankments, material of—manner of construction, retaining walls, etc.] § 2. The embankment or embankments on which said elevated roadbeds shall be constructed, within the aforesaid limits, shall be composed of sand, clay, gravel, loam, broken stone, or whatever else may compose the surplus material excavated from the subways and from the foundation pits and trenches along the line of said work. The side slopes and lateral dimensions of said embankments will be fixed and determined by the natural angle of repose of the material of which said embankments may be constructed, but whenever it may become necessary, for the purpose of keeping said embankments entirely within the lines of the right of way of said company, such proportions of said embankments, at all such points, shall

be kept within said right of way lines by, or they shall be confined between, retaining walls of stone or brick masonry: provided, however, that whenever said retaining walls are of insufficient height to properly protect said right of way, and to prevent trespassing thereon, thence said retaining walls as aforesaid shall be surmounted with a suitable fence or railing, but whenever said retaining walls are not used at all, the right of way of said company shall be fenced in, or otherwise properly enclosed, in compliance with the present ordinances of the city of Chicago relating to the fencing of railroad tracks.

¶ 10. **Subway and bridges at intersecting streets, avenues and alleys.**] § 3. The said elevated tracks shall be carried across all intersecting streets, avenues and alleys, which by the terms of this ordinance are to be provided with subways, on suitable bridges of one, two or three spans, whose superstructure shall consist of iron or steel girders, with iron or steel main floor, or ordinary track stringers; but should the latter method be adopted some suitable device shall be provided to prevent storm water, dirt, oil and other substances from dropping from such elevated structure upon the subways beneath. The said bridges shall be supported on abutments of concrete, stone or brick masonry, or on rows of iron or steel columns, braced together laterally and erected on and anchored to masonry foundations, constructed within the lines of the railroad right of way and in the curb lines of the intersecting avenues and streets.

¶ 11. **Subways to be constructed, where.**] § 4. Paragraph 1. Subways shall be constructed beneath the tracks of the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, and the Chicago and Northwestern Railway Company, where said tracks are intersected and crossed by North Western avenue, North Oakley avenue, North Leavitt street, North Hoyne avenue, North Robey street, North Lincoln street, North Wood street, North Paulina street and North Ashland avenue.

¶ 12. **Subways, by whom constructed.**] Paragraph 2. As to subways mentioned in section 4, paragraph 1, of this ordinance, the subway at North Western avenue shall be constructed jointly by the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, the Chicago and Northwestern Railway Company, and the Chicago, Milwaukee and St. Paul Railway Company; and the subways at North Oakley avenue, North Leavitt street, North Hoyne avenue, North Robey street, North Lincoln street, North Wood street, North Paulina street and North Ashland avenue shall be constructed jointly by the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, and the Chicago and Northwestern Railway Company.

¶ 13. **Subways at Fulton street.**] Paragraph 3. Where said elevated roadbed and tracks are intersected and crossed by West Fulton street, on the new elevated grade as herein described, the subway in Fulton street shall be revised and shall now conform to the following

dimensions specified and other particulars set forth and embodied in section 4a of this ordinance, under the sub-heading of revised subways in West Fulton street.

¶ 14. **Subways, sizes and dimensions, schedule of.**] § 4a. The several subways hereinbefore referred to in section 4 of this ordinance, and which shall be constructed with the elevation upon which such tracks are to be placed, shall, as to their size and dimensions, locations and other details, be in accordance with the following schedule:

Subway in North Western avenue, 66 feet wide, under the Pittsburg, Cincinnati, Chicago and St. Louis Railway, Chicago and Northwestern Railway, Chicago, Milwaukee and St. Paul Railway.

The depression of street shall not exceed 3.8 feet below the established grade of street, making the elevation of the floor of subway not less than 14.2 feet above city datum. This level shall extend on the north to the north curb line of Kinzie street, and on the south 10 feet beyond the south portal of subway. From this level the north approach shall extend on a grade of not to exceed 3.8 feet in 100 feet to a connection with the present surfaces of North Western avenue and Kinzie street, and the south approach shall extend on a grade of not to exceed 3.5 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet.

Width of sidewalks, 10 feet.

The width of roadway and sidewalks in West Kinzie street shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadways.

Clear head room, 13 feet.

Subway in North Oakley avenue, 66 feet wide, under the Pittsburg, Cincinnati, Chicago and St. Louis Railway, Chicago and Northwestern Railway.

The depression of street shall not exceed 2.1 feet below the established grade of street, making the elevation of the floor of subway not less than 14.9 feet above city datum. This level shall extend on the north to north curb line of Kinzie street, and on the south 10 feet beyond the south portal of subway. From this level the north approach shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surfaces of North Oakley avenue and Kinzie street, and the south approach shall extend on a grade of not to exceed 3.0 feet in 100 feet, to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet.

Width of sidewalks, 10 feet.

The width of roadway and sidewalks in West Kinzie street shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadways.

Clear head room, 12 feet.

Subway in North Leavitt street, 66 feet wide, under the Pittsburg, Cincinnati, Chicago and St. Louis Railway, Chicago and Northwestern Railway.

The depression of street shall not exceed 2.4 feet below the established grade of street making the elevation of the floor of subway not less than 14.6 feet above city datum. This level shall extend on the north to the north curb line of Kinzie street, and on the south 10 feet beyond the south portal of subway. From this level the north approach shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surfaces of North Leavitt street and Kinzie street, and the south approach shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet.

Width of sidewalks, 10 feet.

The width of roadway and sidewalks in West Kinzie street shall be the same as they now exist.

The depression of sidewalk shall be uniform with the roadways.

Clear head room, 12 feet.

Subway in North Hoyne avenue, 66 feet wide, under the Pittsburg, Cincinnati, Chicago and St. Louis Railway, Chicago and Northwestern Railway.

The depression of street shall not exceed 2.7 feet below the established grade of street making the elevation of the floor of subway not less than 14.3 feet above city datum. This level shall extend on the north to the north curb line of Kinzie street, and on the south 10 feet beyond the south portal of subway. From this level the north approach shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surfaces of North Hoyne avenue and Kinzie street, and the south approach shall extend on a grade of not to exceed 3.0 feet in 100 feet, to a connection with the present surface of street

Width between walls of subway, 66 feet.

Width of roadway, 46 feet

Width of sidewalks, 10 feet.

Width of roadway and sidewalks in West Kinzie street shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadways.

Clear head room, 12 feet

Subway in North Robey street, 66 feet wide, under the Pittsburg, Cincinnati, Chicago and St. Louis Railway, Chicago and Northwestern Railway.

The depression of street shall not exceed 3.1 feet below the estab-

lished grade of street, making the elevation of the floor of subway not less than 13.0 feet above city datum. This level shall extend on the north to north curb line of Kinzie street; and on the south 10 feet beyond the south portal of subway. From this level the north approach shall extend on a grade of not to exceed 3.0 feet in 100 feet, to a connection with the present surfaces of North Robey street and Kinzie street; and the south approach shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet.

Width of sidewalks, 10 feet.

The width of roadway and sidewalks in West Kinzie street shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadways.

Clear head room, 13 feet.

Subway in North Lincoln street, 66 feet wide, under the Pittsburg, Cincinnati, Chicago and St. Louis Railway, Chicago and Northwestern Railway.

The depression of street shall not exceed 2.4 feet below the present grade of street, making the elevation of the floor of subway not less than 13.6 feet above city datum. This level shall extend on the north to the north curb line of Kinzie street, and on the south 10 feet beyond the south portal of subway. From this level the north approach shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surfaces of North Lincoln street and Kinzie street, and the south approach shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet.

Width of sidewalks, 10 feet.

The width of roadway and sidewalks in West Kinzie street shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadways.

Clear head room, 12 feet.

Subway in North Wood street, 66 feet wide, under the Pittsburg, Cincinnati, Chicago and St. Louis Railway, Chicago and Northwestern Railway.

The depression of street shall not exceed 2.7 feet below the established grade of street, making the elevation of the floor of subway not less than 13.3 feet above city datum. This level shall extend on the north to north curb line of Kinzie street, and on the south 10 feet beyond the south portal of subway. From this level the north approach shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surfaces of North Wood street and Kinzie street, and the south approach shall extend on a grade not

to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet.

Width of sidewalks, 10 feet.

The width of roadway and sidewalks in West Kinzie street shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadways.

Clear head room, 13 feet.

Subway in North Paulina street, 66 feet wide, under the Pittsburg, Cincinnati, Chicago and St. Louis Railway, Chicago and Northwestern Railway.

The depression of street shall not exceed 3.0 feet below the established grade of street, making the elevation of the floor of subway not less than 13.0 feet above city datum. This level shall extend on the north to the north curb line of Kinzie street, and on the south 10 feet beyond the south portal of subway. From this level the north approach shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surfaces of North Paulina street and Kinzie street, and the south approach shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet.

Width of sidewalks, 10 feet.

Width of roadway and sidewalks in West Kinzie street shall be the same as they now exist

The depression of sidewalks shall be uniform with roadways.

Clear head room, 12 feet.

Subway in North Ashland avenue, 66 feet wide, under the Pittsburg, Cincinnati, Chicago and St. Louis Railway, Chicago and Northwestern Railway.

The depression of street shall not exceed 3.9 feet below the established grade of street, making the elevation of the floor of subway not less than 11.6 feet above city datum. This level shall extend on the north to north curb line of Kinzie street, and on the south 10 feet beyond the south portal of subway. From this level the north approach shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surfaces of North Ashland avenue and Kinzie street, and the south approach shall extend on a grade of not to exceed 3.0 feet in 100 feet to a connection with the present surface of street.

Width between walls of subway, 66 feet.

Width of roadway, 46 feet.

Width of sidewalks, 10 feet.

Width of roadway and sidewalks in West Kinzie street shall be the same as they now exist.

The depression of sidewalks shall be uniform with the roadways.

Clear head room, 13 feet.

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Subway in Fulton street, 66 feet wide, under the Pittsburg, Cincinnati, Chicago and St. Louis Railway, Chicago and Northwestern Railway.

The depression of street shall not exceed 4.4 feet below the original grade of tracks, making the elevation of the floor of subway not less than 15.0 feet above city datum. This level shall extend 10 feet beyond portal of subway at each end thereof. From this level the approaches shall extend on a grade of 3.5 feet in 100 feet in Fulton street to the intersection with the present surface of street.

The width of streets and sidewalks shall be the same as now exists, and a line of posts will be placed at each curb line and inside thereof in subway to support girders.

The depression of sidewalks shall be uniform and level with the center of roadway.

Clear head room, 12 feet.

¶ 15. **Grade of streets.**] § 4b. The grade of east and west streets that intersect the approaches to subway, as described in section 4a of this ordinance, shall be depressed so as to conform to the grade of the approaches into such subways.

¶ 16. **Vertical curves, approaches.**] § 4c. In the several subways mentioned in this ordinance, there shall be constructed a vertical curve where the head of approaches connects with the present grade of street; and said vertical curve shall extend not less than 20 feet each side of said intersection of grades, and the middle ordinate of the vertical curve shall be equal to one-half of the difference between the elevation of the points on said intersecting grades.

¶ 17. **Depression of street, excavations.**] § 5. All such excavations shall be made in the streets as may be required for the depression of such subways and the approaches thereto. But the depressed portion of the streets shall be restored to serviceable condition for the use of the public as soon as practicable, and all water pipes, conduits, sewers and other similar substructures belonging to the city that may be disturbed by such excavations or required to be moved or deflected from the position in which they are found, shall be replaced, or suitable expedients and arrangements shall be devised and provided to restore them as fully as may be to their former state of usefulness, but the gradients of the sewers shall not be reduced in any event. All such work shall be done by the respective railroad companies, as indicated in section 4a, and at their sole expense, and under the immediate supervision and to the satisfaction of the commissioner of public works of the city of Chicago.

¶ 18. **Grade of streets changed.**] § 6. The grades of all the streets and alleys in which any subways are to be built, in accordance with the provisions of this ordinance, or where streets shall be depressed in accordance with the provisions of this ordinance along the line of the several subways, shall be and the same are hereby changed so as to conform to the grades of such subways, as they shall be depressed and constructed pursuant to the provisions of this ordinance.

¶ 19. **Receiving basins, drains.**] § 7. Provision shall be made for the drainage of the several depressed subways provided for in this ordinance by the construction of receiving basins properly located in or immediately adjacent to said subways, which said receiving basins shall be connected with and discharge their contents into the adjacent city sewers. In case the lowest point of the surface of any of said subways should be below the grade of the adjacent sewer, some other adequate means of drainage satisfactory to the commissioner of public works must be devised and provided by said railroad companies at their expense.

¶ 20. **Subways and approaches, how paved.**] § 8. Paragraph 1. The subways and the approaches thereto, so to be constructed by said companies in said streets and avenues aforesaid, shall all conform to the following structural requirements, namely: The roadways shall be paved with a single course of vitrified brick of standard quality, laid at right angles with the curb lines and set upon a solid foundation of hydraulic cement concrete of not less than six (6) inches thick or deep when solidly tamped in place and otherwise finished and properly crowned ready for the brick wearing surface, between which and the concrete there shall be interposed a layer of screened sand not less than one-half inch thick. The curb shall be of sound, hard limestone, of standard dimensions and finish, and the sidewalks in subways shall be finished and paved with Portland cement concrete of standard quality and workmanship, and with the curbing and roadway paving shall be made, finished and put in permanent place in accordance with the requirements of the department of public works of the city of Chicago. The approaches of subways shall be in all other respects restored as near as may be to their condition before being so excavated.

¶ 21. **Restoration of streets and sidewalks.**] Paragraph 2. As to streets in this section mentioned, which are already paved or provided with sidewalks, such paving and sidewalks shall be restored with the present material, when the same is in good condition, by said railroad company or companies, at their own expense, in such portions of said streets as are required to be constructed by said company or companies, except that said railway company or companies are not required to restore any part of the paving of approaches or subways, which will be the duty of any street railway company, or other corporation, itself to restore under existing laws or ordinances.

¶ 22. **Roadway—pavement of.**] Paragraph 3. Said company or companies shall pave the entire length and width of the roadway in such portions of the subways as are required to be constructed by said company or companies as is mentioned in this ordinance, except that such company or companies as shall be required to pave any part of the subways to be occupied by, or adjacent to street railway tracks, which by reason of existing laws or ordinances it will be the duty of any street railway company, or other corporation, itself to pave.

¶ 23. **Street railways, grade to conform — without claim for damage.**] Paragraph 4. Any street railway company occupying any of the streets in the city of Chicago crossed by said elevated railway shall, when and as the grade of such street shall be changed as in this ordinance provided, at its own expense, without claim for damages, conform the grade of its track or tracks to the said change of grade of said streets, and nothing in this ordinance shall operate to be held to relieve such street railway companies from any liability now existing, however created, to pave or bear the expense of paving such streets between or on either side of its said tracks, in the manner and form as now required

¶ 24. **Incidental and consequential damages, city to assume.**] Paragraph 5. Nothing in this ordinance contained shall be so construed as to require the said railway companies, or either of them, to assume or pay any incidental or consequential damages to adjacent property or business caused by the passage and enforcement of this ordinance, or by the excavation, depression or change of grade made in any of the public avenues, streets or alleys, to defend any suit or suits, which may be brought against any party or parties for the recovery of any such damages; but it is understood that all such damages, if there are any, shall be adjusted and paid by the city of Chicago, and said city will assume the defense of any and all suits brought for the recovery of the same, intervening therein, if necessary, for such purpose, and will wholly relieve said railway companies from defending the same, and will assume and pay all judgments recovered therein. The above stipulations in this paragraph contained are, however, upon the condition precedent that in case any suit be brought against any of the said companies, said company will, at least five (5) days before the return day of the summons therein, give notice in writing of such suit and of such service to the mayor and the corporation counsel of said city for the purpose of enabling such defense to be made by the city.

¶ 25. **Superintendence and inspection.**] § 9. All the work hereinbefore in this ordinance required to be done by said company or companies upon, or in connection with, the public avenues and streets of the city shall be done and performed under the superintendence and subject to the inspection and approval of the commissioner of public works of said city. At least ten (10) days prior to the com-

mencement of any part of such work the plans and specifications therefor shall be submitted to said commissioner of public works for his examination, and if found to be in accordance with the provisions of this ordinance in so far as this ordinance contains specific provisions, and in the absence of such specific provisions, if they shall be satisfactory to the commissioner of public works in regard to matters and details, which by this ordinance are left to his discretion and judgment, such plans shall be approved by him, and after such approval all of the work outlined and included therein shall be constructed in strict conformity therewith.

¶ 26. **Permission to obstruct streets.**] § 10. Permission and authority are hereby given to said companies, whenever the same shall be necessary in the prosecution of the work they are herein authorized or required to perform, to obstruct, temporarily, any public street, avenue or alley to such extent and for such length of time as may be approved by the commissioner of public works, and they are also hereby authorized, whenever the same shall become necessary, to erect and maintain temporary structures and false work in any of said streets and avenues during the construction of their said elevated railroads, subject to the like approval of said commissioner of public works.

¶ 27. **Ordinances as to speed, cars, gates, signals, watchmen, to cease.**] § 11. When the said several railroads, in section 1 of this ordinance mentioned, shall have elevated their respective tracks in accordance with this ordinance, so that the same shall be ready for use, then and thereupon all provisions of the ordinances of the city of Chicago relating to the speed of railway trains, the number of cars to constitute a train, and the maintenance of gates, flagmen, watchmen, signals and signal towers, shall cease to be applicable to said railroads: provided, however, this ordinance is not to be construed as a waiver or surrender by the city of Chicago of any of its police powers or of the right at any time hereafter to pass necessary and reasonable police ordinances in relation to the matters last above enumerated. After such elevation it shall be unlawful for any person or persons, save employes of said companies, or either of them, in the discharge of their duties, to enter or be upon or to walk along or across the said elevated structure or roadway at any place. If any person shall wilfully trespass upon said elevated roadway, such person and all others aiding, abetting or assisting therein shall be liable to a fine of not less than five dollars nor more than one hundred dollars for each and every offense.

¶ 28. **Building of additional subways — opening of streets.**] § 12. In consideration of the acceptance of this ordinance by said railroad and railway companies, the city undertakes and agrees that it will not hereafter require or attempt to compel said railroad and railway companies at their expense to build any additional or other

subways than those in this ordinance provided for. But it is hereby agreed that if the city of Chicago shall, at any time hereafter open and extend any street or streets, or avenues or alleys, by means of subways only across the right of way and lands and yards of said companies, and in such case no claim for compensation on account of land taken for right of way of such street or streets, avenue or alleys, will be made by said railroad companies, and such waiver of compensation shall attach to and run with such land in the hands of any grantee or grantees of such railroad company or companies, but the sole cost and expense of the construction of such subways and of such bridges as may be necessary to carry all the tracks on said companies' lands and right of way and yards, and over said highways, should be borne and paid by the said city of Chicago, without expense to said railroad companies mentioned in this ordinance; and in no case shall any such bridge over such subway or subways so to be built be inferior in any regard to the bridges to be built by the railroad company across streets provided for in this ordinance. The work of such construction shall be done by the railroad company interested, and the amount to be paid by the city for such work and construction shall not exceed the actual and reasonable cost thereof. Said bridges, respectively, shall support all the tracks of said company then existing and in use across the lines of such proposed street or streets at the time of the construction of such subway across such right of way or yards of said railroad companies. But said railroad companies shall not be required to do any work towards the construction of any such subway until the cost thereof, as may be estimated by the city engineer and chief engineer of said railroad company or companies, first shall have been paid over to said company or companies, or deposited in some responsible bank for its or their benefit and to be paid over to it or them at once upon the completion of said work. The grade of the roadbed and tracks of said company or companies shall be and remain at the grade hereinbefore specified.

¶ 29. **Requirements as to elevated railroad crossing.**] § 13. The elevation of the roadbed and tracks of the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, the Chicago and Northwestern Railway Company, as required by the provisions of this ordinance, and the use and operation of said tracks, when so elevated, being impracticable, unless and until the roadbed and tracks of the elevated railroad built by the Metropolitan West Side Elevated Railroad Company, which elevated railroad crosses above and over the last named railway companies' tracks, between Paulina and Wood streets, shall be raised at the crossing to a sufficient height above the elevated tracks of said last above mentioned companies, to prevent any obstruction to, or interference with, the construction, maintenance, use and operation of such elevated tracks. Said Metropolitan West Side Elevated Railroad Company is hereby ordered and required

to elevate the plane of the roadbed and tracks of its said elevated railroad at said crossing, aforesaid, to such height above the roadbed and tracks of the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, the Chicago and Northwestern Railway Company, when raised to the elevation herein required, that there shall be a minimum clearance of headway of not less than seventeen (17) feet between the elevated tracks of said last named railway companies at the lowest part of the overhead structure of said Metropolitan West Side Elevated Railroad; the tracks of said elevated railroad company on each side of said crossing to be adjusted to connect with the tracks laid upon the overhead structure at said crossing in such a manner and using such gradients as said elevated railroad company shall deem proper. Said Metropolitan West Side Elevated Railroad Company shall begin the elevation of its road at said crossing as soon as reasonable after all other railroad companies mentioned in this section have filed with the mayor of Chicago their agreements referred to in section 17 of this ordinance. The work of such elevation shall be fully and finally completed within ninety (90) days after such acceptance shall be filed by all of said above mentioned railway companies, and in case of failure or default on part of said Metropolitan West Side Elevated Railroad Company, its successors or assigns, to complete the work and construction of such elevation within the period of ninety (90) days from and after the acceptance of this ordinance by all of said above mentioned railway companies mentioned in this section, said company shall pay to the city of Chicago as assessed, agreed and liquidated damages, the sum of two hundred ($200) dollars per day for each and every day that such default shall continue, and such elevation of the structure and tracks of said Metropolitan West Side Elevated Railroad shall remain unfinished and incomplete, it being agreed that the said sum of two hundred ($200) dollars per day is not a penalty, but is the actual amount of damages that will be sustained by the city of Chicago through any such default on the part of said Metropolitan West Side Elevated Railroad Company; but the foregoing provisions in relation to the payment of said damages shall not be in any way held to interfere with the rights to be derived by the city under the provisions contained in section 14 of this ordinance; but shall be deemed and construed as an additional remedy in behalf of the city in case of default on the part of said Metropolitan West Side Elevated Railroad Company. The time of delay, if any, occasioned by strikes, riots or unavoidable accidents, shall be added to the ninety (90) days above provided for the completion of said work.

¶ 30. Work, when to commence; continuous prosecution.] § 14. The Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, the Chicago and Northwestern Railway Company and the Chicago, Milwaukee and St. Paul Railway Company, who are required to elevate their tracks, shall commence the work of such eleva-

tion at once, whenever the Metropolitan West Side Elevated Railroad Company's elevated road shall be raised at the crossing of that road, over the proposed elevated tracks of the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company and the Chicago and Northwestern Railway Company, to the elevation required by section 13 of this ordinance; Provided, this ordinance shall have been accepted by the said above mentioned railroad companies hereby required to elevate their tracks.

After such work has commenced the same shall be prosecuted continuously, and with all practical diligence, and shall be fully and finally completed on or before the thirty-first day of December, 1900, unless prevented by strikes, or restrained by injunction or other order or process of a court of competent jurisdiction.

The time during which said railroad companies shall be prevented by strike or strikes or legal proceedings, as aforesaid, shall be added to the time hereby limited for the completion of said work; Provided, said railroad companies give notice to the corporation counsel of the city of Chicago of the institution of said legal proceedings. The city of Chicago shall thereupon have the right to intervene in any suit or proceedings brought by any person or persons seeking to enjoin or restrain, or in any manner interfere with the prosecution of said work, and move for a dissolution of such injunction and restraining order, and for any other proper order in such suit.

¶ 31. **Negligence or failure in prosecuting work; notice.**] § 15. Each and every one of the companies required by this ordinance to elevate its tracks, including the Metropolitan West Side Elevated Railroad Company, shall do its portion of the work in accordance with the terms hereof, in apt and proper time, so as not to interfere with the proper and orderly prosecution of such work as a whole. Should any company fail or neglect to so prosecute its work, the commissioner of public works of the city of Chicago shall have, and is hereby given, the right, power and authority to give ten days notice in writing to such delinquent company to prosecute such work. If such company shall fail or neglect to comply with said notice, the commissioner of public works may take charge of and cause such work to be done and the expense thereof shall thereupon be paid by such delinquent company.

¶ 32. **Completion of work.**] § 16. The entire work required of each company shall be completed by the thirty-first day of December, A. D. 1900, except that the time during which any of said railway companies shall be prevented from work by strikes, and the time during which it shall be restrained by injunction or other order or process of a court of competent jurisdiction, of which it shall have given notice to the corporation counsel of the city of Chicago, and the time after the expiration of ninety (90) days from the filing of the agreements mentioned in section 17, the structures and tracks of the Metropolitan West Side Elevated Railroad Company shall not have been raised, as hereinbefore described in section 13 of this ordinance, to a height of

not less than 17 feet above the elevated tracks hereby required, and the time during which any of said companies, required by this ordinance to elevate their respective roadbeds and tracks, may be delayed in such work without its own fault, in consequence of the failure of any other of said companies to do the work by this ordinance required of it, or in consequence of the failure of any street railway company or corporation to grade or pave any part of any subway or approach, required to be graded or paved, and such last named street railway or corporation shall not be included.

¶ 33. **When in force, conditions.**] § 17. This ordinance shall take effect from and after its passage, approval and publication; Provided, however, that this ordinance shall be null and void if the said railway companies and each of them shall not, through their respective authorized officers, file with the mayor of the city of Chicago, within sixty days from the passage of this ordinance, an agreement or agreements, duly executed, whereby said railway companies, and each of them, shall undertake to do and perform all the matters and things required of them and each of them by this ordinance. After the filing of said agreement or agreements, as aforesaid, this ordinance shall not be materially modified or amended without the consent of said railway companies; but nothing in this ordinance contained shall be deemed a waiver or surrender of the police power of the city, or to deprive the city of the right to properly exercise such power.

ST. CHARLES AIR LINE RAILWAY.

§ 934. St. Charles Air Line Railroad and other companies.

¶ 1. Railroad named to elevate tracks.
¶ 2. St. Charles Air Line to elevate tracks.
¶ 3. Chicago, Madison & Northern Railroad Company to elevate tracks.
¶ 4. Tracks—height of.
¶ 5. Tracks—depressed.
¶ 6. Tracks—depressed.
¶ 7. Tracks—height—depression.
¶ 8. Grant to Lake Shore & Michigan Southern Railway Co.
¶ 9. Grant to Chicago, Madison & Northern Railroad Company.
¶ 10. Tracks—changing location—grades.
¶ 11. Elevation—rail.
¶ 12. Number of tracks permitted—subways—embankments.
¶ 13. Subways—bridges—storm water.
¶ 14. Subways—location—how constructed.
¶ 15. Viaduct —how constructed.
¶ 16. Subways, viaducts and alley openings—how constructed.
¶ 17. Excavations—depression of subways—railroad to do work.
¶ 18. Grades—subways—viaducts—how built.
¶ 19. Drainage of subways into city sewers.
¶ 20. Subways and approaches—how constructed.
¶ 21. Paved streets—sidewalks—how restored.
¶ 22. Company to pave roadway—except.
¶ 23. Street railway to conform to the grade of its tracks—grant to Chicago City Railroad Company—position of poles and wires—cost.
¶ 24. Damages—who to pay.
¶ 25. Work—inspection and approval by Commissioner of Public Works.
¶ 26. Permission and authority—temporary structure.
¶ 27. Elevation—height.
¶ 28. Elevate tracks—where to begin—time for completion.
¶ 29. Work—position of—time.
¶ 30. Grant—connect tracks—change grade.
¶ 31. Maintain and operate.
¶ 32. Time of ordinance in force—conditions.
¶ 33. Time to take effect—modified or amended—consent.

An ordinance requiring the elevation of the plane of the road-bed and tracks of the St. Charles Air Line Railroad within certain limits, and requiring the Chicago, Madison & Northern Railroad Company, the Atchison, Topeka & Santa Fe Railway Company, the Chicago & Western Indiana Railroad Company, the Lake Shore & Michigan Southern Railway Company, the Chicago, Rock Island & Pacific Railway Company, the Chicago, Alton & St. Louis Railroad Company, respectively, to change the plane of certain of their tracks within the city of Chicago, in order to eliminate grade crossings of the Chicago & Western Indiana Railroad and Atchison, Topeka & Santa Fe Railway with Lake Shore and Michigan Southern Railway and the Chicago, Rock Island & Pacific Railway Companies. (Passed May 17, 1897. Accepted June 19, 1898; amended June 21, 1898.)

¶ 1. Railroad named to elevate tracks.] Be it ordained by the city council of the city of Chicago: § 1. That the Illinois Central Railroad Company, the Michigan Central Railroad Company, the Chicago and Northwestern Railway Company, and the Chicago,

Burlington and Quincy Railroad Company, proprietors of a certain railroad in the city of Chicago, commonly called the St. Charles Air Line, which extends from its connection with the Illinois Central Railroad north of and near 16th street, westerly to and across the south branch of the Chicago river and the Chicago, Madison and Northern Railroad Company, the Atchison, Topeka and Santa Fe Railway Company, the Chicago and Western Indiana Railroad Company, the Lake Shore and Michigan Southern Railway Company, the Chicago, Rock Island and Pacific Railway Company and the the Chicago, Alton and St. Louis Railroad Company are all hereby ordered and required to change the plane of certain of their tracks; the tracks of St. Charles Air Line Railroad, the Chicago, Madison and Northern Railroad Company, the Lake Shore and Michigan Southern Railway Company, the Chicago, Rock Island and Pacific Railway Company, and the Chicago, Alton and St. Louis Railroad Company are to be elevated, while the tracks of the Chicago and Western Indiana Railroad Company and Atchison, Topeka and Santa Fe Railway Company are to be depressed, within certain limits, in manner and upon the same conditions hereinafter specified; that is to say:

¶ 2. **St. Charles Air Line to elevate tracks.**] Paragraph 1. The proprietors of the St. Charles Air Line Railroad are required to begin elevation at a point on the existing tracks of the Illinois Central Railroad, near what is known as Park Row station of said railroad; from this initial point said elevated roadbed and tracks of the said St. Charles Air Line shall rise on any suitable gradient for a distance of about 1,860 feet, where an elevation of not less than 29.10 feet above city datum shall be attained; thence shall continue at the same elevation, curving to the right for a distance of 800 feet more or less to the east line of Indiana avenue; thence said elevated roadbed and tracks shall continue on a level grade and in a westerly direction to a point about on the west line of Wabash avenue, where an elevation of not less than 29.10 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue on a descending gradient of about forty-four hundredths of one percentum and in a westerly direction for a distance of about 820 feet to the west line of Dearborn street, where an elevation of not less than 25.5 feet above city datum shall be attained; thence by deflecting line of said St. Charles Air Line Railroad to the south by a reverse curve on a descending gradient of about forty-four hundredths of one per centum for a distance of about 425 feet to the west line of South Clark street, where an elevation of not less than 23.50 feet shall be attained and crossing said South Clark street at a distance of about 85 feet south of its present crossing; thence said elevated roadbed and tracks shall continue on a descending gradient in a northwesterly direction for a distance of about 65 feet to the most easterly track of the Lake Shore and Michigan Southern Railway, where the elevation shall be 23.1 feet above city datum; thence said elevated roadbed and tracks shall continue curving in a northwesterly direction on a descending gradient for a distance of about 270 feet to

a point about 10 feet west of the most westerly track of the Chicago and Western Indiana Railroad, where the elevation of said St. Charles Air Line shall not be less than 21.50 feet above city datum, as it shall be located when the proposed change of line and depression of tracks are made as hereinafter mentioned; said last mentioned course to cross at grade the tracks of the Lake Shore and Michigan Southern Railway Company, the Chicago, Rock Island and Pacific Railway Company, and the Chicago, Alton and St. Louis connection to said last mentioned railway companies, and to cross over the proposed depressed tracks of the Atchison, Topeka & Santa Fe Railway Company, and the Chicago and Western Indiana Railroad Company. Thence said elevated roadbed and tracks of the said St. Charles Air Line Railroad shall proceed in a westerly direction and shall descend on the most suitable gradient to permit the connection of said tracks with the existing tracks of the Chicago and Northwestern Railway Company and the Chicago, Burlington and Quincy Railroad Company, east of the tracks of the Pittsburg, Fort Wayne and Chicago Railway in Stewart avenue.

¶ 3. **Chicago, Madison and Northern Railroad company to elevate tracks.**] Paragraph 2. From a point near center line of South Clark street, and on the proposed elevated roadbed and tracks of the said St. Charles Air Line Railroad, the roadbed and tracks of the Chicago, Madison and Northern Railroad Company shall be elevated and diverge to the south from said elevated roadbed and tracks of the said St. Charles Air Line, the said elevated roadbed and tracks of the said Chicago, Madison and Northern Railroad Company shall continue in a westerly and southerly direction, and on a descending gradient to a point about 10 feet west of the most westerly track of the said Atchison, Topeka and Santa Fe Railway, as it shall be located about 30 feet north of its present location, when the proposed change of line and depression of the Atchison, Topeka and Santa Fe tracks will have been made as hereinafter provided; the elevation of the said elevated roadbed and tracks of the Chicago, Madison and Northern Railroad Company at said last mentioned point shall not be less than 21.50 feet above city datum; said last mentioned course to cross at grade, the main tracks of the Lake Shore and Michigan Southern Railway Company and Chicago, Rock Island and Pacific Railway Company, the switching tracks of the Lake Shore and Michigan Southern Railway and the tracks connecting the said St. Charles Air Line Railroad with the Lake Shore and Michigan Southern Railway and the Chicago, Rock Island and Pacific Railway tracks; and to cross over the proposed depressed tracks of the Atchison, Topeka and Santa Fe Railway as hereinafter provided; thence in a southerly direction from said last mentioned point, said elevated roadbed and tracks of the said Chicago, Madison and Northern Railroad Company shall descend on the most suitable gradient to permit a connection with the existing roadbed

and tracks of said company at the most desirable point at or north of the 18th street viaduct.

¶ 4. **Tracks—height of.**] Paragraph 3. From the most desirable point on the existing tracks of the Lake Shore and Michigan Southern Railway Company, and the Chicago, Rock Island and Pacific Railway Company, the tracks of said railway companies shall rise on the most suitable gradient convenient and practicable to said companies to a point about 15 feet north of the northwesterly track of the said Chicago and Western Indiana Railroad Company, as it shall be located about 15 feet north of its present location, when the proposed change of line and depression of said Chicago and Western Indiana Railroad tracks will have been made; the elevation of the proposed elevated roadbed and tracks of the Lake Shore and Michigan Southern Railway Company and the Chicago, Rock Island and Pacific Railway Company at said last mentioned point shall not be less than 21.50 feet above city datum; thence said elevated roadbed and tracks of the said Lake Shore and Michigan Southern Railway Company and the Chicago, Rock Island and Pacific Railway Company shall continue in a southerly direction and on an ascending gradient for a distance of about 260 feet to a point where the elevation of said elevated roadbed and tracks shall be not less than 23.10 feet above city datum, which point is at the crossing of said tracks with the tracks of the said St. Charles Air Line Railroad and Chicago, Madison and Northern Railroad as they shall be located as herein provided; thence said elevated roadbed and tracks shall continue in a southerly direction, and they shall descend on a gradient of about two-tenths of one per centum for a distance of about 940 feet, to a point about on the south line of 18th street, where an elevation of not less than 21.70 feet above city datum shall be attained; thence said elevated roadbed and tracks shall continue in a southerly direction, and shall descend to intersect the plane of the now elevated roadbed and tracks of said companies at a point not further north than 50 feet north of the north line of Archer avenue as provided in an ordinance dated and passed July 9th, A. D. 1894.

¶ 5. **Tracks—depressed.**] Paragraph 4. From a point about 400 feet northeasterly of the intersection of 15th and Dearborn streets, or from such other point as may be most convenient for said company, on the plane of the existing tracks of the Atchison, Topeka and Santa Fe Railway Company, the tracks of said railway company shall be depressed on the most suitable grading convenient and practicable to said company, to a point about ten feet east of the east line of South Clark street, where the elevation of the most southerly of said depressed tracks shall not be more than 3.0 feet above city datum, as they shall be located when the proposed change of line and depression of said Atchison, Topeka and Santa Fe Railway tracks will have been made; thence in a southwesterly direction from said last mentioned point, and on a level gradient across South Clark street to a point about ten feet west of Clark street; thence said depressed tracks

of the said Atchison, Topeka and Santa Fe Railway Company shall rise on an ascending gradient to a point about ten feet south of the most southerly elevated tracks of the Chicago, Madison and Northern Railroad Company, where an elevation not exceeding four feet above city datum may be attained, and crossing in the two last mentioned courses, under South Clark street proposed viaduct, and under the proposed elevated tracks of the Lake Shore and Michigan Southern Railway Company, and the Chicago, Rock Island and Pacific Railway Company, the St. Charles Air Line, the Chicago, Alton and St. Louis connection, and the tracks of the Chicago, Madison and Northern Railroad Company as hereinbefore described; thence said depressed tracks of said Atchison, Topeka and Santa Fe Railway Company shall continue in a southerly direction and shall rise on the most suitable gradient convenient and practicable to said company, to a connection with the present tracks of the said Atchison, Topeka and Santa Fe Railway Company. Provided, that the grade of Dearborn street and the grade of 15th street shall be changed and depressed to the same plane as said Santa Fe tracks shall be changed and depressed where said tracks shall cross said streets.

¶ 6. **Tracks—depressed.**] Paragraph 5. From a point about 375 feet north of the north line of 15th street, or from such other point as may be most convenient for said company, on the plane of the existing tracks of the Chicago and Western Indiana Railroad Company, the tracks of said railroad company shall be depressed on the most suitable gradient convenient and practicable to said company to a point about 10 feet east of the east line of South Clark street, where the elevation of the north main track of said depressed tracks shall not be more than four feet above city datum, as they shall be located about 15 feet north of and parallel with their present location, when the proposed change of line and depression of said Chicago and Western Indiana Railroad tracks shall have been made, thence said depressed tracks shall continue, and in a southwesterly direction from said last mentioned point, and on a level grade, to a point about 10 feet south of the most southerly proposed elevated Y tracks connecting the St. Charles Air Line with the Lake Shore and Michigan Southern Railway, and the Chicago, Rock Island and Pacific Railway, and crossing, in said last mentioned course, under South Clark street proposed viaduct, and under the proposed elevated tracks of the Lake Shore and Michigan Southern Railway Company and the Chicago, Rock Island and Pacific Railway Company, and also under the proposed elevated tracks of the St. Charles Air Line Railroad and said Y tracks; thence said depressed tracks of the said Chicago and Western Indiana Railroad shall continue in a southerly direction, and they shall rise on the most suitable gradient convenient and practicable to said company, to a connection with the present track of the said Chicago and Western Indiana Railroad Company.

¶ 7. **Tracks — height — depression.**] Paragraph 6. From a point on the proposed elevated connecting switching track of the

Lake Shore and Michigan Southern Railway Company immediately west of the main tracks of the Chicago, Rock Island and Pacific Railway Company, and about 10 feet south of the most easterly track of the Atchison, Topeka and Santa Fe Railway Company, where the same crosses underneath the said connecting switching track of said Lake Shore and Michigan Southern Railway Company; and where the proposed elevated roadbed and tracks of the Chicago, Alton and St. Louis Railroad Company diverges to the west from said last mentioned point the said elevated roadbed and tracks of said railway company shall continue in a southwesterly direction on a descending gradient of about three-tenths of one per centum for a distance of about 325 feet to a point where the elevation of the proposed elevated roadbed and tracks shall not be less than 21.5 feet above city datum, and about ten feet west of the most westerly track of the Atchison, Topeka and Santa Fe Railway Company as they shall be located and depressed as hereinbefore described; and crossing in said last mentioned course at grade, the proposed elevated roadbed and tracks of the said St. Charles Air Line Railroad and crossing over and above the said depressed tracks of the Atchison, Topeka and Santa Fe Railway Company; thence said elevated roadbed and tracks of the Chicago, Alton and St. Louis Railroad Company shall continue in a southerly direction and they shall descend on the most suitable, convenient and practicable gradient to said railway company, to intersect the present plane of existing tracks of said Chicago, Alton and St. Louis Railroad Company at a point about 55 feet southwesterly of the center of 18th street viaduct.

¶ 8. **Grant to Lake Shore and Michigan Southern Railway Company.**] Paragraph 7. In consideration of the benefits accruing to the city of Chicago by the performance of the work herein specified to be done by the Lake Shore and Michigan Southern Railway Company, said company is hereby granted the right to maintain its present six tracks from 16th street to 18th street, between La Salle street and Wentworth avenue, and to elevate them to the level herein specified for the main tracks of said company between 16th street and 18th street. Also to cross the 18th street subway with one or more tracks on suitable bridges between La Salle street and Wentworth avenue, and to cross 19th street between La Salle street and Wentworth avenue with six tracks at such elevation above the present grade of said 19th street as said railway company may desire. Also to lay and maintain between 19th and 20th streets a track from its main tracks to and connecting with the said tracks between La Salle street and Wentworth avenue. That so much and such parts of 16th street, 17th street and 19th street as lie between the east line of the right of way of the Lake Shore and Michigan Southern Railway Company and the Chicago, Rock Island and Pacific Railway Company and the east line of Wentworth avenue, be and the same are hereby vacated. The right is also granted to said railway company to make such changes in the grade of La Salle street,

between 16th and 20th streets, as may be necessary to afford safe and convenient access to the property and tracks of said company after the same shall have been elevated, as herein provided.

Permission is also hereby granted to the Lake Shore and Michigan Southern Railway Company, to elevate its tracks leading to its yard lying between 16th and 18th streets and to make such changes in the location of said tracks as said company may deem necessary.

Permission is also hereby granted to the Lake Shore and Michigan Southern Railway Company, and to the Chicago, Rock Island and Pacific Railway Company, to elevate the two "Y" tracks of said St. Charles Air Line, and to make such changes in their location as said company may deem necessary.

¶ 9. **Grant to Chicago, Madison and Northern Railroad Company.**] Paragraph 8. Permission and authority are hereby granted the Chicago, Madison and Northern Railroad Company to change the easterly connection of that railroad with the St. Charles Air Line Railroad, from the location hereinbefore mentioned in section 1, paragraph 2, to any desirable point west of State street on the proposed elevated track of said St. Charles Air Line, and to have the privilege of using and maintaining the most convenient and practicable gradient to enable said Chicago, Madison and Northern Railroad Company to cross above and over the tracks of the Lake Shore and Michigan Southern Railway Company and Chicago, Rock Island and Pacific Railway Company, thereby eliminating the grade crossing of these railroads as provided in this ordinance.

¶ 10. **Tracks — changing location — grades.**] Paragraph 9. Nothing in this ordinance shall prevent the various companies owning the tracks mentioned herein from changing the location of said tracks by the mutual agreement of those interested as they may deem necessary, provided that no change of location shall be made that will prevent the separation of the grades of said tracks as contemplated in this ordinance.

The railway companies named in this ordinance are hereby authorized to make such changes in the position and alignment of their respective tracks and switch connections as may be desirable in order to carry out the provisions of this ordinance.

¶ 11. **Elevations — rail.**] Paragraph 10. All elevations of railroad tracks mentioned in this ordinance shall refer to the top of the rail.

¶ 12. **Number of tracks permitted — subways — embankments.**] § 2. The elevated or depressed roadbeds of said railways, as provided for in this ordinance, may be wide enough to provide for two main tracks for each and every railroad herein named, together with such additional main tracks, side tracks and switches as shall be deemed necessary by the proprietors or corporations of said railroads, provided, that at no time shall the St. Charles Air Line and the proprietors thereof, and the Chicago, Madison and Northern Railroad, together, construct and operate more than four tracks east

of Clark street, and where said tracks are elevated they shall be supported and carried (except at the intersection of such public streets, avenues and alleys, as are by the terms of this ordinance to be provided with subways), upon a superstructure of steel, or iron trestle work, or upon a solid embankment of earth, or other material, as may be preferred by said proprietors or corporations. Such unocccupied spaces, or areas, outside the boundary lines of the intersecting streets, avenues and alleys as may be left beneath said elevated structure, may be used by the owners thereof for any lawful purpose. In case said railroad companies or any of them, required by this ordinance to elevate their tracks, respectively, shall use an embankment of earth or stone or other material, instead of steel or iron structural work, the side slopes and lateral dimensions of said embankment will be determined by the natural angle of repose of the embankment material used; but whenever it may become necessary for the purpose of keeping said embankments entirely within the lines of the right of way of said railway company, such embankments shall be confined between retaining walls of stone or brick masonry or concrete. If such retaining walls shall be less than five (5) feet high, the same shall be surmounted by a substantial iron picket fence of such height and strength as to effectually prevent all persons from trespassing upon the elevated tracks of said companies, respectively. In case said railroad companies, or any of them, are required by this ordinance to depress their tracks, then said tracks shall be protected by retaining walls of brick, stone or concrete, surmounted by substantial iron picket fence of such height and strength as to effectually prevent all persons from trespassing upon the depressed roadbed and tracks of said companies, respectively.

¶ 13. **Subways — bridges — storm water.**] § 3. The said elevated tracks shall be carried across all intersecting streets, avenues and alleys, which, by the terms of this ordinance, are to be provided with subways, on suitable bridges of one, two or three spans, whose superstructure shall consist of iron or steel main girders, with iron or steel main floor, or ordinary track stringers; but should the latter method be adopted, some suitable device shall be provided to prevent storm water, dirt, oil and other substances from dropping from such elevated structure upon the subways beneath. The said bridges shall be supported on abutments of concrete, stone or brick masonry, or on rows of iron or steel columns, braced together laterally and erected on and anchored to masonry foundations, constructed within the lines of the railroad right of way, and in the curb lines of the intersecting avenues or streets.

¶ 14. **Subways—location—how constructed.**] § 4. Paragraph 1. At the point where the said St. Charles Air Line Railroad is intersected and crossed by Indiana avenue, Michigan avenue, Wabash avenue, South State street, Dearborn street, South Clark street, and all intervening alleys, subways shall be constructed passing beneath said elevated tracks, and such subways shall conform to the descrip-

tions, specifications, dimensions and other particulars contained in schedules set forth and embodied in section 4a of this ordinance, and subways shall be constructed beneath the said elevated tracks of the Lake Shore and Michigan Southern Railway Company and the Chicago, Rock Island and Pacific Railway Company, where said elevated tracks are crossed by 18th street, and said subways shall conform to the description, specifications, dimensions and other particulars contained in the schedules set forth and embodied in section 4a of this ordinance.

¶ 15. **Viaduct — how constructed.**] Paragraph 2. At the point where the Atchison, Topeka and Santa Fe Railway Company tracks and the tracks of the Chicago and Western Indiana Railroad Company cross South Clark street, a viaduct shall be constructed passing over and above said depressed tracks, and such viaduct shall conform to the description, specifications, dimensions and other particulars contained in the schedule set forth and embodied in section 4a of this ordinance.

¶ 16. **Subways, viaducts and alley openings — how constructed.**] § 4a. The several subways, viaducts and alley openings hereinbefore referred to in section 4 of this ordinance, and which shall be constructed in accordance with the elevation upon which such tracks are to be placed, shall as to their size and dimensions, locations and other details, be in accordance with the following schedule:

Subway in Indiana avenue, 66 feet wide, under the St. Charles Air Line.

There shall be no depression of street.

Width between walls, 66 feet.

Width of roadway, 38 feet.

Width of sidewalks, 14 feet.

Clear head room, 14 feet.

Two lines of posts may be placed in said subway at curb lines and inside thereof to support girders.

Subway in Michigan avenue, 100 feet wide, under St. Charles Air Line. According to South Park commissioners' specifications.

Clear head room, 14 feet.

Said subway shall be constructed of such dimensions and according to such plans as may be agreed upon between the South Park commissioners and the St. Charles Air Line. There shall be no depression of street.

Subway in Wabash avenue, 100 feet wide, under the St. Charles Air Line.

There shall be no depression of street.

Width between walls, 100 feet.

Width of roadway, 50 feet.

Width of sidewalks, 25 feet.

Clear head room, 14 feet.

Two lines of posts may be placed in said subway at curb line and inside thereof to support girders.

Subway in South State street, 100 feet wide, under the St. Charles Air Line.

There shall be no depression of street.

Width between walls, 100 feet.

Width of roadway, 60 feet.

Width of sidewalks, 20 feet.

Clear head room, 13 feet.

Two lines of posts may be placed in said subway at curb lines and inside thereof to support girders.

Subway in Dearborn street, 66 feet wide, under the St. Charles Air Line.

There shall be no depression of street.

Width between walls, 66 feet.

Width of roadway, 38 feet.

Width of sidewalk, 14 feet.

Clear head room, 12 feet.

Two lines of posts may be placed in said subway at curb line and inside thereof to support girders.

Subways at each of the four alleys, respectively, running north and south and crossing said St. Charles Air Line, between Indiana avenue and Dearborn street.

Width of subway shall be clear full width of each alley.

Clear head room shall be 14 feet, except as to the westernmost alley, which shall have 12 feet clear head room.

There shall be no depression of any alley below the present grade.

Subway in South Clark street, 80 feet wide, under the St. Charles Air Line.

Depression of street shall not exceed 1.6 feet where wagon roadway is to be depressed, also the depression of street shall not exceed 3.1 feet where the street railway tracks are to be depressed, making the elevation of the floor of roadway not less than 10.0 feet above city datum, and the elevation of the tops of the rails of the street railway not less than 8.5 feet above city datum; the level of floors shall extend to each portal of subway, and from this level the south approach of wagon roadway shall extend on an approaching grade of not to exceed 2 feet in one hundred feet to intersect the present surface of Clark street, and the south approach of the street railway roadway shall extend on an approaching grade of not to exceed 4 feet in one hundred feet. The north approach to subway shall extend on a grade not to exceed 5 feet in one hundred feet, which, continued northerly, will form the south approach to the viaduct to be constructed over the said tracks of the Atchison, Topeka and Santa Fe Railway Company, and the Chicago and Western Indiana Railroad Company, as hereinafter provided:

Width between walls of subway, 80 feet.

Width of roadway, 42 feet.

Width of one sidewalk, 12 feet.
Width of street railway roadway, 26 feet.
Clear head room, wagon roadway, 12 feet.
Clear head room, street railway roadway, 13½ feet.

Depression of sidewalk shall be uniform with roadway, and about one foot above level of same. A suitable wall or fence must be constructed about three feet high, dividing the wagon roadway from street car roadway, and a line of posts may be placed in said subway at curb line and on wall dividing wagon roadway from street-car roadway, and inside thereof to support girders.

Viaduct on South Clark street, over the depressed tracks of the Chicago and Western Indiana Railroad Company and the Atchison, Topeka and Santa Fe Railway Company.

The elevation of the floor of viaduct shall not exceed 21.25 feet above city datum, making it 9.75 feet above present surface of street, on a line immediately over the north rail of the most northwesterly track of the Chicago and Western Indiana Railroad Company as it shall be located and depressed as provided in section 1, paragraph 5; from this point the grade of the floor of said viaduct shall descend in a southerly direction to a point where an elevation of not more than 20.25 feet above city datum shall be attained, which point shall be located about 7 feet south of the south rail of the most southeasterly track of the Atchison, Topeka and Santa Fe Railway Company, as it shall be located and depressed as provided in section 1, paragraph 4. From said last mentioned point the south approach shall descend on a grade of not to exceed 5.0 feet in one hundred feet as measured along a line parallel with and 20 feet west of the east line of South Clark street to an intersection with the present surface of South Clark street, said rate of grade being continued, descending southwardly, to an intersection with the subway floor, as provided in section 4a in specifications for subway in South Clark street under the St. Charles Air Line tracks.

The north approach of said viaduct shall begin about 7 feet north of the north rail of the most northwesterly track of the Chicago and Western Indiana Railroad Company, as it shall be located and depressed as provided in section 1, paragraph 5. From said last mentioned point the north approach shall descend on a grade of not to exceed 4.5 feet in one hundred feet to the intersection of the present surface of South Clark street.

Width of viaduct south end, 80 feet.
Width of wagon roadway, 42 feet.
Width of street car roadway, 26 feet.
Width of one sidewalk, 12 feet.
Width of viaduct north end, 80 feet.
Width of wagon roadway, 42 feet.
Width of street car roadway, 26 feet.
Width of one sidewalk, 12 feet.

The north and south approaches to viaduct shall be constructed

so as to retain the filling or embankment entirely within lines of the street by substantial retaining walls of stone masonry or concrete; subject to the direction and approval of the commissioner of public works.

Substantial and ornamental picket fence and railings shall be provided for viaduct and approaches.

The sidewalks shall be uniform with roadway, and about one foot above level of same where practicable.

Said viaduct shall be constructed of wrought iron and steel, and the roadway shall be paved with granite blocks, and the design, material and workmanship subject to the direction and approval of the commissioner of public works.

Said viaduct and approaches shall be constructed jointly by the Atchison, Topeka and Santa Fe Railway Company, and the Chicago and Western Indiana Railroad Company.

Clear head room over the Atchison, Topeka and Santa Fe Railway and the Chicago and Western Indiana Railroad at the above viaduct, shall not be less than 16 feet.

Subway in 18th street, 66 feet wide, under the Lake Shore and Michigan Southern Railway, and the Chicago, Rock Island and Pacific Railway.

The depression of street shall not exceed 4.2 feet below the original grade of street, making the elevation of floor of subway not less than 8.0 feet above city datum; this level shall extend 10 feet beyond each portal of subway; from this level each approach shall extend on a grade not to exceed 4.0 feet in 100 feet, to intersect the present surface of street.

Width between walls, 66 feet.

Width roadway, 42 feet.

Width sidewalks, 12 feet.

Clear head room, 12½ feet.

The sidewalk shall be depressed uniform with roadway and about one foot above level of same.

Two lines of posts may be placed in said subway at curb lines and inside thereof to support girders.

¶ 17. Excavations—depression of subways—railroad to do work.] § 5. All such excavations shall be made in the streets as may be required for the depression of such subways, and the approaches thereto, but the depressed portion of the streets shall be restored to serviceable condition for the use of the public as soon as practicable, and all water pipes, conduits, sewers and other similar substructures belonging to the city that may be disturbed by such excavations or required to be moved or deflected from the position in which they are found, shall be replaced, or suitable expedients and arrangements shall be devised and provided to restore them as fully as may be to their former state of usefulness; but the gradients of the sewers shall not be reduced in any event; all such work shall be done by the respective railroad companies, as indicated in section 4a, and

at their sole expense, and under the immediate supervision and to the satisfaction of the commissioner of public works of the city of Chicago.

¶ 18. **Grades—subways—viaducts—how built.**] § 6. The grades of all the streets and alleys in which any subways are to be built in accordance with the provisions of this ordinance, or where viaducts shall be built in accordance with the provisions of this ordinance, or where streets shall be depressed or raised in accordance with the provisions of this ordinance, along the line of the several subways, viaducts and their approaches shall be and the same are hereby changed so as to conform to the grades of such subways, viaducts and approaches as they shall be either depressed or elevated, and constructed pursuant to the provisions of this ordinance.

¶ 19. **Drainage of subways into city sewers.**] § 7. Provision shall be made for the drainage of the several depressed subways provided for in this ordinance, by the construction of receiving basins, properly located in or immediately adjacent to said subways, which said receiving basins shall be connected with and discharge their contents into the adjacent city sewers. In case the lowest point of the surface of any of said subways should be below the grade of the adjacent sewer some other adequate means of drainage satisfactory to the commissioner of public works must be devised and provided by said railroad companies at their expense.

¶ 20. **Subways and approaches, how constructed.**] § 8. Paragraph 1. The subways and the approaches thereto so to be constructed by said companies in said streets and avenues aforesaid shall all conform to the following structural requirements, namely:

The roadways shall be paved with a single course of vitrified brick of standard quality laid at right angles with the curb lines and set on a solid foundation of hydraulic cement concrete, of not less than six inches thick or deep when solidly tamped in place and otherwise finished and properly crowned ready for the brick wearing surface, between which and the concrete there shall be interposed a layer of screened sand not less than half an inch thick. The curb shall be of sound, hard limestone of standard dimensions and finish, and the sidewalks in subways shall be finished and paved with Portland cement concrete, of standard quality and workmanship, and with the curbing and roadway paving shall be made, finished and put in permanent place in accordance with the requirements of the department of public works of the city of Chicago. The approaches to subways shall be excavated to the grades established by this ordinance and shall be in all other respects restored as near as may be to their condition before being so excavated.

¶ 21. **Paved streets—sidewalks—how restored.**] Paragraph 2. As to streets in this section mentioned, which are already paved or provided with sidewalks, such paving and sidewalks shall be restored with the present material, when the same is in good condition, by said railroad company at its own expense, in such portions of said

streets as are required to be constructed by said company, except that said railway company is not required to restore any part of the paving of approaches or subways which will be the duty of any street railway company or other corporation itself to restore, under existing laws or ordinances.

¶ 22. **Company to pave roadway—except.**] Paragraph 3. Said company shall pave the entire length and width of the roadway in such portions of the subways as are required to be constructed by said company, except that such company shall not be required to pave any parts of the subways to be occupied by or adjacent to street railway tracks, which by reason of existing laws or ordinances it will be the duty of any street railway company or other corporation itself to pave.

¶ 23. **Street railway to conform the grade of its tracks—grant to Chicago City Railroad Company—position of poles and wires — cost.**] Paragraph 4. Any street railway company occupying any of the streets in the city of Chicago crossed by said elevated or depressed railway shall, when, and as the grade of such street shall be changed, as in this ordinance provided, at its own expense, without claim for damages, conform the grade of its track or tracks to the said change of grade on said streets, and nothing in this ordinance shall operate to be held to relieve such street railway companies from any liability now existing, however created, to pave or bear the expense of paving such streets between or on either side of the rails of its said tracks, in the manner and form as now required.

It is provided further that the mayor and the commissioner of public works, if they see fit, may grant to the Chicago City Railroad Company permission to operate its Clark street cars (temporarily, while Clark street, at 16th street, is obstructed and traffic interrupted by the work in this ordinance contemplated) through and by means of the electric over-head trolley over and along any street or streets north of 22d street, having street car tracks thereon and owned and operated by said Chicago City Railway Company and upon which said company has a right to run and operate its cars. No tracks of any other company shall be used by said Chicago City Railway Company without the consent of such other company.

The mayor and commissioner of public works shall designate where the poles for the overhead construction and suspension wires shall be placed and all such temporary work to be used as aforesaid shall be instantly removed, upon the order and direction of the mayor of the city of Chicago, and if the company fails or refuses to comply with such order, the commissioner of public works shall at once remove said poles and overhead construction, at the cost and expense of said company. The understanding being that the rights herein to operate cars shall only be temporary, and while the obstruction exists at 16th street crossing at Clark street aforesaid.

¶ 24. **Damages—who to pay.**] Paragraph 5. Nothing in this ordinance contained shall be so construed as to require the said rail-

way companies or either of them to assume or pay any incidental or consequental damages to adjacent property or business caused by the passage and enforcement of this ordinance or by the excavation, elevation, depression or change of grade made in any of the public avenues, streets or alleys or to defend any suit or suits which may be brought against any party or parties for the recovery of any such damages, but it is understood that all such damages, if there are any, shall be adjusted and paid by the city of Chicago, and said city will assume the defense of any and all suits brought for the recovery of the same, intervening therein if necessary for such purpose, and will wholly relieve said railway companies from defending the same, and will assume and pay all judgments recovered therein. The above stipulations in this paragraph contained are, however, upon the condition precedent that in case any suit be brought against any of the said companies, said company will at least five days before the return day of the summons therein, give notice in writing of such suit and of such service, to the mayor and to the corporation counsel of said city for the purpose of enabling such defense to be made by the city.

¶ 25. **Work—inspection and approval by commissioner of public works.**] § 9. All the work hereinbefore in this ordinance required to be done by said company upon or in connection with the public avenues and streets of the city shall be done and performed under the superintendence and subject to the inspection and approval of the commissioner of public works of said city. At least ten days prior to the commencement of any part of such work, the plans and specifications therefor shall be submitted to said commissioner of public works, for his examination, and if found to be in accordance with the provisions of this ordinance, in so far as this ordinance contains specific provisions and in the absence of such specific provisions if they shall be satisfactory to the commissioner of public works in regard to matters and details which by this ordinance are left to his discretion and judgment, such plans shall be approved by him; and after such approval all of the work outlined and included therein shall be constructed in strict conformity therewith.

¶ 26. **Permission and authority — temporary structures**]. § 10. Permission and authority are hereby given to said companies, whenever the same shall be necessary in the prosecution of the work they are herein authorized or required to perform, to obstruct, temporarily, any public street, avenue or alley to such extent and for such length of time as may be approved by the commissioner of public works; and they are also hereby authorized, whenever the same shall become necessary, to erect and maintain temporary structures and false work in any of said streets and avenues during the construction of their said elevated or depressed railroad, subject to the like approval of said commissioner of public works.

¶ 27. **Elevation — height.**] § 11. The elevation of the roadbed and tracks of the said St. Charles Air Line Railroad, as required

by the provisions of this ordinance, and the use and operation of said tracks when so elevated, being impracticable, unless and until the roadbed and tracks of the elevated railroad built by the Chicago and South Side Rapid Transit Railroad Company, now owned and operated by the South Side Elevated Railroad Company, which elevated railroad crosses the said St. Charles Air Line Railroad between Wabash avenue and State street, north of and near 16th street, shall be raised at the crossing to a sufficient height above the elevated tracks of the said St. Charles Air Line Railroad to prevent any obstruction to or interference with the construction, maintenance, use and operation of such elevated tracks, said South Side Elevated Railroad Company (successor to said Chicago and South Side Rapid Transit Railroad Company) is hereby ordered and required to elevate the plane of the roadbed and tracks of its said elevated road at the crossing aforesaid, to such a height above the roadbed and tracks of the St. Charles Air Line Railroad when raised to the elevation herein required, that there shall be a minimum clearance of headway of not less than seventeen (17) feet between the elevated tracks of the St. Charles Air Line Railroad and the lowest part of the overhead structure of said South Side Elevated Company. The tracks of said elevated railroad company on each side of said crossing to be adjusted to connect with the tracks laid upon said overhead structure at said crossing in such a manner and at such gradients as said elevated railroad company shall deem proper. And upon and in accordance with the petition of the owners of the land representing more than one-half of the frontage of Harrison street, between Victoria alley, sometimes called Holden court, and Wabash avenue. Permission and authority be and the same are hereby granted to said South Side Elevated Railroad Company (successor to said Chicago and South Side Rapid Transit Railroad Company), its successors and assigns, to construct and operate for the period of 50 years from and after March 26, A. D. 1888, a double track elevated railroad on Harrison street, in Chicago, Illinois, from Victoria alley, sometimes called Holden court, to Wabash avenue, to connect and with all curves, columns and construction necessary or proper to connect the present elevated railroad and tracks of said South Side Elevated Railroad Company with the elevated road and tracks of the Union Elevated Railroad Company on Wabash avenue. The elevated road hereby authorized shall be of what is known as lattice work construction, with the columns set upon or immediately within the curb lines, and otherwise shall conform to and be constructed and operated under and in accordance with the terms of the ordinances heretofore passed granting authority to said Chicago and South Side Rapid Transit Railroad Company to construct and operate an elevated railroad. Said South Side Elevated Railroad Company shall begin the elevation of its said road at said crossing as soon as reasonably practicable after all other railroad companies have filed with the mayor of Chicago their agreements referred to in section 17 of this ordinance. The work of such elevation shall be

fully and finally completed within ninety days after such acceptance shall be filed by the other of said railroad companies, and in case of failure or default on part of said South Side Elevated Railroad company, its successors or assigns, to complete the work and construction of such elevation within the period of ninety days from and after the acceptance of this ordinance by said other railroad companies, said company shall pay to the city of Chicago as assessed, agreed and liquidated damages the sum of two hundred ($200) dollars per day for each and every day that such default shall continue, and such elevation of the structure and tracks of the South Side Elevated Railroad Company shall remain unfinished and incomplete, it being agreed that the said sum of two hundred ($200) dollars per day is not a penalty, but is the actual amount of damages that will be sustained by the city of Chicago through any default on the part of said South Side Elevated Railroad Company, but the foregoing provisions in relation to the payment of said damages shall not be in any way held to interfere with the rights to be derived by the city under the provisions contained in section thirteen (13) of this ordinance, but shall be deemed and construed as an additional and further remedy in behalf of the city in case of default on the part of said South Side Elevated Railroad Company. The time of delay, if any, occasioned by strikes, riots or unavoidable accident shall be added to the ninety (90) days above provided for the completion of said work.

¶ 28. **Elevate tracks — when to begin — time for completion.**] § 12. The various railway companies mentioned in section 1 of this ordinance, and who are required to elevate or depress their tracks, shall commence the work of such elevation and depression at once, whenever the South Side Elevated Railroad Company's elevated road shall be raised at the crossing of that road by the St. Charles Air Line Railroad to the elevation required by the eleventh section of this ordinance; Provided, this ordinance shall have been accepted by the said several railways hereby required to elevate their tracks. After such work has commenced, the same shall be prosecuted continuously and with all practical diligence, and shall be fully and finally completed within two years after the elevation of the tracks of the said South Side Elevated Railroad Company at said crossing, unless prevented by strike, or restrained by injunction or other orders or process of court of competent jurisdiction. The time during which said railway company shall be prevented by strike or strikes or legal proceedings, as aforesaid, shall be added to the time hereby limited for the completion of said work; Provided, said railway companies give notice to the corporation counsel of the city of Chicago of the institution of said legal proceedings. The city of Chicago shall thereupon have the right to intervene in any suit or proceedings brought by any person or persons seeking to enjoin or restrain, or in any manner interfere with the prosecution of said work, and move for a dissolution of such injunction and restraining order, and for any other proper order in such suit.

¶ 29. **Work—portion of—time.**] § 13. Each and every one

of the companies required by this ordinance to elevate or depress its tracks, including the South Side Elevated Railroad Company, shall do its portion of the work in accordance with the terms hereof in apt and proper time, so as not to interfere with the proper and orderly prosecution of such work as a whole. Should any company fail or neglect so to prosecute its work, the commissioner of public works of the city of Chicago shall have and is hereby given the right, power and authority to give ten days' notice in writing to such delinquent company to prosecute such work. If such company shall fail or neglect to comply with said notice, the commissioner of public works may take charge of and cause such work to be done, and the expense thereof shall thereupon be paid by such delinquent company.

¶ 30. **Grant—connect tracks — change grade.**] § 14. Permission and authority are hereby granted to the Illinois Central Railroad Company to connect its tracks with the tracks of the said St. Charles Air Line Railroad, at such point east of Indiana avenue as may be agreed upon between the Illinois Central Railroad Company and the proprietors of the St. Charles Air Line Railroad, by means of an ascent or incline, to be constructed on land owned by either, and to maintain such connection in perpetuity, and to change the grade or vary the line thereof from time to time as it may deem proper.

¶ 31. **Maintain and operate.**] § 15. When the work of elevating the St. Charles Air Line Railroad, as required by the provisions of this ordinance, is completed the proprietors of said railroad, their successors and assigns, shall have the right to maintain and operate the said railroad in its new and altered location and in its new and altered and elevated condition as said proprietors have heretofore had to maintain and operate such railroad in and along the route and upon the site heretofore occupied by it.

¶ 32. **Time of ordinance in force — condition.**] § 16. When the said several railroads in section 1 of this ordinance mentioned shall have elevated or depressed their respective tracks in accordance with this ordinance, so that the same shall be ready for use, then and thereupon all provisions of the ordinances of the city of Chicago relating to the speed of railway trains, the length of trains, the number of cars to constitute a train and the maintenance of gates, flagmen, watchmen, signals and signal towers, shall cease to be applicable to said railroads; Provided, however, this ordinance is not to be construed as a waiver or surrender by the city of Chicago of any of its police powers or of the right at any time hereafter to pass necessary and reasonable police ordinances in relation to the matters last above enumerated. After such elevation it shall be unlawful for any person or persons, save employes of said company, or either of them, in the discharge of their duties, to enter or be upon or to walk along or across the said elevated structure or roadway at any place. If any person shall wilfully trespass upon said elevated roadway, such person and all others aiding, abetting or assisting therein, shall be liable

to a fine of not less than five dollars nor more than one hundred dollars for each and every such offense.

¶ 33. **Time to take effect — modified or amended — consent.**] § 17. This ordinance shall take effect from and after its passage, approval and publication; Provided, however, this ordinance shall be null and void except as to the grant of the right of way to said South Side Elevated Railroad Company contained in section eleven, unless each and every one of said companies which are by this ordinance permitted and required to elevate or depress their railroad tracks, except South Side Elevated Railroad Company, shall, through the authorized officers of said several companies, file with the mayor of the city of Chicago, within thirty days from the passage and approval by the mayor of this ordinance, agreement or agreements duly executed whereby said railway companies shall undertake to do and perform all the matters and things required of them respectively by this ordinance. After the filing of said agreement or agreements by all of said several companies, and not before, this ordinance shall not be materially modified or amended without the consent of any company effected by any proposed modification, unless said company or companies shall be in default in the performance of the several matters and things required by this ordinance and undertaking to be done by such agreement. No act or default of any of the other companies shall avoid or impair any of the rights hereunder of the said South Side Elevated Railroad Company so long as it shall perform the matters and things expressly required of it by this ordinance. Nothing in this ordinance contained shall be a waiver or surrender of the police power of the city or deprive the city of the right to properly exercise such power.

§ 935. St. Charles Air Line Railroad.

¶ 1. Amendment.
¶ 2. When to go into effect.

An ordinance amending an ordinance providing for the elevation of the tracks of the St. Charles Air Line Railroad, and to correct certain errors in spelling and phraseology. (Passed June 21, 1897.)

Whereas, In an ordinance in relation to the elevation and depression of certain railroad tracks, passed on the 17th day of May, 1897, and published in the official council proceedings of the city council of Chicago, on pages 209 to 223, inclusive. In the above-mentioned ordinance there were certain inaccuracies arising from errors in misspelling and phraseology, which inaccuracies ought to be corrected. Now, therefore, in order to correct such errors to said ordinance passed May 17th, 1897,

¶ 1. **Amendment.**] Be it ordained by the city council of the city of Chicago: § 1. That said ordinance above referred to is hereby amended, as follows:

(a) Amend paragraph 4, section 1 (in the second column on page 211, at the end of the 9th line), by striking out the word "grading" and by inserting in lieu thereof the word "gradient."

(b) Amend paragraph 7, section 1 (in the second column on page 213 in 21st line), by striking out the word "company" and by inserting in lieu thereof the word "companies."

(c) Amend section 7 (in the first column on page 218, in the 8th line), by striking out the word "discharged" and by inserting in lieu thereof the word "discharge."

(d) Amend paragraph 5, section 8 (in second column on page 219, in the 5th line), by striking out the word "consequental" and by inserting in lieu thereof the word "consequential."

(e) Amend section 9 (in the second column on page 219, in the 3d line), by striking out the word "company" and by inserting in lieu thereof the word "companies."

(f) Amend section 16 (in the second column on page 222) as follows: In the 17th line, after the word "elevation," insert the words "and depression;" in the 19th line, by striking out the word "company" and inserting in lieu thereof, the word "companies;" in the 22d line, insert after the word "or" the word "depressed;" in the 25th line, by inserting before the word "roadway," the words "or depressed."

(g) Amend section 17 (in the first column on page 223, in the 5th line), by striking out the word "effected" and by inserting in lieu thereof the word "affected."

¶ 2. When to go into effect.] § 2. This ordinance shall be in force and effect from and after its passage.

UNION ELEVATED RAILROAD COMPANY AND OTHER COMPANIES.

§ 936. Union Elevated Railroad Company, the Union Consolidated Elevated Railway Company, the Lake Street Elevated Railroad Company and the Northwestern Elevated Railroad Company.

¶ 1. Structures connecting with "Union Loop" prohibited.
¶ 2. To be torn down and removed.
¶ 3. Who to remove.
¶ 4. When in force.

An ordinance to provide for the prevention and removal of obstructions to certain streets. (Passed December 13, 1897.)

¶ 1. Structures connecting with "Union loop" prohibited.] Be it ordained by the city council of the city of Chicago: § 1. Whereas, the construction of passageways, bridges, platforms and structures of any kind or nature whatsoever connecting and joining the elevated roadway and stations of the Union Elevated Railroad Company, the Union Consolidated Elevated Railway Company, the Lake Street Elevated Railroad Company and the Northwestern Elevated Railroad Company, constituting the elevated loop railroads in Lake street, Van Buren street, Fifth avenue and Wabash avenue, and known as the "Union Loop," in the city of Chicago with any building or buildings on property adjacent to or fronting on such elevated roads, is a

public nuisance, a menace to health, and contrary to law and to the rights of the public.

¶ 2. **To be torn down and removed.**] § 2. Therefore, it is hereby ordered that all passageways, bridges, platforms and structures of every kind and nature designated in the first section hereof and heretofore erected, or now in process of erection, shall be forthwith torn down and removed, and it is further ordered that no such structure of any kind or nature shall be permitted to be built or erected in the future.

¶ 3. **Who to remove.**] § 3. The commissioner of public works is hereby ordered and directed to remove and take down, or cause to be removed and taken down, forthwith, all such structures, and he is further ordered and directed to prevent the erection or maintenance of any such structures in the future.

¶ 4. **When in force.**] § 4. This ordinance shall take effect and be in force from and after its passage.

CHAPTER XXIV.—STREET RAILWAYS.

§ 937. Calumet Electric Street Railway Company.
§ 938. Chicago City Railway Company.
§ 939. Chicago General Railway Company.
§ 940. General Railway Company.
§ 941. Suburban Railroad Company.
§ 942. Suburban Railroad Company.
§ 943. Suburban Railroad Company.
§ 944. West Chicago Street Railway Company.

CALUMET ELECTRIC STREET RAILWAY COMPANY.

§ 937. Calumet Electric Street Railway Company.

¶ 1. Grant.
¶ 2. Subject to prior ordinance.
¶ 3. When in force.

An ordinance authorizing The Calumet Electric Street Railway Company to construct and operate a street railway on Stony Island avenue, between Sixty-third (63d) street and Sixty-fourth (64th) street. (Passed March 28, 1898.)

¶ 1. **Grant.**] Be it ordained by the city council of the city of Chicago: § 1. That in consideration of the acceptance hereof, and the undertaking of The Calumet Electric Street Railway Company to comply with the conditions herein contained, consent, permission and authority are hereby granted said company, its successors and assigns, to lay down, construct, maintain and operate an electric street railway loop on private property, between Sixty-third (63rd) street and Sixty-fourth (64th) street, in the city of Chicago, county of Cook, and state of Illinois, to-wit: Lots fourteen (14), fifteen (15) and nineteen (19), in Robertson's subdivision, in section twenty-three (23), township thirty-eight (38) north, range fourteen (14), and an electric street railway with two tracks on Stony Island avenue, connecting said loop with the present tracks of said company and the South Chicago City Railway Company at the south line of said Sixty-fourth (64th) street.

¶ 2. **Subject to prior ordinance.**] § 2. The permission and authority hereby granted is subject to all the terms and conditions of an ordinance passed November 11th, A. D. 1895, granting said company permission and authority to construct and operate an electric street railway on sundry streets of the city of Chicago.

¶ 3. **When in force.**] § 3. This ordinance shall be in force and take effect from and after its passage.

CHICAGO CITY RAILWAY COMPANY.

§ 938. Chicago City Railway Company.

¶ 1. Passengers to be carried.
¶ 2. Penalty.
¶ 3. When in force.

An ordinance regulating transfer of passengers on the lines of the Chicago City Railway Company from points south of Van Buren street to points north of Van Buren street. (Passed May 23, 1898.)

Preamble. Whereas, Great complaint is being made by patrons of the Chicago City Railway Company to the effect that the said company is greatly annoying and inconveniencing the public who desire transportation on the lines of said company from points south of Van Buren street to points north of said streets, and vice versa, by discharging such passengers at Van Buren street and refusing to convey such passengers further south or north, as the case may be, unless upon payment of another fare; and

Whereas, Such a practice is unreasonable and extortionate and contrary to the provisions and the spirit of the ordinances granted said company by this body, which said ordinances contemplated a continuous ride being given north and south to and from the downtown business district; therefore,

¶ 1. **Passenger to be carried.**] Be it ordained by the city council of the city of Chicago: § 1. That the Chicago City Railway Company shall carry any person or persons taking passage on any of the cars of said company at any point of said company's lines north or south of Van Buren street and desiring a continuous ride from the point of embarkation north of Van Buren street or south, as the case may be, for one fare. Provided, however, that the said railway company is not hereby required to carry a passenger any greater distance north or south of Van Buren street for one fare than said company carried passengers for the same fare immediately prior to the 15th day of April, A. D. 1898, but it is intended to require said railway company to carry passengers the same distance and between the same points for one fare, as was the practice of said company during the period immediately preceding the 15th day of April, A. D. 1898.

¶ 2. **Penalty.**] § 2. Each and every violation of any of the provisions of this ordinance by the Chicago City Railway Company, or any of its officers or agents, shall subject said company or corporation to a fine of not less than $20 nor more than $100.

¶ 3. **When in force.**] § 3. This ordinance shall be in force and effect from and after its passage and publication.

CHICAGO GENERAL RAILWAY COMPANY.

§ 939. Chicago General Railway Company.

¶ 1. Streets named—Grant. Twenty years.
¶ 2. Franchises subject to ordinances.
¶ 3. Compensation subject to general ordinances.
¶ 4. License fee subject to general ordinance.
¶ 5. Rate of fare subject to general ordinance.
¶ 6. Indemnifying bond.
¶ 7. Acceptance.
¶ 8. Time of construction—pavement.
¶ 9. Tracks—how laid.
¶ 10. Excavations on streets.
¶ 11. Motive power.
¶ 12. Wire construction.
¶ 13. Grade crossings to be avoided.
¶ 14. Heating of cars.
¶ 15. Confirmation of leased lines subject to general ordinances.
¶ 16. Damage to abutting owners.

An ordinance confirming leased lines of the West and South Towns Street Railway Company to the Chicago General Railway Company, and extending the same. (Passed June 28, 1897.)

¶ 1. **Streets named—grant, twenty years.**] Be it ordained by the city council of the city of Chicago: § 1. Whereas, the owners of the land representing more than one-half of the frontage of each mile, and of each fraction of a mile, in excess of the whole miles of the streets herein sought to be used for railroad purposes have petitioned for and consented to the use of the streets herein named for railroad purposes; and upon ten days' public notice given, according to law, and for the purpose of furnishing necessary public facilities not otherwise provided, authority is hereby granted to the Chicago General Railway Company to construct, maintain and operate, for a period of twenty years, a single or double track railway, with all necessary and convenient curves, turnouts, side tracks, connections and switches, and with the right to cross all connecting, abutting or intersecting streets, avenues, courts, places, highways, public grounds, and other railways, on the following named streets, to-wit:

On Twenty-second street, from the Chicago river west to the city limits.

On Twenty-fifth street, from Rockwell street to West Forty-fourth avenue.

On Twenty-eighth street, from Kedzie avenue to West Forty-second avenue.

On Ashland avenue, from Twenty-second street to Archer avenue.

On Rockwell street, from Nineteenth street to Twenty-sixth street.

On California avenue, from Ogden avenue to Twenty-fifth street.

On Kedzie avenue, from Twenty-second street to Thirty-eighth street.

On Lawndale avenue, from Ogden avenue to Thirty-fifth street.

On West Forty-second avenue, from Twenty-second street to Thirty-first street.

¶ 2. **Franchises subject to ordinances.**] § 2. The franchises granted by this ordinance, except as herein specially provided, are granted subject to all general ordinances of the city of Chicago, regulating street railroads, which are now in force or which may hereafter be passed by said city under its police power; Provided, however, that such ordinances shall be of general application and uniform as to the class upon which it operates.

¶ 3. **Compensation subject to general ordinances.**] § 3. For and in consideration of the privileges herein granted, and as annual compensation therefor, said company, its successors, lessees or assigns, shall annually pay into the treasury of the city of Chicago on the first day of February of each and every year, an amount equal to three (3) per cent of the gross receipts of said company after five years from the date of the passage of this ordinance.

¶ 4. **License fee subject to general ordinance.**] § 4. Said company shall pay to the city of Chicago the sum of fifty dollars ($50) as annual license for each and every car used by said company, to be computed according to the general ordinances now existing or which may hereafter be passed. At any time when the amount of said license fee shall be changed by general ordinance said company shall pay such uniform sum as may be required of the class to which said general ordinances may refer.

¶ 5. **Rate of fare subject to general ordinance.**] § 5. The rate of fare for one continuous ride on the lines of said company shall be not more than five (5) cents for each passenger.

¶ 6. **Indemnifying bond.**] § 6. Said company shall forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees, costs and expenses which said city may suffer, or which may be recovered or obtained against said city for or by reason of the granting of the privileges hereby conferred upon it, or for or by reason or growing out of or resulting from the exercise by said company of the privileges hereby granted, or from any act or acts of said company, its servants or agents, under or by virtue of the provisions of this ordinance, and said company shall, within the time limited for the acceptance of this ordinance, file with the city clerk a bond to the city of Chicago in the penal sum of ten thousand dollars ($10,000) with sureties to be approved by the mayor of the city of Chicago, conditioned upon the faithful performance and observance by said company of all the conditions and provisions of this ordinance.

¶ 7. **Acceptance.**] § 7. This ordinance shall be in force and take effect from and after its passage and acceptance by said company, provided the bond hereinabove mentioned shall be filed and this ordinance accepted within thirty days after the passage of the same, otherwise this ordinance to become void.

¶ 8. **Time of con tr – nav me t.**] § 8. Said railway shall be constructed within one year after the underground work in the

respective streets is completed by the city, and when any new pavement is ordered of the abutting owners on any of said streets, sixteen feet of the same shall be paid for by the company, where a double track is so laid, and eight feet of the same where a single track is so laid, and where one or more tracks are laid prior to the completion of the sewer, water supply or other underground work, said company shall thereupon pave between its rails, and the same respectively shall be kept in repair by said company during the term of this ordinance, under such general ordinances or orders of the city council as are now in force or which may hereafter be passed from time to time; and if said company shall fail or refuse so to do, the work may be done by said city, and the company shall be liable for the cost thereof.

¶ 9. **Tracks—how laid.**] § 9. The tracks of said railway shall be laid with modern improved rails, and in such a manner that carriages and other vehicles can easily and freely cross the same at all points and in all directions without obstruction, and shall also be laid as near to the center of the street as practicable. Section 1509 of the municipal code of Chicago of 1881 shall not apply to the railroad tracks herein authorized, but the rails to be used shall be satisfactory to the commissioner of public works, and shall be laid under his direction. Curves at street intersections may be constructed upon the radius of the sidewalk space.

¶ 10. **Excavations on streets.**] § 10. Said company may make all needful and convenient curves, trenches, excavations and sewer connections, and may place all needful and convenient cables and machinery in said street. Such cables and machinery shall be underground, and constructed in a substantial and workmanlike manner, of the most approved method and convenience, and constructed in a manner satisfactory to the commissioner of public works, so as not to interfere with public travel; Provided, that if in the construction of said trenches and excavations, any damage or injury should result to any of the sewers, water pipes or private drains, then said company shall be held liable and pay therefor. All needful and convenient connections, with the motive power or engines, shall be subject to the same restrictions.

¶ 11. **Motive power.**] § 11. The cars of said company, its successors, lessees and assigns, on lines owned, leased or controlled by it, may be operated by animal or cable power, electric, compressed air, gas or storage battery motors. If electric overhead contact wires are used, such wires, with the necessary feed wires, may be suspended from poles set within the curb lines, or on either side thereof, or from bracket poles in the center of the street, the location of said poles to be determined by the commissioner of public works.

¶ 12. **Wire construction.**] § 12. The trolley and feed wires of said company shall be suspended not less than eighteen and one-half (18½) feet above the rails, and the said poles and supports shall be placed on an average of not less than one hundred and fifteen feet apart. No poles shall be set at intersection of streets and alleys. Such

poles and wires may be erected and maintained for the purpose of supplying electric current which can be used for power, heat and light purposes, and the right is hereby granted to connect the wires herein authorized with the generators or power stations of said company, or any station or power house in connection with said railroad, or with any power house or station along any line of railroad of said company used by it in connection with its cable, horse or electric system. Said company may convey said wires from such generators, power house or station to the lines of wire authorized upon poles placed upon or along the alleys of the city, or whenever in the judgment of the commissioner of public works it shall be impracticable to place such poles in alleys said commissioner may permit said poles to be placed in streets, or said company may, if the commissioner of public works consents thereto, convey said connecting wires in an underground conduit through the streets or alleys of the city of Chicago.

¶ 13. **Grade crossings to be avoided.**] § 13. For the purpose of avoiding a grade crossing of the steam railroads which may be crossed by any of the lines owned, leased or operated by said Chicago General Railway, the said company, its successors, lessees and assigns, are hereby authorized to cross all steam railroads at grade or by viaducts, elevated tracks or subways, to be constructed within the streets upon which said company may have authority to operate, or on property obtained by condemnation, lease or purchase; and if on property so obtained said company is hereby granted the right, for such purpose, to cross all intervening streets, avenues, courts, places, alleys and public highways; Provided, however, that the plans for such crossings shall first be submitted to and approved by the commissioner of public works, and that such improvement shall be done and paid for by said company.

¶ 14. **Heating of cars.**] § 14. The cars upon the railway hereby authorized shall be provided during the months of November, December, January and February of each year with heating apparatus of a kind and nature to be selected by said company, which shall be reasonably effective in raising the temperature in said car, and heating the same; and the said apparatus shall be operated at such times during the months aforesaid as the need of the weather and degrees of temperature shall require.

¶ 15. **Confirmation of leased lines subject to general ordinances.**] § 15. Whereas, on February 8th, 1892, an ordinance granted the West and South Towns Street Railway Company authority to construct and operate a railway along West Twenty-second street, from Grove street to Crawford avenue, and on Lawndale avenue, from Twenty-second street to Thirty-fifth street, as more fully appears by reference to said ordinance. And on April 5th, 1893, an ordinance granted to said West and South Towns Street Railway Company authority to construct and operate a railway on portions of Rockwell street, Twenty-fifth street and Kedzie avenue, as more fully appears by

reference to said ordinance, and on December 10th, 1894, an ordinance granted said company authority to construct and operate a railway on Homan avenue, as more fully appears from said ordinance, and said West and South Towns Street Railway Company conveyed its rights and property by lease to said Chicago General Railway Company.

Therefore authority for the construction, completion and operation of the railroad over and along the streets or parts of streets in said respective ordinances respectively mentioned, is hereby confirmed and granted to the Chicago General Railway Company for the period of the continuance of the same, and including all necessary and convenient curves, turnouts, sidetracks, connections and switches, with the right to cross all connecting, abutting or intersecting streets, avenues, courts, places and highways; and all rights in said respective ordinances granted shall extend to any lines of railroad operated by the same, subject, however, to such general ordinances of uniform application as now exist or may be hereafter passed by the city council under its police power.

¶ **16. Damage to abutting owners.**] § 16. The said company shall pay all damages to the owners of property abutting on the said part of said street upon or over which its road may be constructed, which said owners may sustain by reason of the location or construction of said road.

GENERAL ELECTRIC RAILWAY COMPANY.

§ 940. General Electric Railway Company.

¶ 1. Amendment.
¶ 2. Compensation to be paid.
¶ 3. When in force.

An ordinance amending an ordinance passed on the 25th day of January, 1897, and approved on the first day of February, 1897, granting permission to the General Electric Railway Company to operate a single or double track street railway. (Passed July 6, 1897.)

¶ **1. Amendment.**] Be it ordained by the city council of the city of Chicago: § 1. That upon and along the streets and avenues designated in a certain ordinance passed by the city council of the city of Chicago on the 25th day of January, 1897, and approved on the 1st day of February, 1897, granting permission and authority to the General Electric Railway Company, its successors, assigns and lessees, to lay down, construct, maintain, operate and repair a single or double track street railway, with all necessary and convenient curves, connections, side tracks, turnouts, loops and switches, and upon and along the streets and avenues designated in a certain ordi-

nance passed by the city council of the city of Chicago on the 13th day of January, 1896, granting permission and authority to the General Electric Railway Company, its successors and assigns, to lay down, construct, maintain, operate and repair a single or double track street railway, with all necessary and convenient curves, connections, side tracks, turnouts, loops and switches, permission and authority are hereby granted to said General Electric Railway Company, its successors, lessees and assigns, to construct, maintain and operate any portion or all of said lines of street railway in the manner and by any system or systems of motive power mentioned in said ordinances, or either of them, or by overhead trolley or electric power, and if electric power shall be used by means of overhead wires, such overhead wires, together with the necessary feed wires, may be suspended from substantial iron poles set within the curb limits of such streets, on either side thereof, or in the middle thereof; also the right to use any form of groove or girder rail which may be approved by the commissioner of public works of said city at or prior to the time when such rails are laid.

¶ 2. **Compensation to be paid.**] § 2. The permission and authority hereinabove granted to said General Electric Railway Company are granted upon the express condition that said company, for and in consideration of such grant, agrees to and shall pay to the city of Chicago for the rights and privileges conferred by this ordinance, and by said former ordinances hereinabove referred to, all the compensation and sums of money provided to be paid by said General Electric Railway Company to the city of Chicago in and by that certain agrement, or form of agreement, "Dated Chicago, February 1st, 1897," signed by "The General Electric Railway Company, by Samuel F. Hawley, president." sealed and attested by "Albert G. Welch, secretary," and published on pages 1510 to 1513, inclusive, of the published official record of the proceedings of the regular meeting of the city council of Chicago, held February 1st, 1897, said agreement being further identified by reference thereto in that certain communication dated "Mayor's Office, February 1st, 1897," addressed "To the Honorable, the City Council of the City of Chicago," by "Geo. B. Swift, mayor," and published on page 1509 of the aforesaid published record of the proceedings of the city council of Chicago, held February 1st, 1897; and such permission and authority hereinabove granted are also upon the further expressed condition that said General Electric Railway Company shall faithfully and fully observe, perform and carry out all the terms, provisions, undertakings and requirements in the aforesaid agreement, or form of agreement, provided to be observed, performed and carried out by said company, except in so far as such terms, provisions, undertakings and agreements are expressly inconsistent or at variance with the provisions of section one of this ordinance.

Whenever said General Electric Railway Company shall in any respect avail itself of or act upon the permission and authority granted in and by section 1 of this ordinance, said General Electric Railway

Company shall be deemed to have accepted and assented to all the provisions of this ordinance, with the same effect and with as full force as if said General Electric Railway Company had accepted and assented to all the provisions of this ordinance by an instrument in writing, duly authorized, signed, sealed and delivered by said company to the corporate authorities of the city of Chicago.

¶ 3. **When in force.**] § 3. This ordinance shall take effect and be in force from and after its passage.

SUBURBAN RAILROAD COMPANY.

§ 941. Suburban Railroad Company.

¶ 1. Grant—route.
¶ 2. Track—limitation.
¶ 3. Power.
¶ 4. When in force.

An ordinance granting the Suburban Railroad Company the right to lay one track on the east half of Robinson avenue, from Madison street north to Lake street, in place of one of the two tracks now upon the west half of Robinson avenue. (Passed Dec. 20, 1897.)

¶ 1. **Grant—route.**] Be it ordained by the city council of the city of Chicago: § 1. That, in consideration of the acceptance hereof, and the undertaking of the Suburban Railroad Company, a corporation created and existing under the laws of the state of Illinois, to comply with the provisions of this ordinance, consent, permission and authority are hereby granted to said company, its grantees, lessees, successors and assigns to build, construct, maintain and operate one railroad track, as hereinafter provided, with all necessary and convenient crossovers and appurtenances, loops, feeders and switches in, upon, over and along the following route in the city of Chicago, to-wit:

(a) Beginning at the center line of Madison street, on the east half of Robinson avenue, and connecting there with the east track of said company, and from thence north to the south line of the right of way of the Chicago and Northwestern Railway Company.

¶ 2. **Track—limitation.**] § 2. The tracks of said company shall not be elevated above the surface of the street where laid, and shall be laid in such manner that carriages and other vehicles can easily and freely cross the same, and the said track upon Robinson avenue shall be laid upon the 10 feet east of and adjoining the center line of Robinson avenue, from Madison street north, as aforesaid; and the rails to be used for said track shall be of the kind and laid in the manner prescribed in paragraph 1704 of the revised code of Chicago, 1897, where laid within the limits of the city of Chicago.

The track hereby authorized upon Robinson avenue shall be laid and put in operation by said company on or before the fifteenth day of June, A. D. 1898, and said company shall then remove the west track of the two tracks now laid upon the west half of Robinson avenue, from Madison street north, and before June 15th, A. D. 1898, shall pave with cedar block pavement the entire east half of the roadway of said Robinson avenue, from Madison street to the south line of the right of way of the Chicago and Northwestern Railway Company, and shall place at the curb line of said Robinson avenue, from Madison street to the south line of Lake street, a stone or cement curb, to be approved by the commissioner of public works of the city of Chicago. The sidewalk space on said Robinson avenue, from Madison street to Lake street, is hereby fixed at twelve (12) feet, and said curbing shall be placed at the west line of said twelve feet. Said company shall forever keep and maintain in proper repair and condition the space occupied by its railroad track in said Robinson avenue, from outer rail to outer rail.

If said company shall refuse and fail to lay said pavement and curbstone, as above provided, the same may be done by the city of Chicago, on the east half of said Robinson avenue hereby authorized to be occupied by said railroad track, and said company shall be liable for, and hereby agrees to pay to the city of Chicago the fair cost thereof.

¶ 3. **Power.**] § 3. Said company shall have the right to operate its cars by electricity, cable or compressed air, or other motive power, except steam, and change the same from one such power to the other as it may elect.

In case said company shall use electric power to operate its said line of railroad upon Robinson avenue, then it is hereby granted the right to construct an overhead contact system, consisting of wires suspended from iron poles for the purpose of conveying electric current, and to use such poles for suspending therefrom such feed wires or electric conductors as said company may elect. Said wires shall be suspended from poles not less than 18½ feet above the rails, and at the election of the company be either a side pole or a center pole construction. In case of a side pole construction said pole shall be placed at the curb line as near as practicable. Said poles shall be placed at an average of not less than 100 feet apart, except at the intersection of streets, alleys and avenues, where they shall be so placed as to leave the crossing clear, and in case of curves, where they may be placed in such manner as necessary for holding said wires in position.

Said company shall have the right to construct a system of poles, wires, feeders and appurtenances within the city of Chicago for conveying electric current, and to connect the same with the system of road and power house from which it shall obtain its electric current and to cross all intersecting streets, alleys and public places intersecting such lines of wires and poles. Provided, however, that the city of

Chicago shall have the right to string electric wires on the poles of said company within the limits of the city of Chicago for the use of the police, fire and electrical departments of the city government.

¶ 4. **When in force.**] § 4. Said company is also hereby granted the right to cross all streets intersecting the lines of said railroad company, and also the right to make all such necessary curves to adjoining property as may be convenient in the operation of the railroad of said company.

Provided, however, the said company shall exercise none of the rights and privileges granted by this ordinance until the board of trustees of the town of Cicero shall have passed an ordinance and said company shall have accepted the same providing for the removal of one of the two tracks now upon the west side of Robinson avenue, from Madison street to the south line of the right of way of the Chicago and Northwestern Railway Company.

¶ 5. **Conditions.**] § 5. This ordinance is granted upon the express condition that said company, its grantees, lessees, successors and assigns, shall indemnify and save harmless the city of Chicago from all cost, charges, expenses and damage to property arising, directly or indirectly, through the exercise of any rights or privileges under this ordinance

¶ 6. **When in force.**] § 6. This ordinance shall be in force from and after its passage and acceptance by said company, providing said acceptance is filed with the city clerk within twenty days after the passage hereof.

§ 942. Suburban Railroad Company.

¶ 1. Amendment.
¶ 2. When in force.

An ordinance amending Section 2 of an ordinance in favor of the Suburban Railroad Company for a track on Robinson avenue between Madison and Lake Streets. Passed December 20, 1897. (Passed December 29, 1897. Accepted January 10, 1898.)

Preamble. Whereas, An ordinance was passed at the last meeting of the council, permitting the Suburban Railroad Company to lay a track on the east side of Robinson avenue, from Madison street north, in place of one of the tracks now on the west side of the street; and,

Whereas, As an amendment to said ordinance it was suggested by the mayor that "the rails to be used for said track shall be of the kind and laid in the manner prescribed in paragraph 1704 of the revised code of Chicago, 1897;" and,

Whereas, The rail prescribed in said paragraph 1704 is the same kind of rail as prescribed in Chapter 18, page 55, of the laws and ordinances of 1873, and is not now in use on any street railway system in the city of Chicago, and which said rail so prescribed is the old tram rail used by the street cars when operated by horse power; and,

Whereas, The use of such rail by said Suburban Railroad Com-

pany would not permit it to operate cars of the same kind now operated by it over its system of road; therefore,

¶ 1. **Amendment.**] Be it ordained by the city council of the city of Chicago: § 1. That the following words in section 2 of an ordinance passed by the city council of the city of Chicago, December 20, 1897, with reference to the Suburban Railroad Company, viz: "And the rails to be used for said track shall be of the kind and laid in the manner prescribed in paragraph 1704 of the revised code of Chicago, 1897," be stricken therefrom and the following words be substituted in place thereof, viz: "And the rails to be used for said track shall be of the kind approved by the mayor and commissioner of public works."

¶ 2. **When in force.**] § 2. This ordinance shall be in force from and after its passage.

§ 943. Suburban Railroad Company.

¶ 1. May erect poles.
¶ 2. Pave streets—running of cars, etc.
¶ 3. Termination of grant.
¶ 4. When in force.

An ordinance granting permission and authority to the Suburban Railroad Company to erect poles on 40th avenue, between Madison and Randolph streets, and to change the motive power to electricity. (Passed March 28, 1898.)

¶ 1. **May erect poles.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby given to the Suburban Railroad Company to erect on 40th avenue, in the city of Chicago, between Madison street and Randolph street, eleven (11) poles, as shown by the blue print map hereto attached and made a part hereof for reference, and to place thereon necessary wires for the purpose of operating its line of railway thereon by electricity, subject, however, to the conditions hereinafter set forth.

¶ 2. **Pave street—running of cars, etc.**] § 2. The said Suburban Railroad Company shall within ninety (90) days after the passage and approval of this ordinance, pave and curb the west half of South 40th avenue, from West Randolph street to West Taylor street, and shall, within thirty (30) days from the passage and approval of this ordinance, equip the line herein permitted with trolley wires and electric motive power and give the patrons of said line of railway at least hourly service. The said Suburban Railroad Company shall also place grooved rails in that portion of its track herein permitted where the same crosses Washington boulevard, and shall pave between its rails across said Washington boulevard with asphalt pavement as soon as the change is made to electricity, and all cars of said company shall come to a full stop before crossing said Washington boulevard.

¶ 3. **Termination of grant.**] § 3. The permission and authority hereby given is also upon the express condition that the same shall terminate at the time of the expiration of the franchise permitting the

operation of the street railway now operated on West Madison street east of said 40th avenue.

¶ 4. **When in force.**] § 4. This ordinance shall take effect on and after its passage and approval.

WEST CHICAGO STREET RAILWAY COMPANY.

§ 944. West Chicago Street Railway Company.

¶ 1. Number of cars—time of running.
¶ 2. When in force.

An ordinance requiring extra cars on Noble street line and extra service on same. (Passed May 17, 1897.)

¶ 1. **Number of cars—time of running.**] Be it ordained by the city council of the city of Chicago: § 1. That the West Chicago Street Railway Company be required, within 60 days from the date of the passage of this ordinance, to operate at least four cars on the Noble street line of street railway in the city of Chicago, and cause said cars to be operated in continuous trips at intervals of fifteen minutes to and from State street, in said city, during the whole of each day from 6 o'clock a. m. until 11 o'clock p. m.

¶ 2. **When in force.**] § 2. This ordinance shall take effect and be in force from and after its passage.

CHAPTER XXV.—SWITCH TRACKS.

§ 945. A. D. Baldwin.
§ 946. E. S. Hartwell Lumber Company.
§ 947. Robert Law.
§ 948. Joseph Stickney.
§ 949. Weber Wagon Company.
§ 950. Fred W. Wolf Company.
§ 951. Youghiogheny & Lehigh Coal Company.

A. D. BALDWIN.

§ 945. A. D. Baldwin.

¶ 1. Grant.
¶ 2. Repairs.
¶ 3. Bond.
¶ 4. Termination.
¶ 5. When in force.

An ordinance granting rights to A. D. Baldwin. **(Passed December 13, 1897.)**

¶ 1. **Grant.**] Be it ordained by the city council of the city of Chicago: § 1. That permission be and hereby is granted unto A. D. Baldwin, of the city of Chicago, to lay down, maintain and operate one railroad switch track upon and across Paulina street at a point about two hundred and fifty feet south of the south line of Forty-third street; also across Forty-fourth street, at a point about four hundred and sixty feet west of the west line of Ashland avenue, as a continuation and extension of switch track already constructed across Forty-third street under prior ordinance of the city of Chicago.

¶ 2. **Repairs.**] § 2. The said A. D. Baldwin shall keep such portion of said streets as shall be so occupied by said switch track in good order and repair, under the supervision of the department of public works and shall, in all respects, comply with the ordinances of the city of Chicago in the maintenance and operation of said switch track.

¶ 3. **Bond.**] § 3. This permission and authority is made upon the further condition that said A. D. Baldwin shall give bond, in the sum of five thousand dollars, with one or two sureties, to be approved by the mayor, conditioned to keep the city of Chicago harmless of and from all damages, costs and expenses whatsoever arising from this grant.

¶ 4. **Termination.**] § 4. The rights and privileges hereby

granted shall cease and determine on the 18th day of October, A. D. 1917.

¶ 5. **When in force.**] § 5. This ordinance shall be in force from and after its passage.

E. S. HARTWELL LUMBER COMPANY.

§ 946. E. S. Hartwell Lumber Company.

¶ 1. Grant—route—bond.
¶ 2. Duration.
¶ 3. When in force.

An ordinance granting permission and authority to the Edwin S. Hartwell Lumber Company to construct and operate a switch track. (Passed July 12, 1897.)

¶ 1. **Grant—route—bond.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and the same is hereby granted to the said Edwin S. Hartwell Lumber Company, its successors and assigns, to lay down, construct, maintain and operate a single railroad or switch track, beginning at a point in the easterly track of the Chicago and Northwestern Railroad, about fifty (50) feet southeasterly of the point of intersection of the northwesterly line of lot 8, Assessors' subdivision of part of the S. W. ¼ of section 30, township 40 north, range 14, east of the 3rd principal meridian; thence running in a gradual curve to a point of tangent of a line 10 feet northwesterly of and parallel to the southeasterly line of said lot 8, above described; thence along said northwesterly line across Elston road to the north branch of Chicago river to the private property of the said Edwin S. Hartwell Lumber Company, as indicated in the diagram hereto annexed, the said switch track hereby authorized being laid wholly on private property except where the same crosses said Elston road, as shown in the diagram hereto annexed marked "A" and made a part of this ordinance; Provided, however, that said railroad or switch track shall be laid down under the supervision of the commissioner of public works; and provided further, that the said Edwin S. Hartwell Lumber Company, its successors and assigns, shall, before laying down such track, enter into a bond in the penal sum of ten thousand dollars ($10,000), such bond to be approved by the commissioner of public works, conditioned to hold the city of Chicago harmless from any and all costs and damages consequent to it upon the passage of this ordinance.

¶ 2. **Duration.**] § 2. The rights and privileges hereby granted

are for the term of ten (10) years from and after the passage of this ordinance.

¶ 3. **When in force.**] § 3. This ordinance shall be in force and effect from and after its passage and acceptance by the said Edwin S. Hartwell Lumber Company, and which said acceptance and the said bond herein specified, shall be filed within sixty (60) days from the passage hereof.

ROBERT LAW.

§ 947. Robert Law.

¶ 1. Grant—route.
¶ 2. Duration.
¶ 3. Commissioner to supervise.
¶ 4. When in force.

An ordinance granting a permit to Robert Law to construct and operate a side track. (Passed June 14, 1897.)

¶ 1. **Grant; route.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority be and hereby is granted unto Robert Law and his assigns, to construct and operate a side track from his coal yard in block 51 of Elston addition, Chicago, across North Branch street and through Eastman street and Cherry avenue to the tracks of the Chicago, Milwaukee and St. Paul Railway Company, as shown upon the plat hereunto attached.

¶ 2. **Duration.**] § 2. The grant herein contained shall continue for the term of twenty (20) years from the passage and approval of this ordinance.

¶ 3. **Commissioner to supervise.**] § 3. All work done under the provision of section 1 of this ordinance shall be under the immediate supervision and direction of the commissioner of public works.

¶ 4. **When in force.**] § 4. This ordinance shall be in force from and after its passage and approval.

JOSEPH STICKNEY.

§ 948. Joseph Stickney.

¶ 1. Permission.
¶ 2. Conditions as to elevation of track.
¶ 3. Street crossings, bridges, superstructures.
¶ 4. Subways, location of.
¶ 4a. Subways, schedule of, size and dimensions.
¶ 5. Superintendence, inspection, approval, notice.
¶ 6. Term of permission, bond, annual payment.
¶ 7. When in force.

An ordinance giving permission to Joseph Stickney to construct and maintain and operate, a single railroad switch-track. (Passed February 28, 1898.)

¶ 1. **Permission.**] Be it ordained by the city council of the city of Chicago. § 1. That permission and authority are hereby given to Joseph Stickney and his assigns to construct and maintain a single railroad switching track, and to operate thereon cars with steam or other suitable power, from the most desirable point on the line of the elevated roadbed and tracks of the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company north of the north line of West Congress street, and extending from said initial point northerly and easterly and crossing Rockwell street by means of the construction of a subway in said Rockwell street, where the elevation of the level of the top of the rail of said switching track shall not be less than 24.6 feet above city datum; thence said switching track shall continue in a northerly direction, along and parallel with the east line of said Rockwell street, to the north line of West Van Buren street, where an elevation of the level of the top of the rail of said switching track shall not be less than 26.0 feet above city datum; and shall cross said West Van Buren street by means of a subway of such dimensions, specifications and other details as mentioned in section 4a of this ordinance; thence said switching track shall continue in a northerly direction from the north line of West Van Buren street, using such gradients and alignments as may be found by said Joseph Stickney convenient and practicable, and extending to the south line of Jackson boulevard.

¶ 2. **Conditions as to elevation of track.**] § 2. Should said switching track be elevated or constructed upon an embankment, such portions of said embankment at all such points shall be kept within the property lines of said Joseph Stickney, or they shall be confined between retaining walls of stone or brick masonry where said switching track is located immediately east of and parallel to said Rockwell street.

¶ 3. **Street crossings, bridges, superstructures.**] § 3. The said elevated switching track shall be carried across Rockwell street and West Van Buren street on suitable bridges of one span, whose superstructure shall consist of iron or steel main girders, with iron or steel main floor or ordinary track stringers; but should the latter method be adopted, some suitable device shall be provided to prevent

storm water, dirt, oil and other substances from dropping from such elevated structure upon the subways beneath. The said bridges shall be supported on abutments of stone masonry, except that the east side of the bridge over Rockwell street may be supported on rows of iron or steel columns braced together laterally and erected on and anchored to masonry foundations constructed within the property lines of said Joseph Stickney.

¶ **4. Subways, location of.**] § 4. Subways shall be constructed beneath the said switching track of Joseph Stickney where said switching track intersects and crosses Rockwell street and West Van Buren street.

¶ **4a. Subways, schedule of, size and dimensions.**] § 4a. The subways mentioned in section 4 of this ordinance, and which shall be constructed with the elevation upon which said switching track is to be placed, shall, as to their size and dimensions, locations and other details, be in accordance with the following schedule:

Subway in Rockwell street, under Joseph Stickney's switching track. (Rockwell street, 30 feet wide.)

The depression of street shall not exceed 1.5 feet below the present surface of street, making the elevation of the floor of subway not less than 11.5 feet above city datum. This level shall extend 10 feet beyond each portal of subway. From this level the approaches shall extend on the most practicable gradient to a connection with the floor of West Congress street subway on the south, and to the floor of West Van Buren street subway on the north.

Width between walls of subway, 30 feet.

Width of roadway, 24 feet in subway.

Width of one sidewalk, 6 feet in subway.

The depression of sidewalk shall be uniform and level with the center of roadway.

Clear head room, 11 feet.

Subway in West Van Buren street, under Joseph Stickney's switching track. (West Van Buren street, 66 feet wide.)

There shall be no depression of street.

Width of roadway and sidewalks between walls of subway shall be the same as they now exist.

Clear head room under the east portal of subway, 12.8 feet.

¶ **5. Superintendence, inspection, approval, notice.**] § 5. All the work hereinbefore required to be done by said Joseph Stickney, or upon or in connection with the public streets of the city mentioned in this ordinance, shall be done and performed under the superintendence and subject to the inspection and approval of the commissioner of public works of said city. At least ten (10) days prior to the commencement of any part of such work the plans and specifications thereof shall be submitted to the commissioner of public works for his examination, and if found to be in accordance with the provisions of this ordinance in so far as this ordinance contains specific provisions, and in the absence of such specific provisions if they shall be satis-

factory to the commissioner of public works in regard to matters and details which by this ordinance are left to his discretion and judgment, such plans shall be approved by him, and after such approval all of the work outlined and included therein shall be constructed in strict conformity therewith.

¶ 6. **Term of permission, bond, annual payment.**] § 6. Permission and authority hereby given to continue ten years; Provided, however, that said Joseph Stickney shall enter into good and sufficient bonds with the said city of Chicago, to be approved by the mayor of the city of Chicago, in the penal sum of five thousand ($5,000) dollars, to hold and save harmless the city of Chicago from all damages, expenses or consequences arising from or incidental to the elevation or construction, maintenance or operation of said switching track, and conditioned further for the faithful performance of the terms and conditions of this ordinance; and, provided further, that the privileges given shall be enjoyed subject to all ordinances now in force concerning railroads which may hereafter pass, and, also, all ordinances that may be passed regulating in any way the switching track as laid and constructed in conformity with this ordinance, or which regulates the operating of the same; and, provided further, that in consideration of the privileges hereinbefore granted said Joseph Stickney, or his assigns, shall pay to the city of Chicago the sum of two hundred and fifty ($250) dollars per annum, payable semi-annually, in each and every year during the life of this ordinance, beginning January 1st, 1899.

¶ 7. **When in force.**] § 7. This ordinance shall be in force from and after its passage.

WEBER WAGON COMPANY.

§ 949. Weber Wagon Company.
¶ 1. Grant—route—termination.
¶ 2. Bond.
¶ 3. When in force.

An ordinance granting permission to Weber Wagon Company to operate a single track switch railroad. (Passed December 2, 1897.)

¶ 1. **Grant—route—termination.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority are hereby granted to the Weber Wagon Company to maintain and operate for the period of ten years from the time this ordinance shall take effect, a single track switch railroad, from any part of its property across Eighty-second street, to connect with the C., R. I. & P. Railroad track thereon, the switch to commence on sublot 17, lot 4, sec-

tions 32 and 33, T. 38, R. 14, Assessor's division W. ½ and that part east of railroad in S. E. ¼ Sutherland subdivision.

Said track shall be laid and maintained under the supervision of the commissioner of public works, and said Weber Wagon Company shall keep such portion of the street as is occupied by said tracks in good condition and repair so as not to interfere with public travel under like supervision.

At the expiration of the time herein limited, all rights under this ordinance shall absolutely cease and terminate without any act on the part of the city, and the said tracks shall be at once removed, the streets placed in good condition and repair at the expense of the said Weber Wagon Company, their successors or assigns.

¶ 2. **Bond.**] § 2. This ordinance is passed, and the permission aforesaid granted, upon the express condition that the said company shall enter into bonds with the said city of Chicago, signed by sureties to be approved by the mayor within twenty days after its passage, in the sum of ten thousand dollars, conditioned to comply with the conditions of the ordinance and the general railroad ordinances now in force, or that may hereafter be passed; also to save, keep harmless and indemnify the city of Chicago from all damages, costs and expenses that may accrue or in any wise arise from or grow out of the privileges hereby granted, and upon further express condition that the city of Chicago may at any time repeal this ordinance.

¶ 3. **When in force.**] § 3. This ordinance shall be in force from and after its passage and due publication.

FRED W. WOLF COMPANY.

§ 950. Fred W. Wolf Company.

¶ 1. Grant—route.
¶ 2. Conditions—repairs—compensation.
¶ 3. Bond.
¶ 4. Termination.
¶ 5. When in force.

An ordinance granting permission to the Fred W. Wolf Company, its successors and assigns, to maintain a switch track. (Passed March 7, 1898.)

¶ 1. **Grant—route.**] Be it ordained by the city council of the city of Chicago: § 1. That permission and authority is hereby granted to the Fred W. Wolf Company, its successors and assigns, to lay down, maintain and operate one railroad switch track, from its manufacturing establishment upon and across Rees street, connecting with the track of the Chicago, Milwaukee and St. Paul (Evanston division) Railroad Company on Hawthorne avenue, leaving the said es-

tablishment on the southeasterly side of Rees street, distant about six feet northeasterly from the easterly corner of the said Rees street and Hawthorne avenue, and extending thence in a northwesterly direction, crossing the said Rees street, and connecting with the easterly track of the said railroad in the said Hawthorne avenue, distant about ninety-eight feet from the starting point on the southeasterly side of the said Rees street.

¶ 2. **Conditions—repairs—compensation.**] § 2. That the Fred W. Wolf Company shall keep such portion of the said streets as shall be so occupied by the said switch track in good order and repair, under the supervision of the department of public works, and that the said company shall, in all respects, comply with the ordinances of the city of Chicago from time to time in the maintenance and operation of the said switch track; and that the said company, or its successors and assigns, in consideration of the privileges hereinbefore granted, shall pay to the city of Chicago the sum of one hundred and twenty ($120) dollars per annum, payable semi-annually in each and every year during the life of this ordinance, the first payment to be made on May 1, A. D. 1898.

¶ 3. **Bond.**] § 3. That this permission and authority is made upon the further condition that the Fred W. Wolf Company shall give bond in the sum of five thousand dollars, with one or two sureties, to be approved by the mayor, conditioned to keep the city of Chicago harmless from all damages, costs and expenses whatsoever arising from this grant.

¶ 4. **Termination.**] § 4. That the rights and privileges hereby granted shall cease and determine on the first day of December, 1907.

¶ 5. **When in force.**] § 5. That this ordinance shall be in force from and after its passage.

YOUGHIOGHENY & LEHIGH COAL COMPANY.

§ 951. Youghiogheny & Lehigh Coal Company.

¶ 1. Grant—route.
¶ 2. Repairs—ordinances.
¶ 3. Bond.
¶ 4. Termination.
¶ 5. When in force.

An ordinance granting permission to the Youghiogheny & Lehigh Coal Company to lay down one railroad switch track. (Passed June 6, 1898.)

¶ 1. **Grant — route.**] Be it ordained by the city council of the city of Chicago: § 1. Permission and authority are hereby granted to the Youghiogheny & Lehigh Coal Company, its successors and as-

signs, to lay down, maintain and operate one railroad switch track to extend from its coal yard, across North Water street, connecting with the track of the Chicago and Northwestern Railroad; said switch to extend from the southwest corner of lot twenty-seven (27) of the Chicago Dock and Canal Company's re-subdivision of the original water lot number thirty-five (35), in Kinzie's addition to Chicago, southwesterly across said North Water street for a distance of about one hundred and twenty-five (125) feet, to the track of the Chicago and Northwestern Railroad, according to the plat hereto attached.

¶ 2. **Repairs, ordinances.**] § 2. That the said Youghiogheny & Lehigh Coal Company shall keep such portion of said street as shall be occupied by said company in good order and repair, under the supervision of the department of public works, and that said company shall in all respects comply with the ordinances of the city of Chicago from time to time in the maintenance and operation of said switch track; and said Youghiogheny & Lehigh Coal Company, its successors and assigns, in consideration of the rights and privileges hereby granted shall pay to the city of Chicago the sum of fifty dollars per annum, payable semi-annually, in each and every year during the life of this ordinance, the first payment to be made on July 1, 1898.

¶ 3. **Bond.**] § 3. That this permission and authority is made upon the further condition that the said Youghiogheny & Lehigh Coal Company shall give bond in the sum of five thousand ($5,000) dollars, with one or two sureties, to be approved by the mayor, conditioned to keep the city of Chicago harmless of all damages, costs and expenses whatsoever arising from this grant.

¶ 4. **Termination.**] § 4. The rights and privileges hereby granted shall cease and determine ten (10) years from the date of the passage of this ordinance.

¶ 5. **When in force.**] § 5. This ordinance shall be in force from and after its passage.

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